

PLAIN CITY COUNCIL  
MINUTES OF REGULAR MEETING  
SEPTEMBER 7, 2006

The City Council of Plain City convened in a regular meeting on Thursday, September 7, 2006 in the Plain City Hall at 7:00pm.

Present: Mayor Jay Jenkins, Councilmembers Darwin Smith, Bruce Higley, Don Weston, Brent White and Chad Costley  
Excused: NA  
Staff: Diane Hirschi, Martha Bodily

Also present: Deputy Rex Cragun, Zanna Child, Neal & Shelagh Beringer, Kirsten Schull, Michael & Shelly Strahan, Susan Strahan, Virgie Howard, Doral Howard, Chad Koford, Jenny Beth Koford, Rick Winn, Erick Zimbelman, Mesia Murphy, Artie Pearce, Carl Miller, Lynette Howard, Martin Stampick, Kim Morse, Cherie Griffin, LaRee Hill, Celeste Christensen, Nicole Hall, Jennifer Mickelsen, Shirley Nelson, Lynn Hodson, Erin Fowers, Mark Lowther, Robyn Lowther, Nicole Bradford, Marilyn Lott, Todd Miller, Dean Child, Glen Redd, LaFray Kelley, Wynn Farr, Dianna Farr, Craih Widmier, Matt M., Chad Stokes, Jim Huss, Terry Wilson, Lon Eskelson, Chris Look, Douglas Hansen, Robert Seager

Mayor Jenkins called the meeting to order. Councilmember White gave the invocation and Councilmember Weston led in the pledge.

Approval of Minutes: August 17, 2006

**Councilmember Costley moved to approve the minutes from August 17, 2006. Councilmember Weston seconded the motion. Councilmembers Smith, Costley, Weston, White and Higley voted aye. The motion carried.**

Comments: Public

Mayor Jenkins made some opening statements prior to receiving public comments. He informed the public that the public hearings for Annexation – Zion Development, Annexation – Cicadis Corp, would begin in a few minutes after the public comments. He also noted that there would not be any Motion for Ordinance (as stated on the Agenda) for the Annexation of the two properties previously listed. Due to two protests that have been filed; the council would not be setting a date (at this time, as stated on the agenda) for the public hearing for Annexation of the Pioneer Boundary.

Artie Pearce talked about the need for a “No Parking” sign to be placed along the road (1975 N) because she witnessed a near accident.

Jenny Beth Koford came representing concerned parents and grandparents. Wondering about what efforts the city will take to get new sidewalks put in by the new school, before it opens. She had made many contacts: Nate Taggart, Mr. Rhees, PTA pres., Bill Morris, Mayor Papageorge etc. to find information about funds for the sidewalks. On the state road the State of Utah will share costs of the sidewalk. She inquired with the State, WACOG and JUB Engineering about funding. Mayor Jenkins stated that the city has started discussing plans for sidewalks on 2200 N. and 2600 N. Mrs. Koford wondered about a timeline. Mayor Jenkins asked her if she would help get it going. Mrs. Koford would like to help. It was noted that the walking area to the school is a 1 ½ mile radius around the school. Councilmember Smith asked if it could be put on the agenda for the next meeting. Mayor Jenkins stated that Councilmember Costley is over the roads and sidewalks, and they could work together on it.

Kirsten Schull asked if the marquee could reflect when a council meeting would be held. Mayor Jenkins stated that it was unlikely. He stated that it would be in the newspaper and on the city website. Mrs. Schull asked about the standings of protests against the annexation; wondering if all parties had submitted their protests. Mayor Jenkins stated that he would only know about a protest if it was made, and not before that time. Mrs. Schull asked which entities had made protests. Mayor Jenkins stated that the Warren Cemetery District and the Weber Fire District had made protests. Mrs. Schull asked if any of the city council members had relatives who would benefit from the annexations and future developments i.e. contractors etc. Councilmember Costley stated that he doesn't receive money from his relatives anyhow. Mrs. Schull stated that they asked the question because there seems to be little response (from the city council) to the public opinion about the developments. She is wondering if they have an ulterior motive to their actions. Mayor Jenkins stated that the city council members would make a full disclosure of whether they have other interests in the decision of any development. He also stated that Duncan Murray is the legal counsel for both protests. Mrs. Schull also asked that the council give full disclosure about being related to any of the property owners by the 5200 W. annexations in question. Artie Pearce from the planning commission stated that nobody on the planning commission was related to any of the developers. Someone from the audience asked about relation to any of the land owners.

Robert Seager stated that he had the same concerns. He stated that he appreciates what the city council does, but looking at the big picture, he felt that the burden on the city was bigger than the benefit for the city. He hoped they would vote against the annexation.

Doral Howard has five acres and is opposed to the annexation. He stated that small dense housing creates problems. A housing project behind 1500 was causing some people to have to get rid of their livestock.

Mayor Jenkins stated that they go overboard to protect the citizen's right to own livestock and have agriculture. He stated that they try to give priority to personal property rights within the bounds of the city's regulations. He stated that people should not complain about smells, barns, plowing at midnight. The city tries to protect agriculture and livestock. He stated that they hold public hearings to get the people's point of view. The mayor and council are working with the planning commission and working with the Weber County commission. They have approval from the county for the annexation. He suggested that if the people in the unincorporated areas did not want to annex, that they should talk to their representatives in Weber County. He stated that there are a lot of benefits to being in Plain City.

Kirsten Schull feels like their voices are not being heard. They are worried about the number of homes being planned in the Favero/Cicadas developments. They haven't seen anything in Plain City's master plan to deal with the traffic problems that will be created from those new subdivisions. She is also worried about the route of the proposed Legacy highway. She has heard that the city plans to push it over to 5900 W. Mayor Jenkins stated that that was misinformation. Plain City has a general plan that does not include 5900 W. or Favero property because those areas are not currently in Plain City boundary. He stated that when people say the taxes will be double and that the districts will be changed, those statements are not true. Mrs. Schull asked if the districts would change. Mayor Jenkins stated no, only the fire district will change. Mrs. Schull then asked again about the plans for the traffic issues. Mayor Jenkins said that it would be dealt with if the property was annexed. He stated that this property owner is responsible and the city has met with the owner and discussed many issues i.e. parks and size of lots etc. The owner has the interests of the city in mind. The city is happy with what the owner is doing. Mayor Jenkins also states that the development would be large because the owner has a large piece of property. If someone does not want the property developed, they could buy the property.

Rick Winn is worried about the traffic congestion. It is already getting worse. He wants to know what the plans are to control traffic or speed limits on 4700 W. He has witnessed many close calls on 4700 W. and 1500 N. Some people go at least 70 mph and there is not enough police coverage. He would like to know how the council will address these problems. Mayor Jenkins stated that it is a state road. The city is trying to push the state to make some changes. They are doing some traffic studies with the Sherriff; it would address speed changes in the future. They are also working on widening the road.

Mark Lowther is worried about kids at the bus stop on the corner of 4700 W. He would like to know if there are any plans to continue sidewalks near there. Councilmember Costley stated that they had grant money to continue the sidewalk from Fremont to 1500 N. There were poles that needed to be moved and the state did not want to pay for the extra. The city didn't have the funds to move the poles, so the city lost the grant money.

Erick Zimbelman stated that he has lived here for about 1 year and he is against the new development. He moved here because it is rural. He has 4 children and is concerned about the traffic from Fremont already. He worries about adding 200 more cars to that. He stated that they, too, are against the development.

Jim Huss is concerned that Plain City is too big already, with no tax base. He states that there are a lot of issues to consider right now i.e. tax base, traffic, Legacy Highway, 260 home development etc. and suggested that the city hold off on the development. Mayor Jenkins noted that there were approximately 20 subdivisions on the board right now. Councilmember Smith stated that they have only seen an annexation petition and rezone from Zion Developmet. They have not actually seen a plan for development.

Councilmember Costley mentioned that currently the plans show the Legacy highway will be stopping at 12<sup>th</sup> street and moving east to the power line corridor and heading north to Smith and Edwards. The council has been looking at the Legacy Highway plan and they are working on it.

Public Hearing for Annexation – Zion Development (Favero Farms) 1295 N. 4700 W. and Annexation – Cicadis Corp (Eden Property) 840 N. 4075 W.

**Councilmember White made a motion to begin the public hearing concerning the annexations of Zion Development and Cicadis Corp (locations as mentioned above). Councilmember Weston seconded the motion. Councilmembers Weston, White, Smith, Higley and Costley voted aye. The motion carried.**

Kirsten Schull stated that the information they had about the 250 homes was circulated in a flyer from the developer. She states that it had zoning information with 1/3 and ¼ acre lots. The residents did not just bring that information from out of the blue. Mayor Jenkins stated that they are only discussing the issue of annexation tonight.

Mr. Herbertson stated that it was only after his property was annexed, that he then began discussions with the city council about the specifics of the development.

Shirley Nelson stated that she attended a meeting held by the developers and they have planned ¼ - 1/3 acre lots and approximately 257 homes. Mayor Jenkins stated that it has nothing to do with the city yet, because the properties are not part of Plain City. Councilmember Costley reaffirmed that they were discussing the annexation, only. Mayor Jenkins asked if they had shared their concerns with their representatives, the County Commissioners.

Mrs. Schull asked if the Favero property was in Plain City boundaries. Mayor Jenkins stated, no, not at this time. He stated that the people who lived in unincorporated Weber County should talk to the Weber County Commissioners.

Artie Pearce offered an open invitation to attend the planning commission meeting on September 28<sup>th</sup> to voice opinions about the general plan.

Mayor Jenkins stated again that the developer had been responsible; they were trying to gather public input. He stated that there are twenty subdivisions on the board. He stated that people were upset about one subdivision and there are nineteen more planned. The mayor and city council have been dealing with these issues for months. He states that the city is aware of what is going on.

Michael Strand stated that they are currently living on the border of Plain City. They are worried about annexation and having 250 more homes across the street. He is wondering if the city has plans to control the traffic. Mayor Jenkins stated that on the city website there are contact numbers to get in touch with any of the council members. He stated that the Plain City General Plan is currently with the planning commission, and that it is not too late to have input about it. The planning commission meets on September 28<sup>th</sup> to discuss the general plan. Also, the schedule and agenda are available on the city website.

Lon Eskelson said that he has spent a lot of time dealing with ideas of annexation. He has been on the planning commission. He is not opposed to annexation; it will eventually be annexed anyhow. He thinks that unrestrained growth is a mistake. The general plan was set up to stay rural in some areas and have growth in others. He thinks that if we get high density areas, the rural feel will leave. Developers will come and go; we are the ones who need to control how growth will occur. We don't have tax base to support growth. He is very much against dense housing growth. In the past, he states, Plain City looked at growth from the citizen's standpoint. Additional growth can be nice, but it needs to be controlled.

Audience – Why is the council considering letting annexation go through? Mayor Jenkins stated that they represent 4000 individuals, not just 100. Councilmember Smith reminded again, that they are currently only looking at an annexation, not at the development.

Carl Miller stated that he is against zoning R-15. He felt that this property would eventually be annexed in anyhow under the pioneer boundaries.

**Councilmember Smith made a motion to close the public hearing concerning the annexations of Zion Development and Cicadis Corp (locations as mentioned above). Councilmember Costley seconded the motion. Councilmembers Weston, White, Smith, Higley and Costley voted aye. The motion carried.**

Mayor Jenkins addressed the public and re-emphasized that they could contact him or the council at any time.

Councilmember Smith agreed and stated that he had only one person (in attendance) discuss this issue with him personally.

**Report: Planning Commission**

Artie Pearce related that no meeting was held. Instead they held an open house for the general plan. They had a comment box from the public and the planning commission will be presenting these comments to the council. She felt there was a lot of discussion and input. On September 28<sup>th</sup> at 6pm, the plan will be presented for the planning commission to accept or reject. Councilmember Smith asked if revisions had already occurred. Artie state that yes, it would be the revised plan that would be presented.

**Councilmember White made a motion, because of protests made, to postpone the motions for ordinance of the annexations of Zion Development and Cicadis Corp (locations as mentioned above). Also, to postpone setting the date for the public**

**hearing for the Pioneer Boundary Annexation. Councilmember Higley seconded the motion. Councilmembers Weston, White, Smith, Higley and Costley voted aye. The motion carried.**

Report from John Parker – Mosquito Abatement - John Parker was not in attendance. Mayor Jenkins stated that it was necessary to discuss the possibility of appointing someone else, because Mr. Parker was not in attendance even after repeated attempts to have him attend.

Motion for Approval – certified tax rate - .000519.

Mayor Jenkins addressed the public and discussed what the certified tax rate is. He mentioned that people could go on to the Weber county website and look up information about their property taxes. He stated that certain districts (cemetery district, mosquito abatement district etc.) charge certain tax rates. Plain City’s mill levy is (.000519). He stated that the rate would remain the same, at this time. Plain City is striving to keep that at the same rate. It has been adequate for the city to function and have a small reserve. **Councilmember Costley moved to accept the certified tax rate as .000519. Councilmember Weston seconded the motion. It was noted that the tax rate is the same as it was last year. Councilmembers Weston, White, Smith, Higley and Costley voted aye. The motion carried.**

Motion for Resolution – Interlocal Agreement for RAMP funds.

Mayor Jenkins addressed the public explaining that all citizens in Weber County pay a RAMP tax. Plain City requested \$10,000 from the RAMP fund, and was approved for the funds to put in a jungle gym and batting cages for the recreation department. He stated that Plain City will continue to petition for more funds in the future, to encourage the arts in our city. Plain City must have an interlocal agreement with RAMP in order to receive the funds. It has been drawn up by the city attorney. **Councilmember White made a motion to pass resolution 2006-13; authorizing the Mayor to sign the interlocal agreement concerning RAMP taxes. Councilmember Smith seconded the motion. Councilmembers Weston, White, Smith, Higley and Costley voted aye. The motion carried.**

Councilmember Costley asked how soon the funds would be available for use. Councilmember White stated that they would be available as soon as the city is ready for them.

Other Business

Appointment of Planning Commission Member & Alternate

Mayor Jenkins stated that Al Drummond has been an alternate on the planning commission, and has done a great job. Ted Balderee has resigned because his home business keeps him very busy. Mayor Jenkins suggested that they appoint Al Drummond as an official planning commission member. **Councilmember Smith made a motion to appoint Al Drummond as a member of the Plain City Planning Commission. Councilmember White seconded the motion. Councilmembers Costley, Higley, Smith, White and Weston voted aye. The motion carried.**

No alternate was chosen at this time.

Approval of Business Licenses

There were none at this time.

Approval of Unpaid Invoices (see warrant register dated (8/17/06 – 8/31/06)

Councilmember Costley asked who was responsible for the hydrants on 2600 N. Councilmember Weston stated that the fire department put one in and the other had to be moved because it was blocking people’s property. He stated that when they have to move one, they upgrade it. It comes out of the hydrant fund. Councilmember Costley corrected an address mistake on the warrant register; change 2700 N to 2600 N. Mayor Jenkins mentioned a ditch that was tiled. He stated that Bona Vista and Plain City shared the costs. Councilmember White stated that the Parks department replaced a paint sprayer to do the football fields. Councilmember Smith noted the payment made on the lawnmower. **Councilmember Costley made a motion to approve and pay the bills as presented. Councilmember Higley seconded the motion. Councilmembers Higley, Costley, Smith, White and Weston voted aye. The motion carried.**

Comments – City Council

Councilmember White stated that he is ready to get the RAMP funds and projects going.

Councilmember Weston stated that four or five yrs. earlier, the council had discussed a parking issue on 4500 W. south of 1975 N. The East side of the street should have signs that state, “No parking during school hours”, but the signs actually have specific hours listed instead – which doesn’t account for allowing parking on weekends, holidays and during the summer. The signs have never been changed to reflect that. Mayor Jenkins asked Councilmember Weston to discuss it with Mitch.

Councilmember Costley met with someone who lives in unincorporated Weber County. She asked about who was responsible for accidents with livestock. And would the responsibility change if a “cattle crossing” sign was put up in the area. Officer Rex Cragun thinks that in open range areas, there is no liability for the owner. But in areas where the animal is enclosed, then the owner is responsible for any accidents. He has had to charge people who have failed to keep track of their animals. He states that

in Plain City, if you hit an animal, liability rests upon the owner of the animal. Councilmember Costley wondered if the sidewalk issue (around the new elementary school) should be on the agenda for the next meeting. He would be out of town on the 21<sup>st</sup>, so maybe even the meeting after that. Councilmember White stated that there might not be a need to make a motion, but just go ahead and form a committee.

Councilmember Smith commented about the meeting on the city's emergency plan. It was held last Thurs. and 15-20 people attended. three committees were formed to try to keep the plan simple. Dan Brinkhert will be in charge of the committee. The committees formed were: 1. boundaries (blocks etc.) 2. City council responsibilities 3. Preparing an emergency preparedness pamphlet. He felt the meeting was very successful.

Councilmember Smith also asked if someone would talk to Frank Hadley and discuss with him if the issue of the drain ditch that has never been resolved. Mayor Jenkins and Councilmember White thought that it had been taken care of. Councilmember Smith also mentioned that the Westons are still waiting on a price for the road, Fox is ready to get started. Mayor Jenkins acknowledged the fact.

Councilmember Higley mentioned that a citizen was interested in purchasing a retention area on North Plain City Road, for his horses. Councilmember Weston said that other cities have sold properties like this, with restrictions added. He said that the city has a lot of different options regarding property like this. The city can lease or sell. He thinks it is important for the city not to hang on to properties like this. Mayor Jenkins asked if there were a way to lessen the tax burden for the owner in these situations. Councilmember Weston said it could be classified as a non-buildable piece of property. Mayor Jenkins suggested that they figure out all the things they need to about these types of properties. He suggested that it be put on an agenda in the future.

Councilmember White suggested that in the future, the developer should be responsible for these kinds of properties. Artie Pearce stated that they have done that with developers, with restrictions. Councilmember Costley stated that he would like to make sure the city does not have to be responsible for the properties. Mayor Jenkins agreed, that the city could maintain the functionality of it, but not the actual care of the property. Councilmember Higley asked about the city shops project. Answer, Mitch is working on it. Councilmember Higley thanked Jenny Beth Koford for being willing to help with the sidewalk issue, and mentioned that he would be willing to help also.

Mayor Jenkins mentioned that the Barto construction, addition to the fire department, looks great, so far. Councilmember Higley mentioned that Barto needs to put a truncated dome on the ADA ramps – they used an old style and need to do it different. Mayor Jenkins had previously asked Deputy Rex Cragun to check out the intersection of Pioneer Rd. and the new road by the Orton subdivision. He asked him to check and see if that was the best use of the stop sign. The Sherriff's department suggested that because of the steep grade of the hill, it would be wise to keep the stop sign there. There was limited visibility coming up that hill and they recommended that it stay the same, or be changed to a roundabout or a 3-way stop. Councilmembers Smith, Costley, and Higley recommended that it be left as is. Deputy Cragun said that yellow line needed to be repainted. Mayor Jenkins said the Weber County Rails to Trails had taken over trail system on north end of town about 10 years ago. They have been discussing the condition it is in. It is the property of Weber County. They asked Plain City to take over the care of the property. The paper work is being put together. It allows Plain City to run sewer line, not paid for by the city – but the developer. It is a win/win situation for Plain City residents. A lot of developers are incorporating trail systems into their subdivision plans. Plain City is pushing to have a river walkway and extend the trail system to connect to neighboring trails. Progress is being made. It will come before the city council in the future.

#### Comments – Public

Terry Wilson lives in an area where a sidewalk was discussed and he would not mind having a sidewalk there.

Wynn Farr is concerned about 1500 N and 4700 W being turned into a commercial property. He wonders if the situation of sewer and other things have been considered in the annexation issue. There are pumps that have had problems already. Mayor Jenkins said that the Planning commission could address the commercial property worries. He stated that three pump stations have had problems; some changes have been made that have helped that problem. A new line would be put in for a new development south of that area.

Dianna Farr wonders if there has been any plan to move the proposed business district (from the general plan) to help alleviate traffic.

Mike Strahan states that the proposed plan show trails cutting right through his property. Mayor Jenkins stated that they respect property owner's rights. In this situation of the trails, it will be done with citizens input, trying to make it best for everyone, with the least amount of negative effect. Mayor Jenkins also stated that they are trying to preserve property along the river. Councilmember Smith said that the council does not believe in imminent domain, they won't try to take his property.

Kirsten Schull asked if the Favero property was already sold to Zion Development. Mayor Jenkins said that he did not know. Mike Strahan stated that if it was sold, it had not been recorded yet.

Mrs. Howard talked about the stop sign issue, and thought that a 3 way stop was a good idea.

At 8:45pm Councilmember White moved to adjourn and was seconded by Councilmember Higley. All voted aye. The motion carried.

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Mayor

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City Recorder

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Date Approved

**NOT OFFICIAL DOCUMENT**