

PLAIN CITY COUNCIL
MINUTES OF REGULAR MEETING
July 19, 2007

The City Council of Plain City convened in a regular meeting on Thursday, July 19, 2007; in the Plain City Hall at 7:00pm.

Present: Mayor Jay Jenkins, Councilmembers Darwin Smith, Chad Costley, Bruce Higley and Brent White
Excused: Don Weston
Staff: Diane Hirschi, Martha Bodily
Also present: Deputy Rex Cragun, Luke Balster, Kelly Parke, Florene Parke, Boyd Parke, Rachelle Taylor, Blair Himelight, Sue Newey, Jennybeth Koford, Terral Dunn, Byron Krenek, Paul Krauth, Paul Hodson, Dan Binkerd, Terry Wilson, Ron Willis, Artie Pearce, Bryan Dorsey, Geoff Ellis, Robert Seager, LaFray Kelley, Gordon Nozaki, Mike Bastian, Paul Philpot, Carl Miller, Terrie Stephenson, Danna Russell, Mitch Willson, Celeste Canning, Dennis Lund, Burke Stone

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

Approval of Minutes: July 5, 2007.

Councilmember White asked to insert the words “No, but” on pg. 6 in council comments, to add clarification. **Councilmember Costley moved to accept the minutes, as changed, from July 5, 2007. Councilmember White seconded the motion. Councilmembers Smith, Costley, White and Higley voted aye. The motion carried.**

Comments: Public

Ron Willis (Weber County Animal Control) – wanted to let the council know who he is. He mentioned that Animal Control did have to raise charges recently, but haven’t had to do that in 4 years. They have experienced sharp increases in costs at the animal shelter. He asked the Council to please call if there was a need.

LaFray Kelley – addressed the Council concerning the proposed reduction to the property tax rate. Ms. Kelley asked them to consider adjusting the franchise tax instead; it is a more hidden tax. Also, instead of a tax reduction, consider using the money for the sidewalks or the purchase of the old school property etc.

Beth Koford – addressed the Council to update them on the progress of a possible grant for the sidewalks. Some people from UDOT did come out to Plain City and look at the sidewalk situation. They said that the City should get a letter, concerning the grant, by the end of August. Jennybeth said it was exciting to see some progress on the sidewalks. The Council again thanked Jennybeth for all of her hard work on the grants.

Dan Binkerd – said he had a personnel complaint and the Mayor refused to meet with him, so he chose this agenda to use his right to free speech. Mr. Binkerd thinks there is a problem with separation between the Planning Commission and the City Council. He feels the Mayor has his handprint all over what the Planning Commission does. Mr. Binkerd also feels that the Planning Commission Chair has lost her objectivity, and does not have an unbiased opinion. He thinks that she almost treats the public as an enemy and then is too friendly with the developers. He stated that she interrupted with inappropriate remarks at the last Council meeting. Mr. Binkerd feels that she may be the wrong person for the job.

Report: Planning Commission

Brandon Stokes reported for the Planning Commission. The Planning Commission recommended the amendment to the Hunter’s Run Subdivision, combining lots 9 & 10. They recommended final approval for the England Meadows Phase 1 PRUD, with some contingencies. They also recommended final approval to the City Council for the Stillcreek Village PRUD phase 2a with some contingencies. And, lastly, they recommended final approval for the Parkvale on the Trail Subdivision phase 1 with some contingencies. The Planning Commission also set public hearings (August 9th) for the Karras property and the Kim and Julie Johnson subdivision, and approved two lot line adjustments.

Report: Utah Division of Water Quality – Paul Krauth

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Paul Krauth addressed the Council concerning their report on Plain City sewer ponds. The ponds were put in approximately 1970, usually needs replacing after 20 years, now going on almost 40 years. Mr. Krauth mentioned that the ponds are the best design he has seen in the state. By their measurements of hydraulic capacity and waste material capacity, they estimate that the system is at 73% to 107% capacity. The City has a permit from the state and needs to comply. With 50% of the 8 points tested, the City was in violation. Their conclusions are that the ponds are organically overloaded, but may have some hydraulic capacity. The City needs to deal with the issue now. They recommended adding aeration to the system. It could increase the capacity 4 times, with the existing ponds. Cost estimate could be \$1.6 million.

Presentation/Motion: Parks, Trails & Open Space Master Plan – Bryan Dorsey

Bryan Dorsey and Geoff Ellis addressed the Council concerning their proposal to construct a master plan for parks, trails and open space in Plain City. They plan to have interaction with the Council through a citizen's committee. They would start the process with the City's current master plan. The City did put out for bids and had not received any other bids. Mr. Dorsey and Mr. Ellis had a big role in the trails plan in the valley; they have had a lot of experience in this area. The Council mentioned that this is one of the action items listed in the City's master plan. The money for this project would come out of the general fund. There are RAMP grants and state grants available to put in the trails. **Councilmember Costley moved to grant approval for Bryan Dorsey and Geoff Ellis to proceed with their proposal for a parks, trails and open space master plan. Councilmember White seconded the motion. Councilmembers Higley, White, Costley and Smith voted aye. The motion carried.**

Motion: Hunter's Run Subdivision Amendment – lots 9 & 10

A property owner wanted to build a house that was too big to fit on one lot alone and would like to combine two lots into one. **Councilmember Smith moved to grant the Hunter's Run Subdivision amendment to combine lots 9 & 10. Councilmember Costley seconded the motion. Councilmembers Costley, Smith, Higley and White voted aye. The motion carried.**

Motion for Final Approval: Stillcreek Village PRUD Phase 2A (approx 3100 W N PC Rd – 23 lots)
Not ready to be on the agenda.

Motion for Final Approval/Dev Agreement: England Meadows PRUD Phase 1 (approximately 3000 W N PC Rd – 81 lots)

Mike Bastian addressed the Council. The Council had Brad's memo and an updated memo (July 19th) and the developer's agreement. 6 items addressed, turnaround, second access, geo-tech study, developer agreement currently being reviewed by Brad and Brandon, fencing to be installed, construction access for large vehicles – being worked on, Mayor said the sooner the better, street light ordinance update, storm drain etc. There are some water issues and England Meadows will have to hook up with Stillcreek. They cannot meet fire code until the line is looped. Issue is taken care of through the building permit process; no permits will be issued without a receipt from Bona Vista. Councilmember White felt that he would like Brandon to be able to review the developer agreement and give feedback. Also, need to stipulate when the "common area" will transfer from the HOA to the City. Pioneering agreement added to developer agreement to reimburse for sewer line.

Councilmember Costley moved for final approval of England Meadows PRUD (phase 1) with the changes made i.e. contingent on Brandon's approval of the Developer's Agreement. And stipulating transfer of ownership of the "common area" (by adding, "Transfer ownership of said common area" – section 2.3.3.1.1) to the City. Councilmember White moved to amend the motion and add that water should be at the appropriate pressure for fire code (looping completed) before any building permits are issued. Councilmember Smith seconded the motion. Councilmembers Smith, Costley, White and Higley voted aye. The motion carried. Councilmember Smith seconded the amended motion. Councilmembers Costley, White, Smith and Higley voted aye. The motion carried.

Motion for Final Approval/Dev Agreement: Parkvale on the Trail PRUD Phase 1 (approximately 5100 W 2700 N – 41 lots)

Celeste Canning and Byron Krenek addressed the Council. Items from Brad's memo, dated June 7th, were discussed. Items included developer's agreement, lot addresses corrected, Artie mentioned that all were

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complied with excluding 3 items. Point 1 Bona Vista supplying water and appropriate water flow. Mr. Krenek asked the Council to consider allowing the beginning of construction of some model homes at the same time as the water flow being addressed. They would like to get moving on the project and the homes would not be occupied. He suggested that the level of the water flow was dependent on whether the tanks were full or not, that when the tanks are full, it almost meets the requirements. Second point was the detention pond (contract with Glen Wade); they addressed that and will leave it to Brad to specify the property description. Item 3 was secondary water status. Mr. Krenek said they are discussing it with Mountain View Water. The Council would like it stipulated in the agreement and not have any well digging or other methods used for secondary. Artie mentioned that the infrastructure for water is there, in place, but they just need to make a contract. Ms. Canning asked the Council to allow for the model homes if approved by the City Fire Marshall, they would even sign a waiver that the City would not be responsible for any damage by fire to the model homes. Councilmember Smith felt that the Council was already backed into a corner by another issue and felt that these developers need to meet the standards. Brad's recommendation is that significant improvements to Bona Vista water lines need to be in place before homes can be built. **Councilmember White moved to grant Final Approval to Parkvale on the Trail PRUD (phase 1) and developer's agreement contingent upon completion of all item's in Brad's memo (June 7, 2007) including adequate improvements for culinary water fire flow completed before any building permits are issued. Also contingent on secondary water provided through one of the recognized water companies in Plain City; Mountain View or Pineview. Councilmember Smith seconded the motion. Councilmembers Smith, Costley, White and Higley voted aye. The motion carried.**

Motion: Amendment to Street Light Ordinance

The Planning Commission would still like to meet with the City Council to discuss budget before they decide for sure on whom to contract with. The City used to have an ordinance for lights every 600 ft. and corners. The ordinance for every 200 ft. is too much and it should be changed to 400 ft. Council wondered why it had ever been changed. **Councilmember White moved to amend the Street Light Ordinance to adjust the distance from 200 ft to every 400 ft. Also, that the maintenance be contracted outside of Plain City, as determined by the Planning Commission after review of proposals. Councilmember Costley seconded the motion. Councilmembers Costley, Smith, Higley and White voted aye. The motion carried.**

Motion: Reduction of Certified Tax Rate

City Treasurer Steve Davis addressed the Council. It is now time to adopt the certified tax rate for 2007. Tentative budget has been adopted, rate has been set and now the budget needs to be amended to show the rate. Tentative budget estimated \$74,000, if the city adopts the rate suggested it would bring in \$84,000. If the rate is reduced to .000350, the City will bring in \$64,000. The Mayor and Council would like to reduce the certified tax rate by about 25%. Will need to amend the budget and cut the budget in some areas to cover the difference in income. **Councilmember Costley moved to accept the certified tax rate as has been presented (0.000350%). Councilmember Smith seconded the motion. Councilmembers White, Higley, Smith and Costley voted aye. The motion carried.**

Motion for Resolution: No Fireworks and Open Fires

The Governor and county have asked for a ban on open fires and no fireworks. **Councilmember Costley moved to ban open fires and fireworks in Plain City. Councilmember White seconded the motion. Councilmembers White, Higley, Costley and Smith voted aye. The motion carried.** Should there be a time frame put on it? Assistant Fire Chief Don Weston had the paper informed that the Fire Marshall would allow fireworks on July 24th from 8 p.m. until midnight. **Councilmember Costley moved to amend the motion to indicate the ban will go until the end of Oct. of 2007 and excluding fireworks on July 24th 8 p.m. through midnight. Councilmember Smith seconded the motion. Councilmembers Smith, Higley, White and Costley voted aye. The motion carried.**

Motion: Fencing along drainage pond

The Council had previously discussed fencing along a public right of way on the Johnson property. Mitch agreed it was best to put fencing along the front of property only. **Councilmember White moved to**

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approve fencing on the Johnson property drainage pond and to contract with the company as discussed 2 weeks previous. Councilmember Costley seconded the motion. Councilmembers Higley, Smith, White and Costley voted aye. The motion carried.

Motion: Landfill Shed

The Council has also discussed this shed previously. The City received 3 bids. Price varied if labor was included in the bid. City employees could put the shed together themselves. The capital improvements fund had \$10,000 in the budget last year for the shed. The landfill budget has been increased to reflect the labor for putting up the shed and labor for extended hours. **Councilmember Smith moved to approve the shed purchase through Colonial at \$12,107.53. Councilmember White seconded the motion. Councilmembers White, Higley, Smith and Costley voted aye. The motion carried.**

Other Business:

Appointment of Nuisance Officer – The Mayor asked the Council to consider appointing a nuisance officer as required by the City’s Nuisance Ordinance. The Mayor would like to appoint Mitch Willson. Nuisance includes things such as weeds, non-moving cars etc. in people’s yards. Could be the cause of fires recently in the City. It would be like a code enforcement officer. It would be in addition to Mitch’s duties already. The Councilmembers all approved the appointment. Rex would issue the citations, if necessary and be the follow up to Mitch.

Approval of Business Licenses

New

Creative Culture Insignia	LouAnne Daz	2063 N 5100 W	insignia design
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Renewal

Lynea’s Hair Care	Lynea Stokes	4520 W 1975 N	beauty shop
Old School Yard Maint.	Ben Carnahan	3805 W 2200 N	lawn care

Councilmember Costley moved to grant the business licenses as listed. Councilmember White seconded the motion. Councilmembers White, Higley, Smith and Costley voted aye. The motion carried.

Approval of Warrant Register (see warrant register dated (7/6/07 – 7/19/07).

It was noted that bills are still filtering in from the 4th of July. **Councilmember White moved to approve and pay the bills as presented. Councilmember Smith seconded the motion. Councilmembers Higley, Costley, Smith and White voted aye. The motion carried.**

Comments – City Council

Councilmember Higley wanted to address residents, but most had already left. He applauded the Mayor for handling the public comments well. The same for Artie Pearce, he felt it was a wrongful attack on her and thought that maybe people don’t realize the time that is put in for public service. Public service is the toughest job ever.

Councilmember Smith mentioned that the sound system upgrade will be started in early August and hopefully concluded before September.

Councilmember Costley received a couple of phone calls; one was the first of its kind, someone thanking him for the help with getting the sidewalk project going. It was refreshing to hear. Thanked Jennybeth for her hard work also. In addition, he wanted to commend the Mayor for handling the public comments, Councilmember Costley stated that some people may not understand what goes into being on the City Council or the Planning Commission. He spent 5 years on the commission.

Councilmember White mentioned a letter received from Principal Rhees and asked who could attend the meeting at the elementary school (July 26th at 10:00 a.m.). He also asked how the appraisal of the school property was progressing. The Mayor responded that it hasn’t happened yet, but there would be an executive session, concerning this topic, at the conclusion of council meeting.

Mayor Jenkins felt that the work session concerning PRUD was very valuable, he wants to make sure the City does it right. The Mayor was concerned about people coming to Council Meetings in opposition of the PRUD near their homes, but then didn’t stay for the rest of the meeting, even though there were three

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other motions dealing with PRUD in other neighborhoods. Mayor Jenkins emphasized that the Council has to deal with the City as a whole.

The Mayor also asked the Council if it was helpful to have the presentation on the sewer. The Council appreciated the presentation and felt it was very helpful. The Mayor added that the sidewalks are progressing. Also, 7 people have applied for City Council; it is a good group of people running.

Comments – Public

Brandon Stokes thanked the Council for the good job they do. Mr. Stokes invited councilmember to attend the next planning commission meeting to input ideas on the PRUD. He felt that people don't understand how difficult it is to be on the commission or council and make decisions. He suggested putting people to work on a committee or something to let them get involved and help them understand what it is like.

Carl Miller talked to Paul Krauth after his presentation on the sewer. He asked him about the effect of bringing in the two special service districts. Mr. Krauth suggested that if it got up to 50,000 people, the City would be looking at a mechanical process for sewage treatment.

Terry Stephenson (Standard Examiner) asked a few questions for clarification. She asked the Mayor if they had concerns about allowing new construction before the problem with the sewer is dealt with. Mayor said no and that the City has been working on it over the past year i.e. adding barley straw booms, installing aeration etc.

Robert Seager said he applauds the planning commission and council members for all they do.

Motion to adjourn – Motion for Executive (closed) Session: Strategy session for purchase of real property
At 9:35 p.m. Councilmember Costley moved to adjourn and enter an executive session.
Councilmember White seconded the motion. All voted aye. The motion carried.

City Recorder

Mayor

Date Approved