

PLAIN CITY COUNCIL  
MINUTES OF REGULAR MEETING  
MAY 4, 2006

The City Council of Plain City convened in a regular meeting on Thursday, May 4, 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: Diane Hirschi, Ken Bradshaw (left at 8:00)  
Also Present: Deputy Rex Cragun, Galen Lord, Frank Hadley, Blaine Jensen, Artie Pearce, Cathy White, Carl Miller, Bob Lewis, Steve Diamond, Linda Spencer, Joan Facer, Colette Doxey, Hal VanMeeteren, Corey Fisher, Glenn Taylor, April Armstrong, Carlos Heslop, Kelly Weston, Brad Barto

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

Approval of Minutes: April 20, 2006

Councilmember Calvert noted a couple of corrections. Under the Motion for Ordinance – Annexation of Cicadis Property on the second to last line it said “Councilmember White mentioned that he thinks he is complying...” It was noted that the second “he” ought to say “Kent Buie”. She also noted that the last paragraph on council assignments, the 5<sup>th</sup> line down ought to say, “The Mayor read the letter addressed to Gene Bingham.” It was also noted that the last sentence of that same paragraph ought to be taken out. **Councilmember Costley moved to approve the minutes as corrected. Councilmember White seconded the motion. Councilmembers Costley, Smith, Higley, White and Calvert voted aye. The motion carried.**

Comments: Public

Frank Hadley, 1879 N Pioneer Road, asked if the drain could be changed and done away with. Mayor Jenkins noted that one person couldn’t impede a drain that someone else uses. Frank feels that the city should have his drain corrected. Mayor Jenkins said the city would look into filling and grading the drain. Councilmember Costley noted that they are probably waiting for the ground to dry up. Frank Hadley also noted that the property lines are not settled yet. Mayor Jenkins said he would follow up on the drain and check into the property lines.

Artie Pearce, 2145 N 4100 W, mentioned that there are a lot of people walking to the convenience store. She is asking if the city is looking into a sidewalk along that road. She would hate to see a child get hit. Mayor Jenkins noted that is an issue that ought to be looked at.

Linda Spencer, 3928 N 3175 W, is the new CERT chairperson. She is here in support of the new fire station addition and also hopes to have a corner of the addition for CERT supplies.

Steve Diamond, 3515 W 2200 N, is concerned about putting on a moratorium. He is hearing people saying that the general plan is invalid and illegal. He is of the opinion that it is a valid and legal document that is constantly changing. He doesn’t feel that there is a true need to put on a moratorium. Mayor Jenkins noted that Steve Diamond had been on the city council for the last four years.

April Armstrong, 4232 W 2775N, is new to the CERT team and is also here in support of the fire station addition. She feels that the CERT team needs a place to call home.

Cathy White, 2031 N 4100 W, lives by the gas station. She reported that she contacted the building inspector last week about the lighting. She thought that the lighting would shine down and not be so intrusive. She reported that the lights are on all night and the music is loud. She also noted that it would be good to have sidewalk along 4100 West.

Report from Planning Commission

Artie Pearce reported that they had a work meeting on amending some of our ordinances. She reported that they would like to require the developer to bring in aerial maps when they file for subdivision. They would also like to require a close up of the subdivision and another aerial map showing approximately 1,000 feet around the boundaries of the subdivision. The Mayor asked about the cost of this map. Artie noted that you could download

PLAIN CITY COUNCIL  
MINUTES OF REGULAR MEETING  
MAY 4, 2006

it off the internet. Councilmember White noted that civil engineers could get one easily. It was noted that they are suggesting deleting the time restrictions in the parking ordinance during snowstorms. Artie reported that currently the ordinance says you can't park on the streets between 1 a.m. and 7 a.m. during the months of November through March.

Motion for Resolution - Moratorium on Subdivisions

The Mayor led the council in a discussion about whether the moratorium was being considered for PRUD's or subdivisions in general. Councilmember White noted that he was talking about subdivisions but also questioned rezones and wondered if they should be addressed. He feels that the general plan is not illegal or invalid, but his concern is the impact fees. He suggests adding rezone petitions to the resolution and having it go for 180 days. Councilmember Calvert is concerned about the transportation corridors. She feels we need to have our street plan in place. She feels that the general plan is about two months away from being completed and would like to have a moratorium until it is done. Councilmember Higley feels that the sewer system, the lagoons, and the trunk lines need to be addressed. Councilmember Smith noted his concern for the R-1-11 zone in areas that we don't want them. Councilmember Costley's opinion is that the general plan is a guide. He feels that we will always bump into it, but thinks it is pretty drastic to lock everything up when it is not necessary. He feels we need to look at things on a case-by-case basis rather than locking the door. Mayor Jenkins feels that just as budgeting has a business cycle, so does the general plan and impact fees. He noted that the sewer impact fee study was done in 1997. Fees have been updated. The general plan map was out of whack, so the city amended the ordinance. He noted that he would hate to put a "closed for business" sign on the city. He noted that at one time we were worried about the PRUD's. The planners have a handle on it. The city is not out of control. Roads might not be in a square grid, but we are making sure we have stubbed roads, etc. Councilmember Costley noted that a moratorium would be detrimental to the income of the city. He noted that we need to find the facts and get some educated calculations. Councilmember White doesn't feel that the city is out of control. He is concerned though and feels that we have 4500 citizens that we need to look out for, not the developers. We need to have all our ducks in a row. Councilmember White asked Ken Bradshaw for any pitfall for putting on a moratorium. Ken Bradshaw reported that development would slow down and give the city time to cool down and look at the future plans. He noted that moratoriums self-terminate unless action is taken. He would advise the moratorium for 90 days. It could then be extended to a maximum of 180 days. He advises the short time because there is sometimes a tendency to wait until the last 15 days to do all the work. There was a discussion about what point new developments would be cut off. Ken Bradshaw noted that if a subdivision application is filed before the moratorium, it is in. If it is filed after, it is not in. He said that you are not stopping the process. It was discussed that the council has the decision of whether to include rezone and annexation petitions in the moratorium. It is up to them on how it is drafted. Councilmember Smith noted that if the moratorium is put in place, he would like some clear goals in mind to accomplish. Councilmember Costley suggested tabling this until more work can be done on it. Councilmember Calvert noted that there are reasons to place the moratorium. Other communities are mushrooming. We have been warned about not having enough planning for the infrastructure. She feels that waiting two months for the general plan is important. Councilmember Costley noted that right now developers are teaming up to run a sewer line down the rail bed. He has talked with Cindy Gooch and we need to be on top of the developments. Councilmember White agrees, but there has to be a happy medium. The city needs to be planning, not waiting for the developer's to come in and tell us what to do. He agrees with having a clear goal. He would like to update impact fees. Mayor Jenkins noted that he was approved to spend \$7,500 on impact fee studies. He noted there was a misunderstanding with Brad Jensen and it is \$10-15,000 on each impact study. He would like to see us bid out the studies. He noted that the studies have to be in place. The sewer and storm drain impact fee could still be used and adjusted. Councilmember Smith asked if two months is realistic to have the general plan completed. Councilmember Calvert noted that it is scheduled to be done. There was a discussion about the general plan committee. Mayor Jenkins said that the last meeting was the last time the citizens met and from now on it is up to the city council. It was noted that there would have to be public hearings to adopt the general plan. There was a discussion about impact fees that are down in this year's budget. There was also a discussion about who is coming first, the planning or the developers. Mayor Jenkins noted that the developers are being very sensitive to what the city wants. He mentioned that Kent Buie is working on a trail system and is tying it to our planning. Councilmember Calvert asked what his concern is because he has already filed his subdivision application. Mayor Jenkins noted that he is looking into partnering with more property and if he can't develop it, it won't work. Councilmember Calvert said we are only talking 2-3 months. It was noted that he may have to change his plans to match the other property. Councilmember White noted that he can't believe that it would

PLAIN CITY COUNCIL  
MINUTES OF REGULAR MEETING  
MAY 4, 2006

shut that down in 2-3 months. Councilmember White suggested that when the council meets in two weeks they need to have a clear cut goal in mind to accomplish. **Councilmember White moved to table the moratorium until the next meeting. Councilmember Costley seconded the motion. Councilmembers Costley, Smith, Higley, White and Calvert voted aye. The motion carried.**

**Councilmember White moved to go into a public hearing for the purpose of annexing Kent & Elaine Calvert's property at approximately 1761 N 4850 W. Councilmember Costley seconded the motion. Councilmembers Costley, Smith, Higley, White and Calvert voted aye. The motion carried.**

Public Hearing – Annexation of Calvert Property

Mayor Jenkins noted that this is now a public hearing and the public can make comments on this issue. Councilmember Calvert explained that this is her property and she will not participate in the discussion or the vote. She went to sit in the audience. This property is approximately 5 acres and is located next to Tiffany Bluff's subdivision. The purpose of annexing the property is to build a new house. It was noted that the access is through the subdivision. **Councilmember Costley moved to go out of the public hearing and into the regular meeting. Councilmember Smith seconded the motion. Councilmembers Costley, Smith, Higley and White voted aye. The motion carried.**

Motion for Ordinance – Annexation of Calvert Property

**Councilmember Costley moved to adopt ordinance 2006-08 annexing the Calvert Property. Councilmember White seconded the motion. Councilmembers Costley, Smith, Higley and White voted aye. The motion carried.** Councilmember Calvert returned to the council bench.

Motion for Approval: Slurry & Crack Seal Road Project

It was reported that Carlos received six bids for slurry and crack seal. It was discovered that the lowest bid was checked and didn't include a section. With this correction, Morgan Pavement was the lowest bid of \$13,971.00. **Councilmember Smith moved to award Morgan Pavement with the contract to slurry and crack seal as outlined for \$13,971.00. Councilmember Costley seconded the motion.** Councilmember Costley reported that there has been a raise in the cost of the product this year. It was noted that part of the project will be the city office parking lot. Councilmember Calvert mentioned that there are some ADA requirements that need to be met. **Councilmembers Costley, Smith, Higley, White and Calvert voted aye. The motion carried.**

Motion: 2200 N. Sidewalk Project

It was reported that last year this sidewalk project from 4100 West to the Sargent Subdivision was put out to bid. No one responded to the bid at that time. Carlos is asking if the council wants to pursue this project again. It was noted that it would be sidewalk only. Councilmember Costley noted that Bona Vista has agreed to participate along their property up to \$8 per foot. Mayor Jenkins asked Brad Barto what he would estimate the price of sidewalk to be. Brad thinks around \$10 per foot. It was noted that the exact footage was not available tonight. There was a discussion that if the city is going to do it, it should be done right with curb and gutter. Blaine Jensen said he would like it done nice and include curb & gutter. Councilmember White noted that we should probably look at the whole road as the new school will be here next year. It was noted that there should be participation from the property owners. There was also a discussion about sidewalk on 4100 West. It was suggested that it ought to go on the west side. Mayor Jenkins noted that the natural flow would be from the park to the convenience store. It was reported that it is always better to cross the road at a T-intersection rather than a four-way intersection. Carl Miller suggested widening the shoulder on the east side and asphalt it for a bike path. The council would like to look at details for 2200 North and feel that curb and gutter ought to be pursued as well. Mayor Jenkins noted that he has made some council assignment changes and Councilmember Higley will be over roads now. Councilmember Costley will still be over sewer. **Councilmember White moved to table this item until there is a recommendation from the road department with the details. Councilmember Costley seconded the motion. Councilmembers Costley, Smith, Higley, White and Calvert voted aye. The motion carried.**

PLAIN CITY COUNCIL  
MINUTES OF REGULAR MEETING  
MAY 4, 2006

Motion for Approval: Paving Project on North Plain City Road

Carlos reported that this has been an ongoing project for the past three or four years. He noted that they are about 2/3 done with widening North Plain City Road. The section that is left is from about Grouse Meadows Subdivision to the Farr West border. It was also reported that this is the same area that needs sewer. Mayor Jenkins would like to table this until the sewer study is done. Artie Pearce noted that the city is requiring Hawkins to do a traffic study along North Plain City Road. **Councilmember Costley moved to table this project until more is found out on the sewer. Councilmember Smith seconded the motion. Councilmember Smith seconded the motion. Councilmembers Costley, Smith, Higley, White and Calvert voted aye. The motion carried.**

Motion for Approval: Storm Drain Repair – Poplar

Councilmember Costley reported that they got a call last week about some settling of a storm drain line. He talked to Marriott's and they agreed to see what the problem is. If it was their fault they will pay for it. If it is the city's fault, they will fix it and bill the city. He reported that he came early to look at the video of the drain and it appears that it may have been a compaction issue. He noted that Marriott's would get it fixed, compacted and put sod down. **Councilmember White moved to table this item until we know the details. Councilmember Costley seconded the motion. Councilmembers Costley, Smith, Higley, White and Calvert voted aye. The motion carried.**

Motion: Landscape of Lift Station – Fremont Estates

It was noted that this is one of the projects for the City Clean up Day on May 13. A group is assigned to do this project. It will cost about \$600 for the bark and the rocks. It was noted that this is a unique project due to the fact that this lift station was built larger to eliminate the station at Kamelot. **Councilmember White moved to approve the project for the May 13 cleanup day. Councilmember Smith seconded the motion. Councilmembers Costley, Smith, Higley, White and Calvert voted aye. The motion carried.** Councilmember Calvert asked about trees. It was agreed that since there is no water there, there would be no trees.

Motion: 5-Star Engineering Proposal – Sewer Ponds

Councilmember Costley reported that they have a proposal for a performance evaluation for the operation and maintenance plan of the sewer lagoons. He noted that they have come out to see our system and we have learned a lot. **Councilmember Costley moved to table this for the time. Councilmember Smith seconded the motion. Councilmembers Costley, Smith, Higley, White and Calvert voted aye. The motion carried.**

Motion: Fire Station Addition

Councilmember Smith went over the synopsis form for the fire station addition. He reported that he has one bid from two respondents for the fire station addition. He reported that the fire department runs on about \$60,000 per year. If the city were to go with the fire district, we could be paying up to \$220,000 per year. The fire station has reached it's capacity and there is a good chance that we will be a full time fire department within 10 years. He reported that the cost for the building has gone from \$240,000 to \$494,412. Brad Barto was in attendance to answer questions. He reported that in the beginning the addition would be an unfinished shell. It was then pointed out that they needed more height. Now there is a full design to include the site work which includes landscaping, curb & gutter and sprinklers. Councilmember White asked if the fire department has validated that this is what is needed. Chief VanMeeteren reported that when the building was built in 1982 they were at capacity. They have four vehicles in three bays which is a safety issue. He reported that the calls have increased and the addition of the ambulance has been a good thing. He noted that currently they can't get all the vehicles in the station. Chief VanMeeteren knows this is a lot of money. He mentioned that the fire department started with the franchise fees. He figures that over time, the fire department has saved the city \$1.5 million. He noted that eventually the department will turn full time. Councilmember White asked if this plan is what we need. Chief VanMeeteren noted that it will house 5-6 vehicles and is similar to what Ogden City has. Mayor Jenkins asked the council how they feel about it. Councilmember White asked how much it would save to shell out the 2<sup>nd</sup> floor. Brad Barto said that it will only save about 5%. There was a discussion about separating the site work for a year. Brad Barto said he could look at that. Mayor Jenkins noted that money has never been set aside for the fire department. He reported that an impact study will be looked into and we could perhaps charge around \$200 per

PLAIN CITY COUNCIL  
MINUTES OF REGULAR MEETING  
MAY 4, 2006

building permit. The chief noted that that is what most cities are charging. Councilmember Smith is suggesting taking money from the capital project fund and then reimbursing it with the impact fee. Councilmember Calvert asked if there were any grants available. Chief VanMeeteren noted there are but they are for training and equipment. It was noted that the fire department is very active about getting grants every year. Councilmember Higley noted with the growth that is coming, he is concerned about other areas of the city that are impacted. He would like to see the maintenance building updated. Steve Davis noted that the capital project fund needs to be prioritized and budgeted. It was noted that a little later in the meeting, the budget will be looked at. Councilmember White noted that this bid, makes the cost of the building \$88 per square foot. He noted that it is a really good price. Councilmember Smith noted that they have set on it a month and we need to get moving on it. Councilmember Calvert is concerned about depleting the capital projects fund. It was asked if it could be spread out in two budget years. It was noted that it could. There was some discussion about repaying the fund with impact fees. Steve Davis noted that money can be spent ahead of time and assess impact fees that will go to replenish the fund. Councilmember Costley noted his concern. He mentioned that we bonded for the sewer project and now permits are down. He wants to make sure we have money to cover everything. **Councilmember Smith moved to approve the fire station addition bid at \$494,412.00 and award the contract to Brad Barto Construction as presented. Councilmember Calvert seconded the motion.** Councilmember Calvert reported that she would like to see it spread over a couple years. Councilmember White feels that public safety should be a priority. If the need is there, we'd be foolish to not do it for this price. Councilmember Higley feels that it is a warranted need, but he also feels that there are a lot of other needs within the city too. Councilmember Smith supports Councilmember Higley in that. Councilmember Costley asked that maybe the fire department will have to share some of the facilities until the maintenance shop is updated. Mayor Jenkins noted that he feels all the bases have been covered, but it kills him to spend that much money. He feels that it needs to be done though. It was noted that it won't start until after July. **Councilmembers Costley, Smith, Higley, White and Calvert voted aye. The motion carried.**

Discussion/Motion: Information Technologies

Councilmember Smith noted that we had a crisis this week. Diane's computer was attacked by a virus and went down. He mentioned that we talked a couple weeks ago about getting a new server and a network monitoring support service. He reported that the bid for the server is \$2,823.49. It is very much needed. It was reported that currently we are not able to back up and a fire wall is needed. Councilmember White agrees we need a server. There was some concern about the monthly support. Councilmember White feels that there are some other options. There was some discussion about other needs we have. One is an audio recorder for the meetings. Mayor Jenkins would like something that could be tied into the computer. There was a discussion about the state bid. Mayor Jenkins noted that the state bid is not always the lowest in technology. **Councilmember White moved to approve the purchase of a new server, not to exceed \$2,823.49. Councilmember Smith seconded the motion.** Councilmember White will get the specs and see if there are some better prices. He will work with Councilmember Smith on this. **Councilmembers Costley, Smith, Higley, White and Calvert voted aye. The motion carried.**

Motion: 2006-07 Tentative Budget

Steve Davis handed out a copy of the tentative budget that he, the Mayor and Diane worked up. He noted that it is about a 4.7% increase from last year's budget. That is due to increased operation cost. The tentative budget is \$1,216,000. He went over each department with the council. It was noted that there are going to have to be some adjustments in the current year budget. He noted that the sheriff's contract was budgeted too low and he noted that building permits didn't come in as expected. He also went over the sewer budget. It was noted that one line item in the sewer budget was over and Steve will look at it. The tentative sewer operating budget is \$370,000. The capital projects fund budget was discussed. It was noted that there is approximately \$840,000 now. It is being proposed to earmark \$500,000 for the fire department, \$50,000 for new park development, \$10,000 for office building remodel, \$10,000 for landfill building and \$20,000 for the park building. It was discussed that it was a good plan. Councilmember Smith asked about cost of living increases. Steve Davis noted that he added 4% to all the salaries. **Councilmember Costley moved to adopt the tentative 2006-07 city budget as presented. Councilmember White seconded the motion. Councilmembers Costley, Smith, Higley, White and Calvert voted aye. The motion carried.**

PLAIN CITY COUNCIL  
MINUTES OF REGULAR MEETING  
MAY 4, 2006

Set Public Hearing: Final Approval of 2006-07 Budget and Final Adjustment of 2005-06 Budget - June 15  
**Councilmember Costley moved to set a public hearing for final approval of the 2006-07 budget and final adjustment to the 2005-06 city budget for June 15, 2006. Councilmember Smith seconded the motion. Councilmembers Costley, Smith, Higley, White and Calvert voted aye. The motion carried.**

Other Business

Approval of Business Licenses

Two new businesses were presented for approval:

Lawn Clips LLC	Brandon Liddell	1614 N 2850 W	lawn maintenance
Rael Limo's	Evelyn & Paul Rael	2841 N 4200 W	limo service

**Councilmember Costley 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

See warrant register dated 04/19/06 to 04/30/06. **Councilmember Costley moved to approve and pay the bills as presented. Councilmember Calvert seconded the motion. Councilmembers Costley, Smith, Higley, White and Calvert voted aye. The motion carried.**

Comments: Council

Councilmember Costley reported that BK Fox is the low bid on the Bona Vista project along 2600 North.

Councilmember Smith reported that he went to another LEPC meeting.

Councilmember Higley mentioned he had a letter from Jay Christensen to give the Mayor.

Councilmember White asked if the purchasing orders are in place. It was noted that he will get with Diane on this. Councilmember White also noted that there is a Weber County bond meeting that he won't be able to go to. Councilmember Smith said he would get the information from Councilmember White and go to the meeting. Councilmember White noted that he put in another RAMP application. He noted that the city will be guaranteed \$5,000 a year for the next seven years.

Councilmember Calvert noted that she had some plans drawn up for the shelving and cupboards for storage in the city office. Councilmember Costley will work with her on this project. Councilmember Calvert reported that the cleanup day is Saturday. Brent Weston asked if the council asked about trees around the posse ground. It was noted to do some now and some next year.

Comments: Public

Carlos asked about the propane tanks out of the sewer loan. Councilmember Costley noted that Brad Jensen has taken care of it.

**At 10:15 p.m. Councilmember Costley moved to adjourn. Councilmember Calvert seconded the motion. The vote was unanimous.**

\_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

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