

PLAIN CITY COUNCIL  
MINUTES OF REGULAR MEETING  
SEPTEMBER 1, 2005

The City Council of Plain City convened in a regular meeting on Thursday, September 1, 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 (left at 7:15 p.m.)  
Staff: Diane Hirschi, Ken Bradshaw (left at 7:30 p.m.)  
Also Present: Deputy Rex Cragun, Mike Flood, Corland Felts, Paul Hurd, Kami Seward, Dennis Lund, Terry Wilson, Charlotte Williams, Delbert Williams, Max Rhead, Bruce Higley, Carl Miller, Brent White, Henry & Judy Post, Stephanie Hurd, Ted Balderree, Kent & Rosalie Hurd, Colette Doxey, Garret Doxey and Artie Pearce

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

Approval of Minutes: August 18, 2005

There were no changes noted. The minutes stand approved.

Comments: Public

Charlotte Williams would like to have the council look at the fees for the senior center. She feels that the senior citizen's ought to get a discount. She also asked if the council would consider covering the drain ditch next to the gas station. She feels it would look nicer.

Paul Hurd asked about the notice he received about widening his road. Carlos put out a notice saying that they were going to widen that street. Paul noted that he only has one driveway and is concerned that he may wake up one morning and not be able to get out. Councilmember Meyer assured him that he would have adequate notice. Kent Hurd asked if curb and gutter would be put in. Councilmember Meyer said that it would not. The reason for widening is for snowplowing. It was noted that Carlos has contracted the project out. Councilmember Meyer noted that he would talk to Carlos and if Hurd's have any questions, they are free to contact Carlos.

Motion: Kami Seward: Monthly Rental of Senior Center

Kami Seward noted that she is a "Close to My Heart" consultant. She would like to use the senior center once a month from 5-11 p.m. for scrap booking. She noted that her purpose is not to sell, but to have a place for people to come and scrapbook once a month. She reported that she doesn't have room in her house. It was reported that there is a \$100 deposit and \$75 rental fee to use the senior center. Councilmember Costley noted that the main purpose of the building is for weddings and family dinners. Councilmember Calvert wondered if \$50 would be better. Mayor Willie noted that a couple years ago, we checked prices with other places to get in line with them. He noted that the building was taking a lot of abuse and it was costing the city to maintain it. Councilmember Meyer feels that this is a worthwhile thing, but is concerned about having to turn away someone paying full price. Kami noted that she would like it the 4<sup>th</sup> Friday of every month from 5 to 11 p.m. Councilmember Diamond noted that we reduced the price for the church with restrictions. Councilmember Jenkins feels we ought to look into the fee schedule and address these concerns. **Councilmember Meyer moved to let Kami Seward use the building for \$50 for September and \$50 for October and look into revising our fee schedule with the condition that something that would be full price would be able to take priority. Councilmember Costley seconded the motion. Councilmembers Costley, Jenkins, Meyer, Diamond and Calvert voted aye. The motion carried.**

Report from Planning Commission

Ted Balderree reported that the Planning Commission recommended approval for the conditional use permit for Henry Post's flag lot. He noted that a professional planner came and had some good advise on the PRUD ordinance. He noted that the Planning Commission is grateful for the help.

**Councilmember Calvert moved to go into a public hearing for the purpose of the proposed storm water management and control ordinance. Councilmember Meyer seconded the motion. Councilmembers Costley, Jenkins, Meyer, Diamond and Calvert voted aye. The motion carried.**

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Public Hearing: Storm Water Management and Control

Mayor Willie reported that this is part of the Storm Water Phase 2 project. It deals with the sediment runoff in the storm drains. The purpose of the project is to keep the water in a swimmable and fishable condition. It deals with pre-construction and post-construction. It deals with the excavation of homes and developments to control the runoff and to keep the streets clean. Councilmember Calvert noted that there was an Eagle Scout project that marked all the storm drains in the city with a sticker. Delbert Williams noted his concern for the storm drains and the oil running into the wildlife. This ordinance will require scrubbers, filters and oil separators. He reported that the gas station has put in 2-3 oil separators. Charlotte Williams asked if the drain ditch would be piped. The Mayor noted that he would hope to some day. Councilmember Costley noted that he has the understanding the convenience store went beyond what they needed to. There was a discussion about what size of a project would be exempt. Mike Flood noted that this is a Federal program that the State is starting to enforce. He noted that the state is saying that this will affect developments five acres or larger. Councilmember Jenkins noted that the plan is suggesting buildings smaller than 500 square feet will be exempt. Artie Pearce feels that is too small. The Mayor noted that this is a starting point. (Councilmember Calvert left the meeting.)

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

Motion for Ordinance: Storm Water Management and Control

Mayor Willie asked if the council felt that 500 square feet was too small. Councilmember Costley noted the problem on dumping dirt in the street. Councilmember Diamond asked what disturbing the soil means. He noted that he is putting a barn on top of the ground. Councilmember Jenkins noted that that would be covering the ground. Councilmember Diamond noted that he would cover it, but not disturb it. Councilmember Jenkins feels that it would still be disturbing it. It was also noted that this ordinance would cover people dumping dirt in the street. There was a brief recess. Mayor Willie pointed out that gardening would be exempt. He noted that developments would be required to have washout places, gravel pullouts and wash-down areas in order to keep the dirt from accumulating on the streets. There was some discussion about 500 square feet. Councilmember Meyer feels that is too low. Councilmember Diamond wants to define "disturb". It was noted that this will almost have to be a case-by-case basis. Councilmember Costley noted that he could argue both ways and feels that it will ultimately be up to the public works director. There was discussion about the building inspector being involved. It was suggested that we table this and have some more discussion. Councilmember Diamond asked about the timeline. Mayor Willie noted that it should have been done by January. Councilmember Meyer asked if there would need to be another public hearing. Councilmember Jenkins noted that we are a rural community, and it used to be that there was no curb and gutter. Now there is curb, gutter and sidewalk in every subdivision. He noted that people have to dump dirt in the curb if they want to get into their property and not ruin the curb. It was noted that the dirt would not be able to be left overnight. There was a discussion about people landscaping their property and dumping dirt in the street and hauling it onto the property with a tractor. There is a concern about enforcement. Mayor Willie noted that this is more geared up to the large type excavation and to try and avoid going into the drains. He noted that this is coming from the EPA and the state is going to enforce it. All cities have to comply with it with the exception of Huntsville. It was noted that Wasatch Civil has put this draft together and a combination of some other plans from different cities. The Mayor also pointed out that fines could be attached to this. Councilmember Meyer feels that this is a good start, but would like to up the 500 square feet. Councilmember Diamond noted that the city is probably the worst violator. **Councilmember Meyer moved to table this until our next meeting and in the interim address these items and set a work meeting for 6:00 p.m. on October 6. Councilmember Jenkins seconded the motion. Councilmembers Costley, Jenkins, Meyer and Diamond voted aye. The motion carried.**

Motion for Ordinance: Hawkins Development – Rezone RE-20 to RE-15

Mike Flood presented a slide show of where this property is located. He noted that part of the property (73 acres) is already a RE-15 zone and he would like the whole project in the same zone. He is asking for 80 acres to be rezoned RE-15. There was a discussion about traffic coming out on North Plain City Road. It was also discussed that traffic will go through Remuda Subdivision in Farr West. There was also a concern on sewer. Mike Flood noted that he would like to incorporate various ordinances into this development. He noted that he is interested in working with the new planner's on the new PRUD ordinance. **Councilmember Costley moved to allow the**

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**additional 80+ acres to be rezoned as RE-15 at approximately 3100 West North Plain City Road. Councilmember Jenkins seconded the motion. Councilmembers Costley, Jenkins, Meyer and Diamond voted aye. The motion carried.**

Motion: Conditional Use Permit – Flag Lot – Henry Post

It was reported that the Planning Commission has recommended the conditional use permit for Henry Post's flag lot. **Councilmember Diamond moved to approve the conditional use permit for a flag lot for Henry Post at 3415 W North Plain City Road. Councilmember Costley seconded the motion. Councilmembers Costley, Jenkins, Meyer and Diamond voted aye. The motion carried.**

Motion for Ordinance: Moderate Income Housing Plan

A draft copy with the changes noted at the last meeting was included in the council packets. Diane reported that copies were sent to the state for review. No comments had been sent back. **Councilmember Jenkins moved to approve the Moderate Income Housing Plan as Ordinance 2005-09. Councilmember Diamond seconded the motion. Councilmembers Costley, Jenkins, Meyer and Diamond voted aye. The motion carried.**

Motion/Discussion: Cooperative Agreement – UDOT – 4700 West Sidewalk

Councilmember Meyer noted that he is not ready to roll with this item and feels that maybe he would be better prepared at the next meeting. He reported that he applied for a pedestrian safety sidewalk grant. UDOT would pay 75% and the city would pay 25%. This would be for sidewalk along the east side of 4700 West from Fremont High School to 1500 North. Councilmember Meyer would like to get some more input about this project. He understands there are power poles that may have to be moved. He had received a preliminary cost, but wants to make sure there are no more hidden costs. Max Rhead noted that he is in favor of the sidewalk. Councilmember Jenkins noted that there was an article in the paper about UDOT wanting to pawn off some of their roads to the cities. There was a discussion about having the state put in curb and gutter and widening the road. Councilmember Meyer will talk with UDOT. Councilmember Costley noted that the poles are going to be in the way. Dennis Lund noted that the kids get off the bus by his house and thinks the kids will walk on the other side of the street anyway. Carl Miller noted that they should measure 40' from the centerline to show where the easement is. Delbert Williams is concerned about 1975 North between the two subdivisions and thinks that there needs to be a walkway located in that area. **Councilmember Meyer moved to table this item indefinitely. Councilmember Jenkins seconded the motion. Councilmembers Costley, Jenkins, Meyer and Diamond voted aye. The motion carried.**

Other Business

Cancel September 15 Meeting

**Councilmember Costley moved to cancel the September 15 meeting due to the Utah League of Cities and Towns Convention. Councilmember Diamond seconded the motion. Councilmembers Costley, Jenkins, Meyer and Diamond voted aye. The motion carried.**

Appointment of Election Judges

Diane reported that we will combine all three Plain City districts into one and is asking that Pat Smith, Coral Hadley and Janet Judkins be the election judges. She is also asking that Delbert Johnson, Marilyn Lott and Janice Brown be alternate judges. **Councilmember Costley moved to approve the election judges as presented. Councilmember Meyer seconded the motion. Councilmembers Costley, Jenkins, Meyer and Diamond voted aye. The motion carried.**

Approval of Business Licenses

Rich Mickelsen has applied for a business license for RJ Analytical LLC at 4364 W 2575 N for a testing lab. It was noted that this is the old city hall. Rich also has a business license in his home. Councilmember Diamond noted that it might appear that he has a conflict of interest in that he is Rich's neighbor and also his banker. Mayor Willie noted that this application has been hung up at the fire department since March. Councilmember Jenkins asked if this property should have been rezoned. Mayor Willie wasn't sure but noted that the city owns the building and has rented it out as office space before. It was noted that it is in a residential zone. It was also noted that city hall now is located in a residential zone. It was suggested that we follow up on this with our city attorney. Mayor Willie also noted that Rich has been testing for us since July. If this has to be rezoned, then we

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will. **Councilmember Costley moved to approve the business license for RJ Analytical LLC at 4364 W 2575 N as presented. Councilmember Meyer seconded the motion. Councilmembers Costley, Jenkins, Meyer and Diamond voted aye. The motion carried.**

Approval of Unpaid Invoices

See warrant registers dated 08/19/05 to 08/31/05. It was noted that there are several bills with Morgan Pavement. Councilmember Meyer noted that Carlos contracted with the low bidder, Morgan Pavement for roadwork.

**Councilmember Diamond moved to approve and pay the bills as presented. Councilmember Meyer seconded the motion. Councilmembers Costley, Jenkins, Meyer and Diamond voted aye. The motion carried.**

Comments: Council

Councilmember Diamond noted that Carlos needs to bring the water rings up on the corner of 3600 W and 1975 N. Councilmember Diamond noted that the property owners east of 2200 N would like to have their road paved and are willing to do what needs to be done. Councilmember Meyer will get with the county. Councilmember Diamond also noted his concern about detention basins. He noted that they are becoming a weed patch and an eyesore. He thinks the city ought to rethink their standards for detention basins.

Mayor Willie noted that Bona Vista is going to move into their new building the end of October. He also noted that water use is down from two years ago.

**At 8:40 p.m. Councilmember Jenkins moved to adjourn. Councilmember Diamond seconded the motion. The vote was unanimous.**

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City Recorder

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Mayor

\_\_\_\_\_  
Date Approved