

PLAIN CITY COUNCIL
MINUTES OF REGULAR MEETING
July 5, 2007

The City Council of Plain City convened in a regular meeting on Thursday, July 5, 2007, in the Plain City Hall at 7:00pm.

Present: Mayor Jay Jenkins, Councilmembers Darwin Smith, Don Weston, Chad Costley, Bruce Higley and Brent White
Staff: Diane Hirschi, Martha Bodily
Also present: Deputy Rex Cragun, Ryan Taylor, Brandon Stokes, Terrie Stephenson, Rochelle Taylor, Robert Taylor, Blair Taylor, Lisa Cox, Neil Cox, Brad Simons, Luke Balster, Courtney Hatch, Florene Parke, Boyd Parke, Jim Scheer, Dan Binkerd Julie Reese, Robert Seager, Carl Miller, Troy & Tasha Facor, Kelly Parke, Corey Fisher, LaFray Kelley, Gordon Nozaki, EJ Weston, Mark Combe, Monica Combe, Brent Cagle, DeAnn Cagle, Burke Stone, Norm DeVries, Kate Drake, Lorna Meyer, Drew Wilson

Mayor Jenkins called the meeting to order. Councilmember Weston gave the invocation/moment of silence and Councilmember Smith led the pledge.

Approval of Minutes: June 21, 2007

Councilmember Weston asked to insert the words “concerning fireworks purchase” and “concerning dept. budget” to help clarify what was being discussed on page 4. **Councilmember White moved to approve the minutes as corrected from June 21, 2007. Councilmember Costley seconded the motion. Councilmembers Smith, Costley, White, Higley and Weston voted aye. The motion carried.**

Comments: Public

Artie Pearce mentioned a lot of people have given positive comments about the 4th of July. Best 4th of July so far. Thank you to Bruce Higley and all involved.

Courtney Hatch addressed the Council concerning various issues related to his house and the subdivision going in near him. He spent the last 4 hours trying to keep his yard and home from flooding. There are drainage problems in front of his home since the curb, gutter, and drain have been put in. Debris has also been pushed onto his property; he had to put in a new fence, and he has lost access, by vehicle, to his animals. He feels these issues need to be corrected. Mayor Jenkins asked Chad and Bruce to address the water problems.

William Scheer reminded the Council that school would be starting in 45 days. He hoped that the sidewalks would be taken care of and that nothing would happen to those little kids.

Report: Planning Commission

Artie Pearce reported the Planning Commission recommended final approval for the Stone House Subdivision. Recommended rezone for the Taylor and Emmett property (A-1 – RE-20). And also recommended the Conditional Use Permit for the Four Mile Parkway (passed 3 to 1). The Commission tabled the Parkvale on the Trail until more items have been addressed. Before the Commission makes a decision concerning the Street Light Ordinance, they would like to meet with the City Council to discuss the options. Ms. Pearce mentioned that, by law, the Commission will also need to review the Affordable Housing Ordinance.

Public Hearing: Proposed Rezone of Glenn Taylor and Emmett Warren Property (A-1 – RE-20)

Mayor Jenkins addressed the public and explained the process and purpose of a public hearing. He has received numerous calls; people felt that this project was being steam rolled through. He explained that the Taylor’s had a plan, and then went to the public for input; usually a plan is just brought before the Planning Commission, with no public input. People took it that the plan was already accepted by the City. The Planning Commission has recommended approval for the rezone of the property. He asked people to please comment on the issue of rezone and explain why they are for or against it. Also, a PRUD Conditional Use Permit (which has been a City Ordinance for a few years) is being asked for. The Planning Commission also recommended approval of the PRUD Conditional Use Permit. The Council will approve or not, it is not based on the specifics of the developer’s plan. The next step, if it passes the City

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Council, would be to get a development agreement which specifically spells out sizes of homes, lots, roads, parks etc. That is where the City would get involved with all the details of the plan and there will be a public hearing with the Planning Commission. There will be other public hearings along the way, on preliminary approval, but not on the final approval. After a few comments and questions from the public the Mayor said a little latitude would be given for comments concerning the PRUD – since the Council would also be considering approving the Conditional Use Permit.

Councilmember White moved to enter a public hearing concerning the proposed rezone of Taylor and Warren property. Councilmember Smith seconded the motion. Councilmembers White, Weston, Costley, Smith and Higley voted aye. The motion carried.

Blair Taylor expressed concern with the sewer issues. He feels that the City should know how the sewer is going to be impacted. Mr. Taylor also stated that the property is on the same level as a flood plain.

Kelly Parke gave a handout to the Councilmembers. Mr. Parke expressed acceptance of a rezone, but stated from City Ordinance 10-10-5 that a new subdivision should not be detrimental, but complimentary with the surrounding area, so he was against anything smaller than the ½ acre. Mr. Parke also referenced City Ordinance 10-10-6 about an appeal. He mentioned, if possible, he would like to appeal the Planning Commission decision to grant the Conditional Use Permit. There was a discussion about who the appeal was referring to in the ordinance. But, the City Attorney stated that an appeal was not really necessary since the Council's purpose was to confirm or not confirm the Planning Commission's decision. Mr. Parke asked the Council to consider the items listed in his handout concerning issues with the PRUD.

Artie Pearce wanted to clarify that she felt Buddy's issues at the Planning Commission were issues for the preliminary approval, not for the conditional use permit. Ms. Pearce mentioned that a PRUD has usually taken 2-3 months to get past the Planning Commission.

Rochelle Taylor asked about the lot sizes in PRUD and wondered if after a Conditional Use Permit is approved, could the developer come back and ask for even smaller lots. The Mayor said not after it has been approved.

Kate Drake is worried about Conditional Use Permit. She does not think it is in the City's best interest to give the developer approval for making open space in an area of land that is not usable anyhow.

Burke Stone asked a few questions to get a full understanding of ½ acre zoning vs. having a PRUD. He is concerned with traffic caused by 400 added homes, and wondered what benefit does the City get besides impact fees. Mr. Stone feels it will cost the City more in the long run.

Deputy Cragun mentioned that, in Pleasant View, the White Barn Golf Course with the condos is an example of a PRUD.

Norm DeVries also wanted a little more clarification. Mr. DeVries asked the Council to not go through the process of a PRUD unless they have looked into all of the issues i.e. water, sewage, traffic with the dangerous curve in the road etc. Also, suggested that the City Attorney look into the possibility of homes flooding and would Plain City be financially responsible if it happens.

Dan Binkerd asked the public to imagine 6 2/3 houses per acre and mentioned the recent house fire that caused quite a bit of damage to houses in close proximity. Mr. Binkerd also brought up some reasons he feels the City should not allow a rezone to ½ acres, no metal is allowed under the power lines. Mr. Binkerd cited several studies suggesting negative health effects from EMF's (electric and magnetic fields) and stated that the only protection from EMF's was keeping a safe distance from the source. He recommended the Council keep the land zoned for agriculture. He asked the Council if they wanted their names linked with this decision.

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Artie Pearce asked if people were against this specific PRUD or were they against the whole ordinance of the PRUD. If they are against the whole thing, where were they when the last few PRUDs went through? It has been an ordinance for several years.

Mark Combe said “shame on us” for not going against the PRUD when it first became an ordinance.

Courtney Hatch asked if it was part of Plain City’s Master Plan to make ½ acre lots throughout Plain City. Mayor Jenkins said, no, not throughout, but, yes it is part of the Plan for that area to be ½ acre zoning.

Dan Binkerd mentioned that the PRUD is something that can be challenged and the public can petition a referendum and would need 180 signatures to allow the public to vote, about PRUDs, on the ballot in November.

Monica Combe mentioned that she had personally talked to quite of few of the Councilmen. She asked them to please consider this issue carefully before they make a decision, and keep in mind our children and grandchildren.

Jim Scheer asked the Council if the rezone was necessary to get the Conditional Use Permit. Mayor Jenkins said that they would need to have ¼, 1/3, or ½ acre designation to be considered for the Conditional Use Permit.

Lorna Meyer first asked what kind of considerations there are before the Council decides on a Conditional Use Permit. The Mayor answered that when the developer comes back before the Planning Commission that is when they will need to discuss what the developer can or cannot do. Ms. Meyer mentioned that she had a lot of respect for Buddy Sadler and his opinions and thought he had some good points he brought up in the Planning Commission meeting. Ms. Meyer is concerned about having a park under the power line corridor. She sees Lee Olson full of people on some Saturdays and would like the City to really benefit from some open space besides under the power lines.

Florine Parke mentioned that many people in her neighborhood have died from cancer. Also, the LLC after the company name means that after they sell the property and get the money and issue a dividend to the stockholders, the company is defunct. She worried that if people have a problem in the future, there is no recourse.

Corey Fisher asked the Council when the final public hearing would be. He worries that there is not good notice of public hearings, or that it needs to be important enough for the Planning Commission to decide it needs a public hearing. Mr. Fisher stated that most people keep quiet until the “not in my backyard” mentality. He said Artie didn’t want sidewalks in front of her property, and didn’t feel it was right for her to ask them “where were they, when...” Mr. Fisher is worried about what guarantees the City has concerning this potential PRUD. With a ten-year build-out, it will be up to other Council members to ensure that there is follow through, and things can fall through the cracks. Mayor Jenkins stated that when the developer gets ready for preliminary approval, they would request it and a public hearing would be set up at that time. It depends on their timeline. Hopefully follow through will happen because of following protocol.

DeAnn Kagle said that she is not fundamentally opposed to the PRUD. Ms. Kagle said Plain City has had a dry year, in years past the ground has been very wet. One year someone dug out a basement, it was full of water for a long time; they finally filled it in with rocks and dirt. If all of those houses get built, where will all the water go?

LaFray Kelley had a question with the process. The Mayor said that the Council will decide a yes or no on the Conditonal Use Permit, if yes, then the developer would be subject to the conditions the City puts upon it, if no, there could still be the ½ acre lots, if rezoned.

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Councilmember Costlev moved to end the public hearing. Councilmember White seconded the motion. Councilmembers Costley, Smith, Higley, White and Weston voted aye. The motion carried.

Motion: Rezone Glenn Taylor and Emmett Warren Property (A-1 – RE-20)

Brad Simons, representing the Taylor Family, addressed the Council. Mr. Simons gave an overview of the 4-Mile Parkway, while trying to answer concerns and clear up misinformation. He mentioned that the Parkway was the brain child of Glen Taylor, before his death. Money was not the issue; it was more about the legacy to Plain City. Mr. Simons gave high praise to the Taylor family and mentioned that the family is donating a large portion of any proceeds to charity.

Mr. Simons stated the A-1 zone is in the middle of other property zoned RE-20, which is called a spot zone; also it is in accordance with the City's Master Plan. He felt those reasons were sufficient for the rezone. He mentioned that the ordinance will allow 376 lots, but after a year of listening to legitimate concerns, they have reduced the lots to 340. Plain City will receive 37 acres of qualifying open space, and 49 acres if you count under the power lines (even though the developer only gets credit for 37 acres). The Taylor family will put \$1.5 million into developing open space and parks (in exchange for 20 more lots). Mr. Simons stated that he is not sure it is worth the exchange except that Glen wanted to leave a legacy for Plain City. The developer is organizing a citizen park committee to have citizens involved in the development of the parks. Early on, the parks were going to be HOA parks, but recently they listened to citizens, and decided to make the parks public. Mr. Simons spoke next about concerns over small lot sizes. There is a plan for 47 homes (senior housing, 55+ years old) on 7.76 acres, which is 4% of the entire project. The Taylor family felt there was a need for senior housing in the area and that there are people who would like to stay in Plain City, but not have the acreage and property to take care of.

Mr. Simons explained a little about the PRUD Conditional Use. Under state law, if the developer is developing on ½ acre lots, there are not a lot of conditions the City can put upon them, they only have to comply with the City ordinance – the basic requirements. A Conditional Use gives the City a unique opportunity to place conditions upon the developer i.e. the City requested parking lots by the parks, and they complied.

Mr. Simons stated that they have met with Central Weber Sewer and have applied there with most of the lots. They have also talked and met with Pineview and Bona Vista and would have to purchase \$66,000 worth of water shares. Mayor Jenkins mentioned that the developer would not be able to get final approval until things were worked out with water and sewer.

Artie Pearce (Planning Commission) addressed the Council. The Planning Commission was in favor of the rezone (it passed 4/0) because it fits with the General Plan and is conducive to surrounding areas. Initially the Planning Commission tabled the issue of the Conditional Use Permit (eventually passed 3/1). They wanted to do what would benefit the City. They went and looked at the property. Ms. Pearce found it interesting to visualize the project. Previously, she had been opposed to things happening in the City, and she had even been thrown out of Planning Commission meetings. She understands the opposition, but could see the vision of Glen Taylor. Ms. Pearce thought Buddy Sadler's concerns were the waterways. The City Engineer is looking at it. But she thought the concerns were for the preliminary hearing. The Planning Commission met with the power company and was informed there were no restrictions under the power lines. Mr. Simons informed her that he had since heard otherwise, and there are restrictions about metal.

Wetlands issue was brought up. 2.1 acres out of 55 acres was declared quality wetlands, they would be incorporated into the parks. Councilmember White asked about grading. Mr. Simons said that they have a grading plan to help with water flow; they would need to bring dirt in to raise the Kilts property. The water table is 3-6 ft deep. Land drains are planned. The developer has previous experience where land drains are needed. Planning a trail around 4-mile creek, Buddy asked them to see if they could increase the flow of the creek, they are looking into it.

The developer hired Earth Facts Engineering to do a traffic study; it was suggested to add an acceleration and deceleration lane on 1975 N. Other access roads are still being looked at.

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Councilmember Higley and later Councilmember Smith asked about EMF's. Mr. Simons walked the property and felt that soccer balls could hit the power lines, but stated he is not an expert about EMF's. He is doing the same type of development in Herriman.

Councilmember Smith asked about construction traffic and the effect on neighbors, he has been favorable to PRUD, but worries that the City hasn't seen one built out yet. Wondered if the City should wait and see how the others turn out.

Density was brought up. To put 6 houses per acre was only planned in the 55+ area. There would be restrictions on kids and grandkids living with the grandparents. The HOA would take care of the front yard. The resident would have the choice on care of the back yard. The senior area would be buffered by some 8000 sq. ft. lots and gradually get larger. The developer plans to apply for an award from Envision Utah for the planning of this subdivision. Councilmember Weston asked if the "senior" designation could be changed in the future. Mr. Simons said, by law, it has to stay.

In other areas minimum house sizes would be 1200 sq ft on 6000 sq ft lot, 1200 sq ft on 8000 sq ft lot, 1500 sq ft on ¼ acre, 1700 sq ft on 1/3 acre, 1800 sq ft on ½ acre. Mr. Simons said these were all above City requirements. **Councilmember Costley moved to approve the rezone of Taylor and Warren property from A-1 to RE-20. Councilmember White seconded the motion. Councilmembers White, Weston, Costley, Higley and Smith voted aye.**

Motion: Conditional Use Permit – 4-Mile Parkway

In order to discuss the matter further, Councilmember Costley moved to table the Conditional Use Permit for 4-Mile Parkway. Councilmember Weston seconded it. Councilmembers White, Weston, Costley, Higley and Smith voted aye. The Council planned to meet with the Planning Commission and a representative of 4-Mile for a work meeting on July 19th. Councilmember Smith mentioned that the Council would like to know how the residents feel, and they appreciate receiving their phone calls.

Motion for Final Approval: Stonehouse Subdivision

Not ready to be on the agenda.

Motion: Amendment to Street Light Ordinance

Not ready to be on the agenda.

Motion for Resolution: Interlocal Agreement with Weber Animal Services

Councilmember Weston mentioned he felt the City should continue the agreement, but should do so under the City's conditions, not Weber County's conditions. **Councilmember Higley moved to enter an interlocal Agreement with Weber Animal Services for a one-year period, Resolution 2007-06. Councilmember Smith seconded the motion. Councilmember White, Weston, Higley, Costley and Smith voted aye. The motion carried.**

Motion: Bid to Fix Garage Door and Window at Old City Office

Old City offices have been an eyesore for some time, needed to be repaired and cleaned up. Stratus Exteriors had some high quality, left over siding and was able to come in at a low bid of \$300. Clyde Barker Glass came in for the low bid on windows (\$1932). Mayor Jenkins disclosed that his son does work for one of these companies. **Councilmember Smith moved to approve work by Stratus Exteriors for \$300 and Clyde Barker Glass for \$1932. Councilmember White seconded the motion. Councilmembers White, Costley, Weston, Higley and Smith voted aye. The motion carried.**

Discussion: Drew Wilson, Weber School District

Drew Wilson addressed the Council and said the old Plain City Elementary had been declared surplus, the City will have 90 days to get earnest money and adopt a resolution to purchase the property. The District & City would each get an appraisal, and then the middle price would be the buying price. There are restrictions for the City on what kind of use – city hall, etc. If Plain City doesn't purchase, Weber County has a chance at it, after that the district will usually go with a sealed bid. The district does not know about asbestos in the building. They are getting rid of it because it is 70 years old; it is too expensive to upgrade electricity etc.

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Motion: Purchase of Football Equipment

New equipment needs to be purchased; it will come out of revenues from sign-ups. The recreation department has tighter control over equipment to make sure it comes back in. Some helmets needed replacing because they were painted and the paint was causing the helmets to crack. **Councilmember White moved to approve the purchase of football equipment. Councilmember Smith seconded the motion. Councilmembers Higley, Costley, Smith, White and Weston voted aye. The motion carried.**

Other Business:

Board of Adjustment – The Mayor asked the Council to consider Jeff East, Robert Seager, Shaun Iverson and Brandon Stokes to be put on the Board of Adjustments. The Mayor would like to put together an appeal authority that would be separate from this group. Councilmember White mentioned that it would be nice to stagger the terms; possibly they could draw lots for 1,2,3,4 and 5 year terms. Councilmember Smith thought that it would be nice to have a trained member on the board. Mayor Jenkins asked LaFray Kelley if she would consider staying on the board. She agreed. There was a little discussion about the appeal authority and whether Brandon could be on the Board of Adjustments and the Planning Commission. All of the Councilmembers were in favor of these people for the Board of Adjustments.

Planning Commission Appointment

Mayor Jenkins asked the Council to consider Judd Cook as the Planning Commission alternate (Al Drummond asked to be released from his term) and Jared Maw as the person to fill Al Drummond's term. All Councilmembers were in agreement.

Approval of Business Licenses

There was none at this time.

Approval of Warrant Register (see warrant register dated (6/22/07 – 7/05/07))

Councilmember Higley mentioned that cash was for the cash box for the 4th of July. Money for Councilmember White was for reimbursement of his purchase of the City bleachers. The Council commended Jodi Petersen for getting a donation of 4 basketball standards from Lifetime Equipment. The Mayor asked Councilmember Higley to get them a thank you card. Square Meal was paid for the 4th of July meal. 750 people came to the dinner July 3rd. **Councilmember White moved to approve and pay the bills (6/22/07 – 7/05/07) as presented. Councilmember Higley seconded the motion. Councilmembers Weston, Costley, Higley, White and Smith voted aye. The motion carried.**

Comments – City Council

Councilmember Costley – nothing from the Bona Vista meeting. Thanks so much to Bruce and Dixie for all of the work doing the 4th of July.

Councilmember Smith – thanked Bruce and Dixie and also thanked the Plain City Fire Dept. for their work throughout the day and the fireworks.

Councilmember Higley – mosquito abatement, noticed more trucks have been out since the letter to the editor. Just call them and they will come out and spray. He also wanted to thank everyone for helping with the 4th of July, too many people to mention. Councilmember Smith suggested meeting and have a review and critique so it can be improved each year.

Councilmember White – asked if there was an update on sidewalk prices. Councilmember Smith and Jennybeth Koford had met with Weber Commissioner Dearden and they are aware of the issues and are working on it. Mitch met with the school district to designate cross walks and talked to UP&L for crossing lights. The City is piggy backing on Archway Subdivision to get some sidewalks in. The City is about to start putting in some asphalt shoulders.

Councilmember White also asked Brandon Richards about the City property that needs to have an adjustment, but wasn't sure if the City should sell first, or get it adjusted and then sell it. It was suggested

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the sale could be contingent on the board passing the adjustment. He also asked how the City does sell a property. Brandon Richards mentioned that it is a whole process with a possible hearing, posting etc. Lastly, would like the City to move forward with the old elementary school property. Suggested they get an appraisal. Mayor Jenkins said he would find someone with experience in commercial property appraisal.

Councilmember Weston – wanted to make sure the Standard reporter got it in the paper that the sidewalks are progressing. He also mentioned that the Governor put a restriction on burning. Jim Ritter, the City Fire Marshall, also wanted to impose a no burn within City limits, until further notice (including fireworks). Brandon Richards thought it was within the realm of the Fire Marshall, but the Council could confirm the decision. The Council instructed the Fire Marshall to proceed with the restrictions.

Mayor Jenkins - also wanted to recognize Bruce for the 4th of July. It went well. Thanks to Deputy Cragun and the other deputies. Thanks to the City employees with the parks dept – Thayne and Scottie etc. The Fire Dept. also did a fantastic job and the Mayor was blown away with the amount of time they put in. The Mayor also brought up the fact that a stock pond needs fencing. It could go just across the front of the property or all around it. \$1900 compared to approx \$6,300 for the whole thing. The Councilmembers were in favor of the fencing, but only partial and not around the whole stock pond. Bids are out for the shed at the landfill.

Diane Hirschi – mentioned that Cindy Gooch called and there is another meeting about the Northern section of Legacy Highway, on July 13th at 10:30 a.m. Cindy mentioned that Plain City had not been represented well at the previous meetings and she felt it was important for someone to please show up. The Planning Commission is also invited to attend.

Comments – Public

Terry Stephenson (with the Standard Examiner) – mentioned that she tried to talk to Mr. Simons, but he would not answer questions. She also asked to have access to handouts that people have or give out at the meetings – allowing her reporting to be more accurate. Asked when the fire restrictions would be in effect. The Mayor said the following day.

At 10:25 p.m. Councilmember Smith moved to adjourn. Councilmember Higley seconded the motion. All voted aye. The motion carried.

City Recorder

Mayor

Date Approved