

PLAIN CITY COUNCIL
MINUTES OF REGULAR MEETING
JANUARY 6, 2005

The City Council of Plain City convened in a regular meeting on Thursday, January 6, 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
Also Present: Deputy Rex Cragun, Richard Adams, Natalie Chambers, Jay E Gresham, Taya Judkins, Quenten Jenkins, JoeAnn Jenkins, Carla Wiese, Carl Miller, Lane Fishburn, Elizabeth Moreno and Sandra Gross

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

Approval of Minutes: December 2, 2004
The minutes stand approved as written.

Comments: Public

Carla Wiese reported that she is following up on her proposal for preparing the housing plan for the city. She noted that if there are concerns over costs, there are other ways than the general fund to pay for this. She suggested using the enterprise funds. She noted that she is willing to negotiate. Councilmember Calvert noted that this is the first the council has met since she received the proposal.

Report from Planning Commission

There was no report.

Ratification of Setting Public Hearing: Proposed Annexation of Quenten Jenkins/Dorothy Cook Property

The Mayor noted that normally the public hearing is set in council meeting. Due to the fact that the December 16 meeting was canceled, the city attorney suggested ratifying the motion to set the public hearing for the Jenkins/Cook annexation in this meeting. **Councilmember Costley moved to ratify the setting of the Jenkins/Cook annexation public hearing for tonight and to go into the public hearing. Councilmember Calvert seconded the motion. Councilmembers Costley, Jenkins, Meyer, Diamond and Calvert voted aye. The motion carried.**

Public Hearing: Proposed Annexation of Quenten Jenkins/Dorothy Cook Property

Mayor Willie explained that state statute doesn't encourage cities to create peninsulas when annexing property. The original petition for the Jenkins/Cook property created a peninsula that consisted of several back pieces of properties that front in the city. In order to comply with the state statute, these properties were included into the petition. Jay Gresham reported that he is alright with the annexation of the back of his property. He found out that taxes will actually be cheaper in the city. The concern he has is with the subdivision. He wants to be able to protect his property and wondered when this would be addressed. It was noted that tonight is the annexation process. He needs to be involved when the Planning Commission begins to look at the development. It was pointed out that along with the annexation, the Jenkins/Cook property is requesting a RE-15 zone. The back parts of the "peninsula" will remain the same zone the front of the property is which is an RE-20 zone. Jay Gresham had a question concerning animals. It was reported that animal rights are determined by the amount of property, not the zone. Councilmember Costley reported that the subdivision ordinance is in place to protect the land owners. Councilmember Jenkins noted that he did a study and also found that the property taxes are 10% higher in incorporated Weber County. Elizabeth Moreno questioned that because the front part of her property is higher than the back. She reported that there is not a house on the property. It was reported that it is probably valued differently because it has frontage and is considered as a building lot. She also noted that she and Sandra Gross are opposed to the annexation. They don't understand the pros and cons. They don't know what the development is going to do for them. Until they have some answers, they will remain opposed. There was some discussion that their zoning will not change. They will still have the same animal rights as they would in the county. It was also noted that the subdivision ordinance would help to protect them. Ken Bradshaw noted that there is such thing as an Agricultural Protection Program that they could apply for. Councilmember Diamond noted that a key issue would be to be involved when the subdivision comes into the Planning Commission. It was reported that the Planning Commission meets the 2nd and 4th Thursday of the month. The agenda is posted out on the front bulletin

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

Motion for Ordinance: Proposed Annexation of Quenten Jenkins/Dorothy Cook Property

Ken Bradshaw reported to the council that two formal protests have been received. He noted that the council should not take any action until the Boundary Commission rules. There are three possible options: 1) He noted that maybe there could be a possibility of the protests being withdrawn. 2) Table this item until the Boundary Commission decides or 3) adopt the ordinance pending the Boundary Commission's decision. He noted that the third option is on the least legal standing. He mentioned that the Boundary Commission has a certain time line to meet. They will hear both sides and make a determination. Ken Bradshaw added that he doesn't feel that these protests meet the criteria. Elizabeth Moreno and Sandra Gross stand firm on their annexation protest. Councilmember Costley asked if they are questioning the property lines. They reported that that is not the issue, they just want to know how it will affect them. Ken Bradshaw also noted that the city has the authority, if they make a finding, to carve out property which would result in a peninsula. Councilmember Jenkins asked if the property from the Gresham's to the Bitton's could be left in and exclude the Moreno & Gross properties and those to the west. Ken Bradshaw noted that it would be all right for the city to do that however, the property owners would lose any say as a resident of Plain City. There was some discussion with the city attorney about the notices and whether they were done correctly. Carla Wiese stated that the notices would have to be sent out again which would mean resetting the public hearing for 45 days. Mayor Willie called for a five-minute recess. Ken Bradshaw read from Utah Code 10-2-401 which states what an "affected entity" is. It is a county of the first class, a special district, school districts and municipalities within ½ mile. Only those entities are able to protest the annexation. The two individuals who are objecting have no standing to file a protest. The city should however consider their comments. Ken Bradshaw said that the city is all right to take action on this matter tonight. Elizabeth Moreno and Sandra Gross were asked if they feel that the city council understands their concerns. They were informed to be aware of the Planning Commission meetings and voice their concerns there. The Mayor said he would be happy to meet with them after the meeting to discuss and answer any other questions they have. Councilmember Diamond strongly suggested that all the property owners get with the developer. They were introduced to Richard Adams, the developer of the Jenkins/Cook property. **Councilmember Diamond moved to accept Ordinance 2005-01 as the annexation of the Quenten Jenkins/Dorothy Cook property. Councilmember Meyer seconded the motion. Councilmembers Costley, Jenkins, Meyer, Diamond and Calvert voted aye. The motion carried.**

Motion for Approval: Pioneering Agreement for Sewer – Pheasant Brook Subdivision

Councilmember Diamond noted that the developer asked that this be tabled until January 20. **Councilmember Diamond moved to table this item until January 20. Councilmember Calvert seconded the motion. Councilmembers Costley, Jenkins, Meyer, Diamond and Calvert voted aye. The motion carried.**

Set Public Hearing: Proposed Annexation of Orel England/Glen England Property – Jan. 20

Councilmember Diamond moved to set January 20, 2005 as a public hearing for the annexation of the Orel England and Glen England and Beth Ludlow property. Councilmember Jenkins seconded the motion. Councilmembers Costley, Jenkins, Meyer, Diamond and Calvert voted aye. The motion carried.

Motion for Ordinance: 2005 Meeting Schedule

Mayor Willie noted that if anyone wanted any changes to the meeting time, now is their chance. **Councilmember Meyer moved to adopt Ordinance 2005-02 setting the 2005 meeting schedule. Councilmember Jenkins seconded the motion. Councilmembers Costley, Jenkins, Meyer, Diamond and Calvert voted aye. The motion carried.**

Motion for Approval: Surplus Old Sewer Pumper

The pumper is not being used anymore. Carlos would like to surplus this by taking it to the State Surplus and see if we can get anything out of it. **Councilmember Meyer moved to surplus the old sewer pumper. Councilmember Costley seconded the motion. Councilmembers Costley, Jenkins, Meyer, Diamond and Calvert voted aye. The motion carried.**

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Other Business

Old Plain City Market Sign

The Mayor noted that the Susan Crosthwait asked if the city wanted the old Plain City Market sign. She offered to let the sign stay where is it. The Mayor is thinking it would be good to advertise recreation sign-ups and such. She suggested maybe having a community design contest for the sign. The Mayor will check into the cost to fix up the sign.

Council Assignments

The Mayor reported that there would be no changes.

Approval of Business Licenses

Hal VanMeeteren is applying for a business license for Mountain High Wildlife Sketches at 4470 W 1900 N. This is for a 2004 business license. Phil Meyer is applying for business license for MBI Recruiting Specialists at 1806 N Pioneer Road and Susan Crosthwait is applying for a business license for Almost Home Daycare at 2414 N 4350 W. These two are for 2005 business licenses. Councilmember Meyer disclosed a conflict of interest and left the room. **Councilmember Jenkins moved to approve the business licenses as presented. Councilmember Costley seconded the motion. Councilmember Costley, Jenkins, Diamond and Calvert voted aye. The motion carried.**

Approval of Unpaid Invoices

See warrant register dated 12-03-04 to 12-21-04 and 12-22-04 to 12-31-04. **Councilmember Diamond moved to approve and pay the bills as presented. Councilmember Calvert seconded the motion.** Councilmember Meyer noted that he would like to present another bill: This is for Flinders Trucking for \$5,767.10 for a sewer line project. **Councilmember Diamond amended to his motion to include the Flinders Trucking bill for \$5,767.10 to the warrant registers. Councilmember Calvert seconded the amendment. Councilmembers Costley, Jenkins, Meyer, Diamond and Calvert voted aye. The motion carried.**

Comments: Council

Councilmember Calvert reported that she received the proposal from Day & Associates to develop a housing plan for the city. The cost is \$5,000.

Councilmember Costley reported that Stake President Steve Petersen has set up a youth service project for May 7 and he would like the youth to work in Plain City. Councilmember Meyer noted that that this may be inconjunction with Plain City's Community Clean up day and suggested that the projects be set up through Lynn Ellis, the Volunteer Coordinator for Plain City. Councilmember Costley asked to set up a work meeting for the first meeting in February to discuss the development of the remainder of Buzz England's property. This meeting would be at 6:00 p.m.

Councilmember Jenkins reported that the ambulance training is going well. The Ogden City Safety Medical Captian provides the training. Mayor Willie asked if we could respond outside the city limits. Councilmember Jenkins noted that the city sets those parameters. He also reported that the landfill will be open the 2nd Saturday of each month throughout the winter. Councilmember Jenkins noted that he wants to pursue the annexation of our pioneer boundaries. He feels that we should amend our declaration to go to the county border and to the lake. This will be looked into.

Councilmember Meyer reported that there has been some problems with a sewer pump station. He noted that Carlos is looking into the purchase of another truck for \$16,500. Councilmember Meyer would like this to be placed on the next agenda. The truck will be parked in the parking lot that night so they could look at it.

Mayor Willie mentioned that the council needs to fill out the financial disclosure statements and get them to Diane as soon as possible. He also asked the council to turn in the five-year plan for their departments as soon as possible. He mentioned that he is working on getting the park ready to go. There was some discussion about Pineview water. Glen noted that he needed to get a basic design to show Pineview before we can get a price from them. The well option is still available. The Mayor wants this to be discussed at the work meeting on the 20th. There was some discussion about the crow's nest at the Lee Olsen Park. It was reported that the plans have been

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found and they are working on an estimate. Councilmember Costley feels that money for that project could be donated. The Mayor reminded everyone about the WACOG dinner on Monday.

At 8:45 p.m. Councilmember Calvert moved to adjourn. Councilmember Diamond seconded the motion. The vote was unanimous.

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