

PLAIN CITY COUNCIL  
MINUTES OF REGULAR MEETING  
JULY 6, 2006

The City Council of Plain City convened in a regular meeting on Thursday, July 6, 2006 in the Plain City Hall at 7:00 p.m.

Present: Mayor Jay Jenkins, Councilmembers Chad Costley, Darwin Smith, Bruce Higley, Brent White  
Staff: Diane Hirschi  
Also Present: Deputy Rex Cragun, Monte Matue, Payden Littlefield, Vern Sinsel, Bonnie Bippes, Troy Lund, Artie Pearce, Robert Stone, Tom Gledhill, Aaron Remy, Jacob Remy, Colette Remy, Foster Chandler, Troy & Tammy Tolbert, Carl Miller, Claramae Grieve, Allen Bertagnolli, Dennis Lund, Colette Doxey, Scott Knight, Gary Jackson

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

Approval of Minutes: June 15, 2006

Councilmember White mentioned that there were no public comments and that there was no meeting to report from the Planning Commission. He asked that the first line of the public hearing ought to read say the "proposed" 2006-07 city budget. He mentioned that under his comments, that it is H.R. Hale, not Hales. Councilmember Higley asked that the first line of his comments be taken out and the second sentence be started with Councilmember Higley.

Comments: Public

There were none at this time.

Report: Planning Commission

Artie Pearce reported that the Planning Commission granted preliminary approval to the Fox Subdivision. She noted that they approved the site plan for the new elementary school on 3600 W. She noted that they are planning on starting this month and hope to be ready by fall of 2007. Councilmember Costley asked about the elevated sewer line. It was noted that they will need a grinder and the city will tell them where the sewer needs to be run. They also talked about ground water and mentioned that Brad Jensen was aware of the situation and will be involved. Artie Pearce reported that they approved a lot line adjustment for Harpers and Dean Hurd. They set a public hearing for July 13 for Lund Estates, Diamond Two Lot and Cottle subdivisions. She reported that they also recommended final approval to Stillcreek subdivision phase 1A and 1B which totals 26 homes. The developer noted that they will build two model homes in these phases. Artie reported that the Planning Commission looked at the annexation petition from Double J Development. This is the Hunt and Harrison property along 1975 W. She reported that the petition was for RE-15, but the Planning Commission is recommending it be RE-20 since that is the zone in the surrounding area. Artie reported that the Planning Commission met to look at the general plan draft. They are asking the city council to meet with them on July 19 at 6 p.m. concerning the new general plan.

Public Hearing: Sewer and Storm Sewer Impact Fee

**Councilmember Smith moved to go into a public hearing to discuss the sewer and storm sewer impact fee. Councilmember Costley seconded the motion. Councilmembers Costley, Smith, Higley and White voted aye. The motion carried.**

Mayor Jenkins informed the public on the process of the public hearing. He reported that he doesn't want to raise fees and taxes and he doesn't want to fund new development with old money. He mentioned that a year ago the sewer impact fee was raised from \$1,500 to \$2,500 to help recoup the cost of the new line that would be run. He noted that presently the city has a sewer impact study in place and that they are in the process of updating studies for roads, landfill and public safety. He reported that there has been a lot of calls about some people paying the \$1,500 fee before the fee was raised. The Mayor reported that these calls led to some research, and we found that two individuals were called by the previous mayor to pay the fee before it was raised. Another individual worked for the city and paid on his own. Mayor Jenkins reported that he talked to the city attorney about having the other existing homes paying the lower rate. Since the fee has been in place for a year and other's have been charged \$2,500, the city can't go back and just charge \$1,500 for these residents as we would like to. The Mayor turned the time over for public comments.

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Monte Matue reported that it is not right that some of his neighbors paid \$1,500 and he has to pay \$2,500. He feels that his existing home is not an impact. He noted that no one down there asked for the sewer and no one needs it other than maybe Randy Marriott and Jeff Hales. He feels that the previous mayor did the wrong thing and feels that these existing houses should only have to pay the \$300 connection fee.

Mayor Jenkins noted that this is an individual impact. He explained that each individual home will impact the sewer system and the lagoon system. He noted that normally the impact would be covered by raising taxes, but the city doesn't want to do that. He mentioned that each home hasn't used the service in the past, but will start using it now.

Councilmember Costley reported that he and Mayor Jenkins were on the council when the sewer was being drawn up. The purpose of this sewer line was to alleviate a lift station that was having problems. He noted that they looked at a couple different options, but this was the option that would work. He also noted that Jeff and Randy did not ask for the sewer, the city did it to alleviate the lift station. Councilmember Costley asked if any of them have paid the monthly sewer rate for 15-20-30 years. It was reported that they have not paid any monthly fees for sewer. Mitch Willson noted that impact fees go into capital fund and is only used for upgrading the system. Councilmember Costley reported that 20 years ago, the city council bit a bullet and was unpopular when they started the sewer system. He mentioned that the city just paid off that bond a month ago. He noted that Central Weber says that the lifetime of a sewer pipe is 10 years. Lines need to be upgraded and the city doesn't have a lot of money.

Troy Tolbert feels that the city should have given notice to all of them when they knew the rate was going up. They need to be notified of these things and get a lot more information.

Allen Bertagnolli asked when he can hook up to the sewer. It was noted that he can now. He also mentioned that these 22 homes would have loved a letter saying the rate was going up last year. He feels it isn't fair. He noted that even his next door neighbor who worked for the city didn't tell him about it. Allen mentioned that he paid his impact fees for the storm drain and he has had a problem since 1979 and would like the city to fix it. He has paid his \$2,500 and would like a \$1,000 refund. He feels it wasn't fair that they had an option, but wasn't told about it. He also mentioned that they have put up with mud and dust. The bid was awarded to Marriott's in June, but they didn't start until November. The road was tore out in December. He wonders why the city would allow that, knowing asphalt wouldn't be available until April 15. He noted that asphalt didn't come until May 23.

Dennis Lund noted that Jeff Hales talked about the need for sewer along 5100. It is in the minutes. Councilmember Costley noted that the discussion was at the public hearing, and the sewer project was planned long before that. Monte clarified that he meant that none of the home owners asked for the sewer, unless developers did. Councilmember Costley noted that he voted for the sewer to eliminate other problems. Jeff Hales was at the public hearing and noted it would be a benefit. Dennis Lund feels that the section along 5100 was for the developers. He noted that they didn't get letters and it wasn't politically correct. Things need to be done on the up and up.

Artie Pearce mentioned that changes come with growth. She reported that there is no sewer in the north. People have to help. She noted that she lives next to the gas station. She put up with dust and inconvenience and fought against it, but it is now the greatest thing. She noted that the fees raised a year ago was not this council and mayorship. It has been on the books since July 2005. It may not be fair. She mentioned that these 22 homes ought to be mad at their neighbors for not telling them.

John Dixon reported that he can't afford \$2,500 and would like to pay \$100 a month for 25 months.

Bonnie Bippes reported that the minutes of May 5, 2005 say the connection fee is \$1500. It was noted that June 1 it was still \$1500. She mentioned that she lives on 5100 West where the sewer hasn't come yet. The only reason she knew about the proposed rate increase is because of her neighbor. She said she is a single mom and said that \$2500 is hard to come up with today. She feels it is not fair to her because she cannot use the sewer now. She feels they should be notified.

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Troy Lund lives on 5100 West in the county and feels that what is coming is impacting his money. He said that this can't be done legally and is not sure of his recourse right now. He feels it wasn't right that the city didn't inform him of their intentions of raising the rate and then accepted other's money.

Monte Matue apologized to Councilmember Costley about saying the sewer was coming because of Randy Marriott and Jeff Hales. He mentioned that he put in a GRAMA request to see who paid early. He noted that there were three people, not developers.

Allen Bertagnolli asked if it was illegal what the previous mayor did. Mayor Jenkins said it was not. The Mayor also mentioned that each administration always cleans up what the previous administration does. The Mayor noted that notices are sent and done legally. He mentioned that we are trying to go above and beyond now. He talked to the city attorney and nothing was done illegal. Everyone could have come in. He noted that unfortunately no one comes out to the meetings. It is hard to immediately notify everyone. Allen Bertagnolli asked how hard was it to notify 22 people? Mayor Jenkins noted that it would have been more than 22 people if you count everyone along 5100 W. He mentioned that it is not in our hands now. Councilmember Costley mentioned that the line along 2200 North and going north along 5100 West is the only part that has been approved. It hasn't impacted 5100 West going south yet. Councilmember Costley noted the reason for the delay on the sewer was because people still need the irrigation water until the end of October. He noted that Marriott's worked the worst part of the year. The irrigation drain was piped and Bona Vista upgraded the water line. He reported that the road is now a much nicer and wider road. It will have a 4 foot walking path on the south side of the road. John Dixon asked when the last 50 feet will be paved. Mayor Jenkins noted that it will be next week. Dennis Lund asked if the council knew anything about the Legacy Highway. He said he heard it would be along 5100 West. Mayor Jenkins noted that it is scheduled on 5100 West south of 12<sup>th</sup> Street. He mentioned that it would then come through 3500 West along the power line easement.

Allen Bertagnolli mentioned that there are two power poles that are very close to the asphalt and is worried that some kids will hit them. Mitch Willson noted that he is in the process of getting them moved.

Tammy Tolbert feels that notice should have been given. The city ought to look at that and make sure people know what is going on. Rob Stone mentioned that a lady at the front office didn't know what the connection fee was when he came in for baseball signups. Mayor Jenkins doesn't know anything about that and said that the connection fee is \$2500 and has been for a year. Monte asked about the payment plan and asked that the council learn from this. John Dixon would like a \$1000 break for the inconvenience.

Councilmember Higley noted that he is new on the council and has lived in the city for 14 years. He feels that the citizens need to be responsible and get involved. Notices are put out, but people need to take the initiative and come to the meetings.

**Councilmember White moved to go out of the public hearing and go back into the regular meeting. Councilmember Smith seconded the motion. Councilmembers Costley, Smith, Higley and White voted aye. The motion carried.**

**Motion for Ordinance: Sewer and Storm Sewer Impact Fee**

Mayor Jenkins noted that the city has to have studies in order to charge impact fees. He noted that there are also monthly fees that are charged. The impact fees are charged when new development is causing the impact. Impact fees can only be raised after a public hearing that has been noticed. During the public hearing, citizens have a chance to give input. Mayor Jenkins noted that the sewer and storm sewer impact fee study has been done. Mayor Jenkins noted that sometimes the city is able to partner with contractors and developers to pipe some of the drains. He mentioned that Marriott did the labor and the city bought the pipe for the drain along 2200 North. He noted other projects that were a good benefit to the city. Mayor Jenkins noted that currently the city is charging \$.12 per square feet for the storm sewer impact fee. The study allows the city to charge up to \$792 for each residential unit. The Mayor is recommending charging a flat rate of \$792 on all new homes. He mentioned that currently the city is getting between \$430 and \$545 for new homes. It was noted that this would only apply to new homes. There would not be a fee on barns, sheds, etc. It was noted that most other communities are charging

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a monthly fee too; Plain City doesn't. Councilmember Smith feels that would be a great benefit to not have the fee on permits for barns and sheds, etc. Councilmember Higley feels that this will be easier than figuring out the square footage. **Councilmember Costley moved to change the storm sewer impact fee too \$792 per new home permit. Councilmember Smith seconded the motion. Councilmember White amended the motion to change \$790 per new home permit. Councilmember Costley seconded the amendment. Councilmembers Costley, Smith, Higley and White voted aye. Councilmembers Costley, Smith, Higley, and White voted aye on the amendment to change the storm sewer fee from \$.12 square feet to \$790 one time fee. The motion carried.** Diane asked when this would go into affect. Mayor Jenkins said tomorrow.

The discussion went to the sewer impact fee. Mayor Jenkins noted that it is the same study that was used last year. He reported that the fee was increased last July from \$1500 to \$2500. He reported that the study suggests the marginal fee should be \$3986 and the full recoupment fee would be \$5204. It was noted that neither the old rate or the current rate is up to that amount. Mayor Jenkins noted that the monthly fee is \$13 and is in good shape. Some of the other cities impact fees were mentioned. It was noted that Plain City is the only one that has their own sewer system. Councilmember Costley feels we need to look at it and consider what has been discussed tonight, but also to keep in mind that we have to prepare for the future. We need to be proactive. Mayor Jenkins noted that if we change the fees, they don't have to be effective tonight. It could be a month from now. He noted that if someone bought a sewer connection fee within the time period, they could not sell it, it would have to be for an existing lot or home. He noted that if payment plans are set up that there wouldn't be any interest, but a lien would be put on the home until the fee is paid in full. Councilmember White asked about changing the fee back to \$1500 for these people. Mayor Jenkins noted that the attorney said we can't because other people have paid the \$2500 rate and the city is all one district. Councilmember Smith noted that these residents have a greater cost because they have to dispose of their septic systems. Mayor Jenkins noted that the study is done on the basis that each home that hooks into the system is causing the impact. He noted that the positive is that laterals were run to the property line. There was a discussion about hiring a contractor to run the lines. Mayor Jenkins noted the attorney said the city cannot sponsor or push a project like this. Councilmember Costley noted that they approached a bank that had done a low interest loan for a similar situation in another city. The bank said it was not a good situation and was not willing to do it again. Councilmember Costley noted that if someone opts for the no interest monthly fee, a lien would have to be put on the home to protect the city if it were sold. He also noted that he talked with Bona Vista to see if they would put a monthly fee on the bill. They were not willing to. He mentioned that there has been a lot of thought about this situation. Mayor Jenkins noted that fees are going up and if someone wants to pay now, they can at their risk. He noted that there will be no refunds. Councilmember White asked about getting letters out. It was noted that notice could go on the Bona Vista bill and on the website. Councilmember Smith feels that we should stay on the marginal side and raise to \$4000. The Mayor asked Diane what building permits are costing now. She reported that they are around \$5500. Councilmember Higley noted that fees are going up by 50% in North Ogden. Mitch Willson asked if tax base is taken into account on some of the other city's fees. He noted that he is selfish because he has to take care of the sewer system for the next 20 years. Tom Gledhill noted that Plain City's permits are already high. He said that the city also requires the Bona Vista connection and the Pineview connection on top of the building permit. Councilmember Costley noted that we are the only city that has it's own sewer system. Councilmember White noted that the city has had this study for a long time. He feels that we need to adjust for the future. Councilmembers Higley and Smith agreed. Councilmember Costley noted it is what we need now. He is concerned about what would happen in an emergency. Councilmember Smith noted that the sewer fund is separate from the general fund and has to fund itself. Mayor Jenkins doesn't want to raise fees and taxes. Councilmember Costley noted that the city is eating some cost increases due to gas prices. Mitch reported that there are 16 lift stations in the city and nine do not have backup generators. It was noted that one lift station with the backup generator is \$50,000. It was noted that with this new line, one lift station that is a problem will go away. Councilmember White noted that he would be alright with \$4000. Councilmember Costley reminded everyone that this study is old. Councilmember Smith suggested \$4500. Councilmember White asked if the increase could be effective in six weeks. That would give time to notify existing homes. Mayor Jenkins suggested increasing the fee to \$3900. It was suggested to make the change effective on August 15. It was agreed that a payment plan option needs to be offered. There was a lengthy discussion about allowing this for existing homes only or if it could be property. Mayor Jenkins noted he would get with the city attorney and get the details worked out. It was noted that anyone can come in now if they want to pay the fee in whole. There was a discussion about whether this would be for approved lots only. Mayor Jenkins noted that it would have to be per property address. Payment plans would have to be on existing homes

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with a sewer line in front. **Councilmember White moved to increase the sewer impact fee to \$3900 effective August 15, 2006. Councilmember Costley seconded the motion. Councilmember White amended the motion to clarify that the impact fee be raised to \$3600 and leave the connection fee at \$300 for a total of \$3900 effective August 15, 2006. Councilmember Costley seconded the amendment. Councilmembers Costley, Smith, Higley and White voted aye. The motion carried.**

Payment plans were discussed. Mayor Jenkins will have this placed on the next agenda and in the meantime, an ordinance will be drafted to allow payments of \$100 per month for 25 months. This will only be available until August 15. It was noted that a lien will be placed on the home. Mayor Jenkins asked Monte Matue to spread the word.

**Councilmember White moved to adopt Ordinance 2006-14 increasing the storm sewer and sewer impact fees with the changes made. Councilmember Costley seconded the motion. Councilmembers Costley, Smith, Higley and White voted aye. The motion carried.**

Discussion/Motion: Fee Schedule

Mayor Jenkins noted that there are a few changes to the fee schedule that needs to be adjusted. He noted that Econo Waste has increased their fee \$.50 per home due to gas prices a year ago. The city has not raised the current fee to cover that. The Mayor is looking at trying to recoup the costs for garbage pick up. He noted that the non- Plain City residents should not be using the city owned landfill. He is suggesting raising the resident monthly fee by \$.50 and raising the non-resident fee to \$18.00 and not allowing non-residents to use the landfill that is funded 100% by Plain City. He noted that currently the city is passing on the cost of the garbage can at \$71.50. He is suggesting raising it to \$100 to help cover the cost of putting the can together and delivering it. He noted that he feels that rates for the senior center ought to be higher for those not in the city. He is proposing to raise the annexation fee to \$1000 after the pioneer boundary annexation is complete. He is making some minor adjustments to the conditional use permit fee and the rezone fee. He is also proposing adding a non-resident fee for recreation. Councilmember Smith noted that it needs to be attractive to be part of the city. Councilmember White agrees on the non-resident fee for recreation. It was noted that WFFL will not allow a non-resident fee for football since they reimburse some costs to the city. Councilmember Costley agrees. Councilmember White suggested the non-resident fee for baseball for 3<sup>rd</sup> grade and up out to be \$55 and for 2<sup>nd</sup> and under ought to be \$45. He is also suggesting \$55 for basketball. Councilmember White feels that the recreation fees ought to be looked at again in the spring. Colette Doney reported that the WFFL does not help with the cost of the program. She noted her concern since some of the teams practice in West Warren. Mayor Jenkins noted that Councilmember White will get with Colette on working out these issues. **Councilmember White moved to accept the proposed fee schedule as proposed. Councilmember Smith seconded the motion. Councilmembers Costley, Smith, Higley and White voted aye. The motion carried.** Diane asked when this would go into effect. It was noted immediately.

Motion: Final Acceptance of Plain City Meadows Phase 4

**Councilmember Costley moved to give final acceptance to Plain City Meadows Phase 4 as outlined in the letter from the city engineer dated 06-20-06. Councilmember White seconded the motion. Councilmembers Costley, Smith, Higley and White voted aye. The motion carried.**

Set Public Hearing: Annexation – Double J Dev/Harrison Property – July 20

Artie Pearce noted that the Planning Commission is recommending this annexation come under an RE-20 zone, not the RE-15 zone as petitioned for. **Councilmember White moved to set the public hearing for July 20 to discuss the annexation of Double J Development/Harrison property as recommended by the Planning Commission. Councilmember Higley seconded the motion. Councilmembers Costley, Smith, Higley and White voted aye. The motion carried.**

Discussion/Motion: HR Review

Mayor Jenkins noted that he has tried to define some positions within the city. He has a department head 1 and 2, Operator 1 & 2 and Support 1 & 2. He reported that once this is defined then job descriptions can be written. This way everyone is even. He noted that this will be incorporated with performance review. Councilmember White noted that if the brackets are wide enough, then you wouldn't necessarily have to review them every year.

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Councilmember Smith is concerned that maybe there needs to be a separate category for the crossing guards. It was noted that there will be different job descriptions for each job and the knowledge and requirements will be different in each job. The pay will also be different but within the range. **Councilmember White moved to accept the HR outline as presented. Councilmember Costley seconded the motion. Councilmembers Costley, Smith, Higley and White voted aye. The motion carried.**

Other Business

Set Public Hearing: Annexation Project

Mayor Jenkins presented a map that showed the area in which he would like to see annexed into the city. He described the property in great detail. He is recommending to set the public hearing for August 3. Diane noted her concern about being able to meet the noticing requirements in that time frame. **Councilmember Smith moved to set a public hearing for the annexation of the pioneer boundaries for August 17, 2006. Councilmember White seconded the motion. Councilmembers Costley, Smith, Higley and White voted aye. The motion carried.**

Appoint New City Council Seat Vacancy

Mayor Jenkins noted that Elaine Calvert left on a mission and now there is a vacancy. He noted that he advertised for the vacancy and has received five letters from people who are interested. Mayor Jenkins noted that in talking with the city attorney, the appointment is the Mayors with the advise and consent of the council. Mayor Jenkins noted that out of the five, two have run in an election. He noted that with only 18 months of the term left he would like someone with experience. He is proposing Don Weston. He has been on the council before and presented a good letter. He has done a lot for the city and is actually an employee of the city. Councilmember Higley feels that being an employee of the city is a major conflict. Mayor Jenkins said he talked to the attorney and Don couldn't get remuneration for his job and the city council position. He is currently working as a department head and would have to take leave from the landfill. On the city council, if an issue for the fire department or the landfill came up then he would have to excuse himself. Councilmember White noted his concern where Don has an administrative position with the fire department also. He noted that he will have a hard time supporting this. He asked why he didn't run this last election if he wanted to be on the council. Councilmember Higley read the letters of interest and Don would not have been his choice. He would like to support Brett Ferrin. Mayor Jenkins noted that he is the other one who ran for office and had a good letter also. **Councilmember Costley and Smith voted aye for Don Weston. Councilmembers Higley and White voted nay. Mayor Jenkins broke the tie and voted in favor of Don Weston.** Councilmember Higley asked if a letter would be sent to the other people who were interested. The Mayor said he would.

Approval of Business Licenses

There was none at this time.

Approval of Unpaid Invoices

See warrant register dated 06-14-06 to 06-30-06. It was noted that the George T Smith bill was for the storm drain upgrade on North Plain City Road by Grouse Meadows. **Councilmember Costley moved to approve and pay the bills as presented. Councilmember White seconded the motion. Councilmembers Costley, Smith, Higley and White voted aye. The motion carried.**

Comments: City Council

Councilmember Costley had a phone call from the LDS church about the road between the church and the town square park. He noted that the road belongs to the church and they are asking for participation on some maintenance. There was a discussion about whether this is a public road. Mayor Jenkins noted that he has a project in getting a road from the stake center onto 1975 North and has asked Councilmember White to work on this. He noted that both these items could be worked together as a larger discussion. He asked Councilmembers White and Costley to help him in this. Councilmember Costley also noted that along North Plain City Road, some asphalt is seeing some residual effects in some ditches. He will get the city engineer involved in this. Councilmember Costley said it was a fantastic 4<sup>th</sup> of July.

Councilmember Smith noted that the fire station addition will begin July 10, and should be done by the end of November. He thanked Councilmember Higley for a job well done on the 4<sup>th</sup>.

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Councilmember Higley thanked everyone who helped on the committee and especially Jake Weston. He thanked Rex for his help. It was reported that Jake will do it again next year.

Councilmember White noted that Councilmember Higley did a great job on the 4<sup>th</sup>. He suggested next year having more water available. He noted that it was a really hot day and water needs to be available.

Mayor Jenkins noted the attendance was great for the whole celebration. He thought Councilmember Higley and Jake Weston did a great job. He thanked Lt. Thompson and Rex for their work. He noted that Pleasant View will have a UTA trax stop on 2600 North and SR89. They are asking for our help in planning this. He asked Gary Jackson if he would work with them. Gary said he would look at it. The county is still advertising for the cemetery board vacancies.

Comments: Public

Gary Jackson reported that he had been to Farr West's council meeting concerning annexating a notch of the Buzz England property. Jeff Hales noted that this was discussed in a previous council meeting. The Mayor noted that it was. Gary and Artie both didn't understand there would be the notch in the boundary. The Mayor asked Gary and Jeff to stay after.

Artie Pearce noted her concern about appointing Don to the council when he is an employee. She does not like it.

**At 10:45 p.m. Councilmember Smith moved to adjourn and was seconded by Councilmember Higley. All voted aye. The motion carried.**

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City Recorder

\_\_\_\_\_  
Mayor

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