

PLAIN CITY COUNCIL
MINUTES OF REGULAR MEETING
JUNE 2, 2005

The City Council of Plain City convened in a regular meeting on Thursday, June 2, 2005, in the Plain City Hall at 7:00 p.m.

Present: Mayor Glen Willie, Councilmembers Jay Jenkins, Phil Meyer, Steve Diamond, and Elaine Calvert
Excused: Councilmember Chad Costley
Staff: Diane Hirschi, Ken Bradshaw (left at 7:30 p.m.)
Also Present: Deputy Rex Cragun, Eric Johnson, Carl Miller, Ted Gregory, Dennis Lund, Howard Vause, Tom Miller, Terry Wilson, Pat & Steve Smith, Foster Chandler, Damon Bocchino, Gordon Sorensen, Lynette Howard, Doral Howard, Virgie Howard and Wynn Farr

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

Approval of Minutes: May 19, 2005

The minutes stand approved as written.

Comments: Public

There was none at this time.

Report from Planning Commission

There was no one in attendance to report. It was noted that the memo was included in their packet concerning the last Planning Commission meeting.

Councilmember Calvert moved to go into a public hearing to discuss the proposed rezone of Carl Miller's property from a RE-20 zone to a C-2 zone. Councilmember Diamond seconded the motion. Councilmembers Jenkins, Meyer, Diamond and Calvert voted aye. The motion carried.

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

Carl Miller presented a plan showing what his property looks like now and what he would like for it to look like. He noted that his property is 198.5 ft in the front and back and 333.0 ft on the sides, totally 1.5 acres. He noted that when the State widens the road, he would have approximately 1 1/3 acres. He noted that he would have a brick wall, so you won't see anything from the street. It was noted that the only issue tonight is whether we will allow the C-2 zone, not what he will do with it. It was reported that the current zone is an RE-20 zone, which is residential with a minimum lot size of 20,000 sq. ft. The C-2 zone is for commercial areas. Councilmember Diamond read some of the items that are allowed in the C-2 zone. Carl Miller handed a paper. The green items he had marked he would permit. It was noted that this shouldn't be discussed at this time. Councilmember Jenkins noted that currently he is running under a home occupation license. The Mayor opened up comments from the public. Steve Smith is in favor of the rezone. He reported that when he moved here, it was a lumberyard. He can't see that the traffic would be affected based on the high school traffic. He added that the city needs places to have businesses. We need to keep our identity. We've lost service stations and other amenities that we need. He mentioned that Carl keeps his property nice and clean now. Ted Gregory feels that this would be a good thing. Carl has improved the property and he doesn't feel that it will impact traffic. He noted that the high school does that. He feels that Plain City needs the tax base. Wynn Farr reported that he lives across the street and is opposed to the rezone and feels that it will increase traffic and noise. He feels that Plain City is a bedroom community. He is concerned about what will happen if Carl sells the property. He noted that Plain City has a city center and it doesn't need satellites. He noted that Carl has been a good neighbor and that he respects him and his business, but the city needs to watch where they put commercial areas and doesn't feel they should be in a residential area. Doral Howard noted that he lived here when Plain City was a city. He noted that it is not that way anymore because all we have is a beer hall. He noted that we need to make it a city. He noted that there is a traffic issue with the high school, but feels that would be solved if the state required a diploma before getting a drivers license. Dennis Lund is opposed to the rezone. Plain City is a rural community and should remain so. He is also concerned about what if Carl sells this property. He noted that the commercial zone would drop his property value. He mentioned that this has been brought up several times and thought it was a dead issue. Virgie Howard reported that this was a commercial area and it never bothered anyone. She noted that

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Carl has put a lot of money into his place. She feels he has a “white elephant” and can’t do anything with his property. She reported that the city needs businesses intermingled with houses. The city needs the income. Annette Howard wanted to comment on the traffic issue. She reported that the new homes are causing the traffic problem, not businesses. Tom Miller reported that he is Carl’s father. He noted that everyone is complaining about the traffic, but there were no comments of traffic when the high school went in. He reported that the city needs some revenue to pick up the slack. He noted that this would be a good thing for everyone. He commented that the Mayor and City Council knows what we need. He reported that Ogden and Farr West are getting our sales tax. We need to find a place for commercial property. Carl Miller reported that he is applying for a C-2 zone so he can use all of his property, not just one piece. He noted that his other choice would be to tear down the building and put in houses that would use the money up rather than bring in revenue.

Councilmember Meyer moved to go out of the public hearing and into the regular meeting. Councilmember Diamond seconded the motion. Councilmembers Jenkins, Meyer, Diamond and Calvert voted aye. The motion carried.

Motion: Amend Zoning Map from RE-20 to C-2 Zone – Carl Miller

Mayor Willie thanked everyone for his or her comments. He noted that there is a letter from a concerned citizen with concerns about traffic and the sale of the property. A copy was given to each council member.

Councilmember Meyer moved to amend the zoning map on Carl Miller’s property from an RE-20 to a C-2 zone. Councilmember Calvert seconded the motion. Mayor Willie commented that Plain City is a rural community and it is nice to provide services. He noted that some businesses are compatible in residential areas. He noted we are running out of commercial property in our downtown area. He mentioned that the cannery property was rezoned and gives them the opportunity to make the building useful and be a benefit to the city. He noted that several years ago, IGA did a survey and noted that the best place to put a grocery store would be the corner of 1500 N and 4700 W. Is Carl’s property the best place for this rezone? The city council will need to decide. He noted that the city council needs to look at all the options. Councilmember Meyer appreciated all the comments made and noted that he had considered most of them. He mentioned that he has been on the council for eight years and on the Planning Commission for two. He noted that the biggest complaint he has ever heard is that there are no businesses. He mentioned that there had been a business on this property for years. He feels that this business is in the spirit of the General Plan. He noted that the city would still have some control by approving site plans and business licenses. He noted that Carl has maintained a clean operation and has been a good neighbor. Councilmember Jenkins noted that Carl has been there a long time and has no complaints. He feels that he is operating under the home occupation ordinance and can continue to do so. He noted that he knows the history of the business since he used to work there. He reported that after the lumberyard business, the property was rezoned back to residential. He noted that Carl bought the property with the understanding that it was residential. He noted that we are a rural community and some people want businesses and some don’t. He reported that we have the 3rd lowest property tax rate in the County and we run a surplus every year. Plain City is not dying. He is concerned that if we rezone this now and Carl sells the property, the door is opened. If someone comes in with a permitted use, the city will have to allow that business to come in. He noted that he is not in favor of the rezone. Councilmember Diamond noted that he has some of the same concerns as Councilmembers Meyer and Jenkins and also feels that Carl does an excellent job. He feels that once the property is zoned commercial that it will open the door. He likes the ideas in Carl’s plan, but is concerned about what would happen if Carl sells. He noted that the General Plan suggests commercial along 1975 N and is not sure that this rezone fits with the spirit of the General Plan. He noted that he has no problem with entertaining a conditional use permit or any other ideas, but is not in favor of the rezone. Councilmember Calvert reported that the City Council spent weeks putting together the new commercial ordinance. She read the first two paragraphs of the C-1 zone and the C-2 zone showing the purpose and intent of these zones. She noted that the city has the responsibility to hold to these ordinances. She reported that this property is in the middle of a residential zone and would fit in with a C-1 zone, which is a neighborhood business zone. She doesn’t feel that this area measures up to the C-2 zone. Councilmember Meyer feels that it does since it is an existing business. He noted that it is the same situation as the cannery. He reported that we need the C-2 zone. He feels that the city will still have control with the site plan approval process. Councilmember Calvert noted that the city is spread out and covers a lot of area. She agrees that there is a need for the C-2 property. She is not sure about the parameters as discussed by Craig Call at the last meeting. She would like to see something in the building, but does not feel it should be rezoned C-2. Councilmember Diamond noted that a C-2 zone would allow many potential businesses. He noted that the site

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plan approval process basically allows the city to discuss fences, lights, noise, etc. If it is a permitted use, we have to allow it and control it the best we can. He noted the option of the C-1 zone as suggested by Councilmember Calvert. He doesn't like leaving it wide open with a C-2 zone. Councilmember Meyer noted that when the council ran for office, they all said they would encourage businesses. One person is requesting a zone change, why is everyone afraid of it? Councilmember Jenkins noted he is for businesses, but an acre and a half surrounded by residential is not appropriate for commercial. He noted that he is willing to look at a conditional use. Mayor Willie noted that the council has put a lot of thought into this and appreciates their comments. **Councilmember Meyer voted aye. Councilmembers Jenkins, Diamond and Calvert voted nay. The motion does not pass.**

Set Public Hearing: Amend Zoning Ordinance and General Plan – R-3 Zone

Councilmember Diamond moved to set July 7, 2005 as a public hearing for amending the zoning ordinance and the General Plan for an R-3 zone. Councilmember Jenkins seconded the motion. Councilmember Jenkins asked if there would be a chance to discuss this zone before the public hearing. It was discussed that maybe a work session could be set up for July 7 and have the public hearing on the 21st. It was noted that the council received a copy of the R-3 zone and they should individually study it. It was noted that maybe it would be drastically changed after the public hearing. It was noted that that would be all right. **Councilmembers Jenkins, Meyer, Diamond and Calvert voted aye. The motion carried.**

Set Public Hearing: Streetlight Ordinance & Streetlight Specifications

In looking over the proposed ordinance, it appears we have all the information except the cost breakdown. It was noted that the new lighting standards would add a nice flavor to our city. Councilmember Meyer sees the end product but is concerned about the cost. **Councilmember Jenkins moved to set a public hearing for the streetlight ordinance on July 7, 2005. Councilmember Meyer seconded the motion. Councilmembers Jenkins, Meyer, Diamond and Calvert voted aye. The motion carried.**

Motion for Resolution: Final Bond Resolution – 5100 W Sewer Extension Project

Eric Johnson was introduced as the city bond attorney for the sewer project. He reported that the city is obtaining a financing package through the State Water Quality Board with very good terms. He noted that he has just checked on the 1972 bonds to make sure there was nothing in that contract for getting another bond. He noted that the 1972 bonds would be paid off in 2012. He mentioned that the loan closing is scheduled for June 22. He noted that the interest on the loan is 3%, which is below market price. He reported that with the parameters resolution, the city authorized up to \$3 million with 3% interest. It was noted that the first phase was bid out for \$1.4 million. There was a discussion about administrative & closing costs. Eric Johnson mentioned that he would like to walk through the bond resolution and in the process explain the mechanism for the bond that may answer questions the council has. He reported that the bond is limited to \$3 million, which means it cannot go over that amount. He reported that the full \$3 million would not be given upfront. They will only give out enough for phase 1. He reported that in March the council approved the resolution, gave public notice of the city's intention to incur debt and gave adequate notice for the public hearing. He also mentioned that the city will receive the loan in portions as needed. Eric Johnson went over the date and maturities of the bond and noted that the principal payment in 2024 will be \$191,000. He reported that the bonds can be repaid at any time as there is not a penalty, but added that you will never get a better interest rate than 3%. He reported that the bonds are registered and the City Recorder will maintain the list. He noted that an escrow account has been set up with the State Treasurer's office. He noted that money will earn interest at the State Pool rate but cannot earn more than 3%. He explained how the flow of funds work. He reported that a debt service reserve fund must be set up. It must build up to one year's annual payment and sits there. This must be set up prior to the loan closing. Eric Johnson mentioned that most entities use this to make the last payment. He also noted that the Water Quality Board requires a fund to be set up for emergency repairs. This is equal to half of the annual payment. It was reported that \$303,000 will have to be set aside at loan closing. The first payment will be due August 2005 and will be interest only. The first full payment will be August 2006. He explained that the Water Quality Board looked at the current sewer rates and reported that there is no need to increase the user fee. He noted that accurate records need to be maintained. There was a discussion about increasing the connection fee and impact fee. Currently the impact fee is \$1,200 and the connection fee is \$300. It was discussed that an increase in the impact fee will have to go to \$2,200. Mayor Willie noted that an impact and master sewer plan was previously adopted and can be justified up to \$5,000. Eric Johnson finished walking through the resolution. Mayor Willie thanked Eric Johnson

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for coming and explaining the resolution and noted that this is quite a process. **Councilmember Myer moved to adopt resolution 2005-05 as the final bond resolution for the 5100 W Sewer Extension Project as presented. Councilmember Calvert seconded the motion.** Councilmember Diamond noted that this is a big deal for the city and asked what would happen if this wasn't approve until June 16 to give the council time to look it over. Eric Johnson noted that it takes 7+ days to order the money. He reported that the loan closing would probably need to be moved back. It was noted that the bids were opened on May 18 and are good for 45 days. It was noted that the city attorney has reviewed this document. Councilmember Diamond asked about an "opt out" option. Eric Johnson noted that the city doesn't have to pay interest until they receive the money. Councilmember Diamond noted that he is all right with this. Eric Johnson noted that the city is approved for up to \$3 million so that you don't have to go through all of this again for the 2nd phase. Councilmember Jenkins asked when the 2nd phase has to be completed. Eric Johnson noted that the city has three years to complete the whole project. There was some discussion about fees on top of the estimate. Eric Johnson reported that there would be fees for Water Quality Board, inspection fees, bond attorney fees, attorney fees. Councilmember Jenkins would like to know these fees before loan closing time. It was asked who goes to the loan closing. It was noted that at least one city representative, the lender, the attorney for the lender and the bond attorney. It will be at the bond attorney's office in Salt Lake. It was agreed that the council would get the cost breakdown by June 16. **Councilmembers Jenkins, Meyer, Diamond and Calvert voted aye. The motion carried.**

Discussion: Twin Homes

Damon Bocchino and Forrest Chandler reported that they built the duplex on the corner of 2600 N and 3600 W. They should have checked deeper about duplexes vs. twin homes. He noted that he has a buyer, but the bank won't loan him enough. If it were a twin home, two buyers would be able to buy it. They are asking the council to consider adopting an ordinance for twin homes. It was noted that there is a public hearing scheduled for July 7 for an R-3 zone that could include twin homes. It was also noted that if the new zone passes, he would still have to apply for a zone change.

Other Business

Approval of Business Licenses

There was none at this time.

Approval of Unpaid Invoices

See warrant register dated 05-20-05 to 05/31/05. It was noted that the Advanced Paving bill was the guarantee for last year's road project. It was also noted that the fire department got another grant. There was a question about paying off the old sewer bond. The Mayor thought Councilmember Jenkins was going to get the final details in order to pay it off. **Councilmember Jenkins moved to approve and pay the bills as presented. Councilmember Diamond seconded the motion. Councilmembers Jenkins, Meyer, Diamond and Calvert voted aye. The motion carried.**

Comments: Council

Councilmember Meyer reported that he is hearing comments about speeding on 1500 North. Deputy Rex Cragun will set up the trailer in that area. Councilmember Jenkins would like to get on the next agenda for a presentation and motion to set a public hearing concerning amending the annexation policy plan. He also mentioned that there is a proposed subdivision across the street from the high school and he would like to suggest working with them to make an entrance from the stake center parking lot to 1975 West. It was noted that the church may be interested in this. Diane noted that this is being discussed already and they will be meeting next week concerning this and other options for the property. Councilmember Calvert asked the council if we should replace the current Board of Adjustment members who have expired terms. She noted that she has put this off until after Craig Call came. She reported that she is thinking about replacing them so there is a functioning body and then decide in the meantime. The council agreed and feels that this needs to be talked about in greater detail. Councilmember Calvert noted that Nicole Cottle is suggesting changing a couple of thing on our moderate income housing plan. She also noted that she will not be charging Plain City for her time. Councilmember Meyer asked the Mayor if they could work on getting letters for the stake cleanup day. Councilmember Diamond noted that he talked to Brad Jensen about the detention basin for AJ Robson. He will get with the developer. He noted that baseball is in full swing and there have been a few complaints. He will get with Brent on some repairs. Councilmember Jenkins inquired about possibly running a secondary water line along with the sewer line along 5100 West for the

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future. He reported that Marriott has their own system and would like to be able to sit down with him and explore some options. It was agreed that he and Councilmember Diamond will get with Randy Marriott.

At 9:30 p.m. Councilmember Diamond moved to adjourn. Councilmember Calvert seconded the motion. The vote was unanimous.

City Recorder

Mayor

Date Approved

NOT OFFICIAL DOCUMENT