

PLAIN CITY COUNCIL
MINUTES OF REGULAR MEETING
APRIL 20, 2006

The City Council of Plain City convened in a regular meeting on Thursday, April 20, 2006, in the Plain City Hall at 7:00 p.m.

Present: Mayor Jay Jenkins, Councilmembers Chad Costley, Darwin Smith, Bruce Higley, Brent White and Elaine Calvert
Staff: Kathy Hancock
Also Present: Deputy Rex Cragun, Mitch Willson, Byron Krenek, Julie Phillips, Claramae Grieve, Carl Miller, Don & Kelly Weston, LaFray Kelley, Artie Pearce, Fred Colvell, Cole Colvell, R. L. Johnson, Jeff Hales, Steve Diamond, and Judy Johnson.

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

Approval of Minutes: March 16, 2006

Councilmember Smith moved to approve the minutes as written. Seconded by Councilmember White. Councilmembers Costley, Smith, Higley, White, and Calvert voted aye. Motion carried.

Comments: Public

Frank Hadley who lives on 4425 West has a subdivision bordering his property. In order to straighten out the drain ditch they changed everything including the water direction. He now has holes in the ditch. He would like the holes filled in so there isn't standing water all of the time. Mitch Willson spoke with Ortons and they need to grade it. It has been really wet and they haven't been able to fix it, but it should be dry enough now. Mayor Jenkins asked Mitch to stay on top of it and make sure it gets done.

Report from Planning Commission

Artie Pearce reported that they had a public hearing for the Conditional Use Permit and PRUD for England Meadows. There was only one person who spoke out and the permit was tabled until some items are finished. Paul Southwick will meet with Artie and Buddy this week to discuss some items. Wendell Winegar's partner, Byron Krenek, discussed annexing property into the city and the commission told them what they needed to do. Bill Fox showed a plat of the property he wants to divide. The commission recommended to the City Council two annexation petitions for Double J Development for the Buzz England property on 2600 North, and the conditional use permit for a flag lot for Steve Diamond. They set a public hearing date of May 11, 2006, for the rezone petition for Blake Cottle, the River Crossing Subdivision, and the Laurence Cove Subdivision. They also granted preliminary approval to the Hawkins PRUD. The planners have worked hard and the PRUD is looking good. The commission switched the June meetings. Mayor Jenkins asked about the drainage for Laurence Cove and Pearce mentioned that the commission hasn't seen the plat recently.

Presentation – March Financial Statement

There was no presentation.

Public Hearing – Annexation Cicadis Property

Councilmember White asked if the General Plan would be discussed during the public hearing since our current General Plan does not show RE-15 in this area. Technically the General Plan would have to be amended to allow rezoning this property. Mayor Jenkins mentioned that the front half of this property was recently rezoned Re-15 and the General Plan could be discussed in the public hearing. **Councilmember Calvert moved to convene into a public hearing. Seconded by Councilmember Costley. Councilmembers Costley, Smith, Higley, White, and Calvert voted aye. Motion carried.**

Kent Buie would like to develop the property at about 1500 North and 4900 West. He has met with the commission and showed them what he would like to do. The majority of the lots would be about 15,000-sq. ft. with about 14% ½ acre lots and about 11% in open space. This will be agreed upon with a Development Agreement. The open space has been expanded beyond the wetland area and could be expanded further as other property is developed. Artie Pearce commented that she talked to Cindy Gooch about this petition last night. She said it is conducive to go from an R-20 to a Re-15 zone. The General Plan allows going down one zone. Brent

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Weston asked about the open space and who will maintain it. Kent stated they would like to keep it as natural as possible with an asphalt trail. A Homeowners Association could be put it to maintain it, but it would be up to the owners as to how well it is maintained. The wetlands are created by a slough and once the surrounding property is developed, it might not be as wet. Councilmember Costley mentioned a wetland area in the Cobbleglen Subdivision, a property owner has a trail around it, and it kind of takes care of itself. Mitch Willson asked about the one lot to the west side of the wetlands. Kent stated that they would not be building on that now but it could be used as a lot once the west side is developed. Tying roads into future areas needs to be looked at since this is the first piece of property in this location. **Councilmember White moved to convene in a regular meeting. Seconded by Costley. Councilmembers Costley, Smith, Higley, White, and Calvert voted aye. Motion carried.**

Motion for Ordinance – Annexation of Cicadis Property

Costley moved to accept ordinance 2006-06 for the annexation of the Cicadis property. Seconded by Councilmember Calvert. Councilmember Smith mentioned the concern with the General Plan not showing RE-15 in this area. Mayor Jenkins mentioned that this piece is connected to the one rezoned at the last City Council meeting. The General Plan is in the process of being redone. Pearce mentioned that is why she talked to Cindy Gooch last night, the plan is in the process, and a public hearing could be held, but one isn't needed. The commission is looking at a mixed-use ordinance. Councilmember Costley mentioned there is a motion on the table. Councilmember White mentioned that he thinks Mr. Buie is complying with the commission, council, and public desires. **Councilmembers Costley, Smith, Higley, White, and Calvert voted aye. Motion carried.**

Discussion/Motion: Big Cottonwood Estates – Secondary Water

Asked to be removed from the agenda

Motion for Resolution – Mutual Aid Fire Protection Agreement

This is a Mutual Aid Agreement that allows any resources in the County to call upon another one. It is the same agreement that the City has always had, it just has to be updated every 10 years. **Councilmember White moved to adopt Resolution 2006-05 for the Mutual Aid Agreement. Seconded by Councilmember Smith. Councilmembers Costley, Smith, Higley, White, and Calvert voted aye. Motion carried.**

Set Public Hearing – Annexation of Calvert Property Agreement

Councilmember Calvert excused herself from the vote. The annexation includes 5 acres on the south side of Tiffany Bluffs that they want to put a home on. **Councilmember Smith moved to set a public hearing date of May 4, 2006, for the Calvert Annexation. Seconded by Councilmember Costley. Councilmembers Costley, Smith, Higley, White, and Calvert voted aye. Councilmember Calvert abstained. Motion carried.**

Discussion/Motion: Impact Fee Study

About a month ago some of the city fees were updated, but nothing has been done with impact fees. Councilmember White has contacted other cities to find out what they are charging. We are similar in population to Fruit Heights, Sunset, Riverdale, and South Weber. In the next 5 years we will be about 7,000 residents. The impact fees need to be looked at. With the new people coming in, it will drastically affect our current facilities like sewer, parks, storm drains, fire department, garbage fees, landfill, roads, water fees, and other fees like recreation. As an example right now we charge \$200 for parks. Riverdale and Sunset charge nothing, Harrisville charges \$1,680, Farmington \$2,097, Layton \$1,604, and Syracuse \$827.00. With sewer we are about in the middle. We do not have a road impact fee and half of the cities don't. There is a concern about the fire department. As we grow so will the services and it will put a strain on the department when we double in size. In 1997, a drains and sewer study was done, but one has never been done in the other areas. Mark Miller working for Kent Jones and Associates did the study in 1997, and Wasatch Civil thinks they could do a \$5,000 since they are familiar with the city. A cemetery impact fee was discussed, but they get money from taxes and other sources. A maximum fee of \$7,500 was discussed. **Councilmember Costley moved to retain Wasatch Civil Engineering to an impact fee study, setting the maximum at \$7,500. Seconded by Councilmember White. Councilmembers Calvert aye, White aye, Higley aye, Smith aye, and Costley aye. Motion carried.**

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Discussion/Motion: City Code Online

Mayor Jenkins explained that right now when an ordinance is changed Sterling Codifiers update the ordinance and sends out changes in paper form. He would like to see the complete code and ordinances on the Internet site. He has discussed this with Sterling Codifiers. If we put in on the Internet, within a week of receiving the changes it would be updated and on the Internet, with a section showing the new changes. It would be more accessible and not take up so much of the time in the office with people requesting copies. The initial cost would be under \$1,000 and under \$100 per month depending upon how many changes. The monthly fee wouldn't be much different than what the city currently pays. It was suggested having Sterling Codifiers come in with a price to be approved, but it was mentioned this is well under the \$3,000 limit for approval. The cost would come out of the administrative budget. **Councilmember Smith moved to have Sterling Codifiers update our ordinance book on the Internet as well as monthly updates. Seconded by White.** Councilmember Costley suggested setting a limit in case the cost is higher. **Councilmember Smith amended his motion to include not to exceed \$1,100 to put the code on the Internet and not to exceed \$150 per month to maintain. Seconded by White.** Councilmembers Costley, Smith, Higley, White, and Calvert voted aye. Motion carried.

Motion for Resolution – Annexation Petition – Double J Development – approx. 2800 W 2600 N

There are two separate annexation petitions for Double J Development. This resolution is for the property on the south side of 2600 North by the Farr West border. **Councilmember Calvert moved to accept resolution 2006-06 for the annexation petition. Seconded by Councilmember Smith. Councilmembers Costley, Smith, Higley, White, and Calvert voted aye. Motion carried.**

Motion for Resolution – Annexation Petition – Double J Development – approx. 3000 W 2600 N

This resolution is for the property west of Christensen and east west of the Buzz England property on the north side of the 2600 North. Councilmember White moved to accept resolution 2006-07 for the annexation petition. **Seconded by Costley. Councilmembers Costley, Smith, Higley, White, and Calvert voted aye. Motion carried.** Jeff Hales said they needed to set the public hearing date tonight. Kathy Hancock mentioned there is a process, but wasn't sure what it was. She knew there needed to be a 30-day waiting period, and thought the public hearing date was set later. Mayor Jenkins suggested we set the date. Hancock mentioned it wasn't on the agenda to do that tonight. The Council discussed setting a public hearing date of June 1st since that would be out of the 30 day time period. **Councilmember Calvert moved contingent upon legality to set a public hearing for June 1, 2006, for both annexations for the Double J Development. Seconded by Councilmember Costley. Councilmembers Costley, Smith, Higley, White, and Calvert voted aye. Motion carried.**

Motion for Ordinance – Rezone of Grieve, Hancey & Hurd Property – RE15 to R-1-11

The proposed rezone is from RE-15 to R-1-11. **Councilmember Smith moved to rezone the Grieve, Hancey, Hurd property Ordinance 2006-07. Seconded by Councilmember White.** Councilmember Costley is concerned about the road and feels a stipulation needs to be in place before building is allowed. Since this is not a subdivision, there needs to be a road in place that is up to the public standard specifications for the County. There should also be a deferral agreement in place for the curb and gutter when it comes in. Mayor Jenkins and Councilmember Costley talked to Ken Bradshaw today about this, and were told to take care of it at the rezone process. Artie Pearce mentioned that Ken Bradshaw told the commission they could only address the rezone issue. Since the Mayor talked with Bradshaw today the Council felt it was appropriate to discuss what needs to be done. It needs to be taken care of now since the County doesn't want to be involved and it is not a city road. When asked, Don Weston from the Fire Department would like an all weather road. **Councilmember Costley amended the motion that since it is not coming back in for a subdivision in the future and the city is liable, an all weather road will be needed in front of the property to cover the length of the property so they can have fire protection, and a signed deferral agreement for the curb and gutter for when it comes on that road.** There was concern that this wouldn't affect all of the property. **Costley amended his amendment to apply to any new construction. Councilmember White seconded the amendments. Vote: Higley nay, Councilmembers Costley, Smith, White, and Calvert voted aye. Motion carried.**

Motion – Conditional Use Permit – Flag Lot – Steve Diamond

Steve Diamond is proposing a flag lot instead of smaller lots. The flag lot would have a 1 ¼ acres with 30-foot stem. He will also have another lot in front of the flag lot. He will fence the whole thing. The commission recommended that the flag stem be asphalt to road standards. Steve would like to have an all weather stem, which

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is what the ordinance asks for. If he has to put in asphalt he will just put in a subdivision. He has talked to Marriott and the back lot will be able to have sewer. Mayor Jenkins explained where the proposed flag lot is located. Another condition the commission set was they want a landscaping plan for the required 5-ft buffer on each side of the stem. **Smith moved to grant a conditional use permit for a flag lot with conditions that the stem be all weather as the ordinance states. Seconded by Costley.** Councilmember White asked Artie Pearce why the commission wanted asphalt. Artie mentioned that they were concerned with emergency vehicles in the winter. Don Weston mentioned that the fire code details what will be required. The stem will be long enough it will require a turnaround at the end. Judy Johnson asked if the city would put a fence around the reservoir so they won't be liable. It was explained that this is the flag lot being discussed not the Grieve property.

Councilmember White amended the motion to include other conditions from the Planning commission dated April 13th except the asphalt road. A fire hydrant was discussed. When Steve comes in for a subdivision the hydrants can be looked at. Penny Barnes asked about her right of way. It isn't even in this property, so it won't be affected. **Seconded by Costley. Councilmembers Costley, Smith, Higley, White, and Calvert voted aye. Motion carried.**

Motion – Carlos – Road Bids

Mitch Willson explained that he has some bids for crack seal around the city office and Lee Olsen Park. The lowest is \$10,310 and the highest \$18,992. There are some discrepancies. The lowest doesn't show how many feet. Because he wasn't there with them it is difficult for Carlos to determine the length. Councilmember White recommended looking at the lower per linear foot bids and having the company come out and review them with Mitch to find out what they are pricing. Mitch noted that the costs have greatly increased from previous years of \$6,000 and \$7,000 to \$10,000 and up. **Councilmember Costley moved to recommend that the road department seek the lower bidder per linear foot and find out what they plan to do and then contact the next lowest bidder and find out what they plan on doing and go ahead and accept the lowest bid. Seconded by Councilmember White. Seconded by Costley. Councilmembers Costley, Smith, Higley, White, and Calvert voted aye. Motion carried.**

Other Business

Approval of Business Licenses

There are four new businesses including one for Stangers in the old Pizza place. It is excellent food.

New

An Affordable Touch	Lisa Shank	4735 W 2150 N	Contract out cleaning jobs
Blitz Trucking	Tyson Worrall	2528 N 3975 W	Trucking Office
The Square Meal	Mark & Debbie Stanger	3825 W 2200 N	Restaurant
Vision Extreme	James Farrell	3351 W 1700 N	Investment Properties

Renewal

Bad Oscar Customs	Ryan Kendrick	3403 W N PC Rd	Performance/Repair Mechanic
C & B Auto Repair	Curt Knight	2166 N 4500 W	Auto repair
Cook's Auto Sales, Antique Sales and Storage	George Cook	1985 N 4650 W	Auto & Antique Sales Storage
Creative Enterprises	Lauri Eskelson	5065 W 2150 N	Glass art
Gordon Orton Construction Co.	Bradley Orton	4225 W 1700 N	Excavation, hauling, grading, pipe
Hairquarters	Karlene DeVries	3047 W 1975 N	Beauty – Barber shop
MJ Builders	Mark Albright	2360 N 4350 W	General Contractor License

Councilmember Calvert moved to approve the business licenses as presented. Councilmember White seconded the motion. Councilmembers Costley, Smith, Higley, White and Calvert voted aye. The motion carried.

Approval of Unpaid Invoices

Because of the skipped meeting on April 6, there are two warrants to approve. See warrant register dated 3/17/06 to 3/31/06 and 04/01/06 to 04/18/06. On the second page of the April warrant the Wells Fargo Bank is to pay off original sewer bond. It will be paid May 1. Marriott Construction is for the roadwork on the part of the sewer that is completed on 2200 North. **Councilmember Costley moved to approve and pay the bills as presented.**

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Councilmember Smith seconded the motion. Councilmembers Costley, Smith, Higley, White and Calvert voted aye. The motion carried.

Comments: Council

Councilmember Higley had questions about the July 4th but they were answered in the budget meeting. Everything else is going well.

Councilmember Smith would like to put the fire station bid on the next agenda for May 4th. He brought to attention the road being closed by Marriott Construction without notifying the fire department. Deputy Rex Cragun stated that dispatch was notified and apparently the fire department wasn't notified, but they had means to get emergency vehicles through. There was a discrepancy with the closing time frame. They couldn't use the manhole and so had to close the whole road. Councilmember Smith mentioned that we are approaching flood stage and need to be on alert with the Warren Canal if the temperatures get high there will be trouble.

Councilmember Costley is ahead of it and has done some things. Councilmember Costley has received a letter from the Lamar DeVries chairman of the USDA weed control in the County. He is asking for donations to help eliminate noxious weeds like dyers woad. They would like to get at least \$500 from the city. He told Lamar he would discuss it with the council. He has talked with Gene Bingham and told him there would be a letter coming from the City Attorney. Gene Bingham would like a motion on the next agenda if the showing the Council agrees with the letter. Concerning the flooding, sand has been purchased and they have a pallet of bags that may need to be increased. Don Weston has a contact person in the county. It was mentioned getting ahead of the flood and getting bags filled now rather than wait.

Councilmember Calvert is over the clean up day and asked about filling sandbags that day. She has a list of projects from Carlos Heslop. She is concerned about the cost with some of the items. She asked the Council to make suggestions and get them in her folder by Monday. She is thinking of assigning the detention ponds to the ward in that area. Costley noted that last year Farr West Stake partnered in the clean up and would like to help in the areas close to their city again this year.

Councilmember White mentioned the discussion at the General Plan meeting about getting the moratorium on the next agenda. Mayor Jenkins agreed to put the moratorium on the next agenda.

Mayor Jenkins mentioned the clock is back on time. He read two letters that he wants the Council's suggestions on. The first would go out when the building permits are purchased. The other would go to Bona Vista when connection fees are paid. Both letters are about the same. They both address the farming, water run off, restrictions on basements, sump pumps hooking into the sewer, and has department heads and city people information on it. The Mayor read the letter addressed to Gene Bingham. Either the Mayor can send out the letter from him or it can be on the agenda for a motion. The letter states that the City is unable to help with Gene Bingham's problem. Councilmember Costley has talked to Gene Bingham and he is fine with what the letter may say. If Bona Vista puts a water line along the road it may help Gene. When lots were sold in the subdivision the homeowners had to do the improvements because it was a small lot subdivision. Most items have to be challenged within one year and all concerns by eight years and the time limit is up. The Council wanted to go with the letter. Councilmember Higley is friends with Gene and asked to abstain.

Comments: Public

The Council recognized the scout for coming.

Mrs. Johnson asked about the safety issues with the reservoir off the hill. She is concerned with more people there will be more water going into it this year. She is concerned that someone will get hurt or killed.

Gary Jackson just returned from the Farr West City Council meeting. There was a petition to annex Bayview Estates in. Bob Rauzi mentioned that in a discussion with Plain City, Farr West wouldn't encroach upon the Plain City Pioneer Boundaries. Farr West City Council couldn't see why they would want to take on extra roads so Bayview could have sewer. Mayor Papageorge suggested getting 60 more homes from Plain City on the sewer line so that Central Weber Sewer would take it over. England Meadows might be interested in taking the sewer

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that way. It was recommended having Artie Pearce contact Paul Southwick and having him contract Central Weber Sewer. Glen Dickemore owns the property to the west and would like stub roads to his property. England Meadows may look at other options than Bayview for access roads.

At 9:25 p.m. Councilmember Costley moved to adjourn. Councilmember Smith seconded the motion. The vote was unanimous.

City Recorder

Mayor

Date Approved

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