

PLAIN CITY COUNCIL
MINUTES OF REGULAR MEETING
JULY 20, 2006

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

Present: Mayor Jay Jenkins, Councilmembers Chad Costley, Darwin Smith, Bruce Higley, Don Weston
Excused: Councilmember Brent White
Staff: Diane Hirschi
Also Present: Deputy Rex Cragun, Gary Jackson, Penny & Dave Barnes, Frances Hadley, Kara Daley, Shaun Wheeler, Travis Murphy, Bonnie Bippes, Karen Housley, Steve Diamond, Carl Miller, Camie Clontz, Brad & Teresa Littlefield, Jesse Campbell, Carol Manning

Mayor Jenkins called the meeting to order. Councilmember Costley gave the invocation and Councilmember Weston led in the pledge of allegiance. Mayor Jenkins welcomed Councilmember Weston to the council. It was noted that he was sworn in earlier in the day.

Approval of Minutes: July 6, 2006

Councilmember Smith noted a couple of corrections. One was adding "it" to the fourth line of the third paragraph on page two. The other was adding to the first line on page four. It should read "Councilmember Smith feels that would be a great benefit to not have the fee on permits for barns and sheds, etc." **Councilmember Smith moved to approve the minutes as corrected. Councilmember Costley seconded the motion. Councilmembers Costley, Smith, Higley and Weston voted aye. The motion carried.**

Comments: Public

Steve Diamond mentioned that some people still think he is on the council and calls him with some concerns. He noted that he has received several complaints on the baseball/softball program. He noted that the county tournament has been mixed up and none of the teams know for sure when they are to play. This is bad for those who have to take off work. He has another concern about the detention basin in Plain City Meadows phase 5 or 6. He noted that their ward cleaned it up in May but it has become a grasshopper pond. He would like the city to burm it up and put a sprinkler system in. This way, the residents could help take care of it. He did note that this is going to be a problem throughout the city. Another issue of concern to him is the new street light ordinance. He noted that it requires street lights every 200 feet. That is an excess amount in his opinion. That is a light in almost every home. He doesn't feel that this is right for rural Plain City. Mayor Jenkins noted that he would get with the Planning Commission and look at this.

Dave Barnes noted that he is opposed to the general annexation. He has lived in Weber County since 1980 and has no complaints about that. He says that the County doesn't tell him what to do. He doesn't want change and doesn't want to be annexed in. His neighbors don't want it either and they will do what they have to do. He noted that he talked to Weber County Planning about this. He mentioned to the council that they are his friends and can't imagine why they would make him do this if he doesn't want to.

Sue Ann Monk mentioned that she too lives in Weber County and she doesn't feel there is any reason why she should be annexed. She feels it should be their option and they shouldn't be forced. She asked about notifications. It was reported that the city will do the proper notifications. She noted that the agenda was published in Wednesday's newspaper which led them to believe the meeting was Wednesday. She feels the city should have contacted that paper. Mayor Jenkins noted that the agenda is sent to the paper on Monday or Tuesday, it is posted at city hall and also on the internet. Mayor Jenkins also noted that the city made its best effort about the notification for the open house and noted that the tentative date for the public hearing is August 17. Proper notice will be given for that meeting.

Carol Manning reported that she missed the meeting for the open house and asked for an explanation as to why the city would want to annex them in. Mayor Jenkins noted that the main reason is to protect Plain City's pioneer boundary. He reported that when Plain City originally incorporated, they took 300 feet along the roads. At that time it was cheaper for the farmers to stay in the county. Over the years, this has changed. The newer cities like Marriott-Slaterville and Farr West were able to take in their entire boundaries when they incorporated. Currently the city is providing services for sewer, secondary water, snowplowing, recreation, and the landfill. The Mayor feels that it is time the city cleans up the pioneer boundaries and defines the service areas. He noted that taxes are

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cheaper in Plain City than they are in Weber County due to the Weber Fire bond. He noted that currently our fire department will not respond to calls in the county. By annexing, people will save on taxes, receive the services and become part of Plain City. He noted that he understands that not everyone wants to annex into the city. Carol Manning asked if the farmers would still be hurt. Mayor Jenkins noted that now the county taxes are more expensive than the city. Carol Manning noted that they already pay to the cemetery. Mayor Jenkins noted that the cemetery is a special district. Carol asked what the benefits to Plain City are. Mayor Jenkins noted that it would define the boundaries, preserve the land and provide service to everyone.

Dave Barnes asked if it was worth it to force everyone into the city. He has lived in the county for 26 years and the county doesn't bother him at all. Mayor Jenkins noted that the city has six people on the council; the county commission only has three people.

Carol Manning understood that she could not burn a field in Plain City. She noted that they had a permit to burn in Weber County and Plain City came and said they couldn't burn. Councilmember Weston noted that it must have been dispatched wrong. He noted that you can burn in Plain City; the rules are the same county wide because we have the same fire warden. Gary Jackson reported that he has lived in Plain City since Mayor Lower's term and he is able to burn every spring as long as he notifies the fire department. Penny Barnes asked if there are restrictions for burning in the yard. Councilmember Weston noted that recreational burning, i.e. a fire pit, is allowed. Burn barrels are not allowed. He explained that the regulations are the same for the whole county. Penny Barnes also feels that the council is friends but she doesn't like to be forced. Dave Barnes noted that his septic tank is working just great. If sewer comes up his road, would he be forced to hook on? Mayor Jenkins noted that the city would enforce it along with the Health Department. Mayor Jenkins asked if he thought he wouldn't have to hook up if he stayed in the county. The Mayor noted that state law would require anyone to hook onto the sewer no matter if you were in the city or the county.

Carol Manning noted that Louise Moulding couldn't be here tonight. She was told that in order to get sewer to here property, she had to annex first. Mayor Jenkins noted that that has been the case in the past. Now there are provisions that would make the rates a lot higher if you are not in the city. Sue Ann Monk noted that the road they live on is a state road.

Report: Planning Commission

Gary Jackson reported that at their last meeting they had a public hearing for the following three subdivisions: Cottles, Lund and Diamond. He reported that they gave preliminary approval for the Cottle Subdivision and preliminary and final for Lund subdivision with the condition of the deferral agreement. Preliminary and final approval was also granted for the Diamond Two Lot Subdivision with the condition of a deferral agreement and the requirements of the subdivision ordinance is met concerning the 20 ft pavement of the flag lot driveway. Gary Jackson reported that they have a public hearing on August 10 for a rezone of some land in the southwest corner of the city. It is in conjunction with the land of Cicadas and Zion's Development (Favero's property). He also reported that they discussed the Park Vale Subdivision that is west of the landfill. This property is owned by Wendell Winegar and Byron Krenek. It was noted that this property is not yet in the city.

Public Hearing: Annexation – Double J Development/Harrison

Councilmember Costley moved to go into a public hearing for the purpose of annexing the property of Double J Development/Harrison property. Councilmember Weston seconded the motion. Councilmembers Costley, Smith, Higley and Weston voted aye. The motion carried.

Mayor Jenkins noted that this property is between 1975 North and 2200 North between Jim Sargeant subdivision and Four-Mile Subdivision. It is three pieces, two owned by Double J Development and one owned by Lane Harrison. He opened the meeting to the public for comments. Artie Pearce reported that the original petition asked for the zoning of RE-15. She noted that the Planning Commission recommended staying with the RE-20 zone which was conducive to the surrounding area. Diane noted that Jeff Hales called on July 6, 2006 and said he wanted to change the petition to an RE-20 zone. There were no more comments from the public.

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

Motion for Ordinance: Annexation – Double J Development/Harrison

Councilmember Smith moved to accept the annexation petition for Double J Development/Harrison as an RE-20 zone. Councilmember Weston seconded the motion. Councilmembers Costley, Smith, Higley and Weston voted aye. The motion carried.

Report: John Parker – Mosquito Board

Steve Diamond mentioned that he had talked to John Parker and he didn't know he was on the agenda. Mayor Jenkins noted that he has been notified twice by mail and he hasn't showed up either time. The Mayor did note that he sent in a copy of the minutes of the last board meeting.

Final Approval: Diamond Two Lot Subdivision

Steve Diamond noted that he received a conditional use permit for one of the lots in this two-lot subdivision that is located at approximately 4822 W 2200 N. He noted that he was approved to have a driveway around 400 feet long as an all weather road. He noted that he understands that the ordinance requires a 20 ft paved road and the city can't go against its ordinances. He is asking that the city look at this ordinance again and perhaps allow the option of paved vs. all-weather road before building. He feels that it doesn't make sense to asphalt the driveway. He feels it should be up to the discretion of the owner. It was noted that he put in the fire hydrant. He noted that he thought when the new water line went in; the city would have put fire hydrants in. Steve Diamond noted that he would like to have the street lights waived. He said that there are no street lights down that road and this new street light company is saying he should put in four. Gary Jackson noted that the Planning Commission felt that four street lights aren't reasonable. Mayor Jenkins noted that the city has to go by their ordinances.

Councilmember Costley noted that there is an engineering memo dated 6-29-06 with some items that need to be addressed. **Councilmember Costley moved to give final approval for Diamond Two Lot Subdivision at approx 4822 W 2200 N with the stipulation that there be a deferral agreement for curb, gutter and sidewalk and be in compliance with all six items of the engineering memo. Councilmember Smith seconded the motion.** Councilmember Smith asked if we will look at the ordinance on pavement and the street lights. **Councilmember Costley amended his motion to include the reconsideration of the street lights. Councilmember Smith seconded the amendment. Councilmembers Costley, Smith, Higley and Weston voted aye. The motion carried.** Steve Diamond noted that he will probably change the name of the subdivision.

Final Approval: Lund Estates Subdivision – 2275 N 4275 W

Mayor Jenkins noted that this is a two lot subdivision. There is an existing house of one lot. The other is vacant. Councilmember Costley asked if the sheds were on the vacant lot. Camie Clontz reported that they are not on the vacant lot, they are on Vern Sinsel's lot. **Councilmember Costley moved to give final approval to Lund Estates with the condition that all items on the engineering memo dated 06-29-06 are taken care of. Councilmember Smith seconded the motion.** Councilmember Costley asked about a deferral agreement. It was noted that it is required in item #6 of the engineering memo. **Councilmember Costley, Smith, Higley and Weston voted aye. The motion carried.**

Discussion/Motion: Sewer Payment Plan

Mayor Jenkins noted that a situation was brought up at the last meeting about setting up payments for residents on the sewer fees. Mayor Jenkins noted that the sewer impact fee will be going up on August 15 and would like to be able to let people make payments of \$100 a month for up to 25 months with no interest. He noted that a lien would have to be put on the house at the beginning and would be released after all payments are made. Councilmember Smith noted some concerns about the accountability, what happens if payments are missed and how this will be administered. Mayor Jenkins noted that the city's recourse is by having a lien on the house. Councilmember Costley noted that another option may be to shut their water off. It was noted that in order for residents to do this, they must sign up before August 15 when the new fee will begin. It will have to be tied to a specific lot. It was noted that if payments go beyond the 25 months, there will be ramifications and penalties. It was also noted that someone cannot come in, buy a couple connections and sell them. The connections have to be tied to a buildable lot. **Councilmember Smith moved to offer Plain City residents a payment plan for the**

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sewer connection and impact fee until August 15 for up to 25 payments of \$100 per month with a penalty if payments exceed 25 month and with the understanding that the city will put a lien on the home or property. Councilmember Costley seconded the motion. Councilmember Costley asked if this is for Plain City residents specifically along 2200 North and 5100 W where the new sewer line was run. Mayor Jenkins noted that anyone would have the opportunity as long as they signed up before August 15. He noted that it has to be tied to a specific, deeded piece of property. There was a question about in other areas of the city where there is not sewer, specifically North Plain City Road. Mayor Jenkins noted that it was available to them as well, however there is some risk. It may be 5 or 10 years or forever before sewer may get to some areas. The Mayor noted that the city will not pay that money back. He noted that in some areas, sewer has been promised and he is committed to push that, but he wants to make sure people know the risk. Councilmember Smith noted that this was put in place originally for those along 2200 N to help ease their burden. It was brought up that some cities will give the residents a break on the fees if there are existing homes where a new sewer line is brought. The Mayor noted that he has looked into that. **Councilmembers Costley, Smith, Higley and Weston voted aye. The motion carried.**

Other Business

Approval of Business Licenses

New Businesses

ABC Preschool	Todd & Christine Wheeler	2138 N 3900 W	preschool
Dix2 Auto	Richard Yorgason	2513 N 3425 W	dealer/auction cars
BT Little LLC	Teresa Littlefield	4346 W 1400 N	shaved ice concession trailer
Carolyn L Hargaray LCSW	Carolyn Hargaray	4156 W 2875 N	counseling

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

Approval of Unpaid Invoices

See warrant register dated 07-01-06 to 07-19-06 and also 07-20-06. Councilmember Smith noted that there is a payment listed for the fire station addition. The Mayor noted that the Wasatch Civil engineering bill is \$12,600, but some of that will be reimbursed to the city through developments. Councilmember Costley asked about the sewer bond payment. It was noted that this is the first bond payment on the new sewer line. **Councilmember Smith moved to approve the warrant registers as presented. Councilmember Weston seconded the motion. Councilmembers Costley, Smith, Higley and Weston voted aye. The motion carried.**

Comments: City Council

Councilmember Smith is concerned that when phase 2 of the sewer starts, that we learn from the past and not have to keep the road closed all winter. Councilmember Costley noted that the project cannot start until after the irrigation season is over. Councilmember Smith asked to make the property owners aware of this.

Councilmember Smith also noted that Councilmember White met with President Griffin about running another access from the stake center onto 1975 N. He is working on it and it is a probability.

Councilmember Costley noted that they tied the lift station into the 2200 North sewer line. He noted that the asphalt is in and painted. Everything is working. It was noted that the old lift station has been removed.

Councilmember Weston noted that maybe the department heads need to be aware of state bids. He feels they could save the city some money.

Mayor Jenkins mentioned that the county is updating the files for google earth. They are asking for a contribution of about \$10,000-\$15,000 to go to a 1 foot pixel and possibly a 6 inch pixel range. Councilmember Higley feels that 1' is adequate. Councilmember Weston would like to see the product before deciding. It was asked what google earth is at now. The Mayor said he didn't know. He felt that 1' was good. Mayor Jenkins noted that the almost final financial statement was given to each councilmember. He noted that we are in good shape this year and we will still be able to put some money away.

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Councilmember Smith noted that he would like to get a city emergency planning committee together. He is going to have his initial meeting on August 31, which is the 5th Thursday at 7:00 p.m. He will invite people from the fire department, Sheriff's office, CERT and any other citizen interested.

Mayor Jenkins noted that there is a general plan meeting on July 27 at 7 p.m. for the Planning Commission and the City Council.

At 8:20 p.m. Councilmember Weston moved to adjourn and was seconded by Councilmember Smith. All voted aye. The motion carried.

City Recorder

Mayor

Date Approved

NOT OFFICIAL DOCUMENT