

PLAIN CITY COUNCIL
MINUTES OF REGULAR MEETING
APRIL 17, 2008

The City Council of Plain City convened in a regular meeting on Thursday, April 17, 2008, in the Plain City Hall beginning at 7:05 p.m.

Present: Mayor Jay Jenkins, Councilmembers Brett Ferrin, Brent White, Bruce Higley and Beth Koford
Excused: Councilmember LaFray Kelley
Staff: Kathy Hancock
Also present: Carl Miller, Brandon Richards, Artie Pearce, Frank Phillips, Rex Cragun, Stacy Gillette, Dessie Bohannon, Tami Phillips, Terry Paasch, Susan Paasch, Terrie Stephenson, David Phillips, Trina Phillips, Mark Megahan, Alexis Megahan, Leonard Tyner, Rovert Ritter, Sharon Ritter, Jim Ritter, Sherilyn Clark, John Clark, Natalie Clapham, Kevin Carolan, Bonnie Bippes, Dean Olsen, Elaine Gonino, Dominic Gonino, Joshua Barsuhn, Robert Seager, Russell Newell, Randall Hall, Jackie Hall, Christian Hall, Victoria Hall, Daniel Hall, Joshua Hall, Todd Wheeler, Riley Wheeler, Brandon Bodily, Don Weston, and Gordon Nozaki.

Mayor Jenkins called the meeting to order. Mayor Jenkins led in the Pledge of Allegiance and Pastor Philips gave the invocation/moment of silence.

Approval of Minutes: April 3, 2008

Councilmember White moved to approve the minutes from April 3, 2008, as presented. Councilmember Ferrin seconded the motion. Councilmembers Ferrin, White, Koford, and Higley voted aye. The motion carried.

Comments: Public

Leonard Tyner who lives in Fremont Estates is concerned about the speed on 4400 W. It is a 25-mph speed limit and people are going 60. He is concerned because there are small children living in that subdivision. He asked for a speed deterrent i.e. speed bumps, an infrared speed devise so people will know how fast they are going or more patrol on the street.

Public Hearing: Dean Olsen Property – approx. 1900 N 5100 W – A-1 to RE-20

Mayor Jenkins explained that Mr. Olsen is requesting rezoning his property on 5100 W from A-1- to RE-20.

Councilmember Ferrin moved to go into a public hearing. Councilmember Koford seconded the motion. Councilmembers Ferrin, White, Koford, and Higley voted aye. The motion carried.

Bonnie Bippes who lives by this property asked what they are planning on doing. She is concerned that if it is rezoned to RE-20 there will be at least 10 homes on the property. It is a rural area and the neighbors would like to keep it that way. She mentioned the Olsens had two sewer connections hooked to the property. She is concerned that this property will hook onto Big Cottonwood Subdivision. She mentioned homes aren't selling right now and more subdivisions shouldn't be approved. The residents on 5100 W have animals and she doesn't want people moving in and making them get rid of their animals because of the smell or noise. She would like to see some areas in the city kept country.

Dean Olsen mentioned his daughter would like to build a house on one lot.

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

Motion for Ordinance - Dean Olsen Property – approx. 1900 N 5100 W – A-1 to RE-20

This area is consistent with the General Plan. The General Plan shows this area as ½ acre or larger.

Councilmember White moved to adopt Ordinance 2008-09. Councilmember Higley seconded the motion. Councilmembers Ferrin, White, Koford, and Higley voted aye. The motion carried.

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Public Hearing – Appeal of the Conditional Use Permit for Flag Lot – Liberty Bible Church

Councilmember White disclosed that the Liberty Bible Church has hired him for professional services so he recused himself. Mayor Jenkins mentioned that three Councilmembers are still a quorum. **Councilmember Ferrin moved to go into a public hearing. Councilmember Higley seconded the motion. Councilmembers Ferrin, Koford, and Higley voted aye. The motion carried.**

Motion Public Hearing – Appeal of the Conditional Use Permit for Flag Lot – Liberty Bible Church

Mayor Jenkins explained the process of appeal. The commission approved a conditional use permit for a flag lot for the Liberty Bible Church. Flag lots required a conditional use permit. Typically a conditional use permit doesn't come to the Council unless there is an appeal. Mrs. Koford has appealed the commission's decision as a city official. Brandon Richards, the city attorney explained that the commission approved the conditional use permit for a nonresidential building. Section 11-5-2E states a single-family dwelling may be constructed as a main use on a flag lot. Section 10-8-3 also applies allowing main buildings on flag lots with commission approval. Those are the only two ordinances that apply in this case.

Brandon Stokes who represents the commission explained that the commission originally thought it would be a subdivision. The property had two tax id numbers, but one was in the county. All of the property was annexed in and a lot line adjustment was approved with one conforming lot and one flag lot with access on 1975 N. The RE-20 zone is consistent with a church or religious institution. The vote was 4-1 in favor of the conditional use permit. The stem is 63 feet wide but because it will be used for more traffic, the pavement will be 30 feet wide with curb and gutter along it and 5 foot landscaped buffers on each side. Councilmember Ferrin asked about landlocking the neighbors behind this property. Mr. Stokes believes they have access on 2200 N. To control the lights, fences with slats will be required. There will be a drainage system for the parking and soft surface. There only needs to be 22 stalls for parking but that have been increased by three. A through street was looked at but the building wouldn't fit on the lot and still be conforming.

Buddy Sadler, who voted against the conditional use permit, feels that there should be a 60-foot road going through for connectivity to 2200 N. There are 39 homes on 2200 N with one access. That is 10 more homes than the fire code allows. He feels it is a safety issue. A normal flag lot has a 20-foot stem for 2-4 cars. With this flag lot there would be about 27 cars on a 30-foot stem. It was mentioned that the property to the north is in Weber County.

Don Weston, representing the fire department addressed some of the issues. There needs to be a paved road surface with turnarounds for emergency access. He hasn't seen the plans so can't address all of the issues. There needs to be a hydrant with adequate water supply. The water supply shouldn't be a problem with the main line on 1975 N. The fire department needs to have access all the way around the building.

Artie Pearce, chairwoman of the Planning Commission explained that the site plan and conditional use permit were approved the same night. Two hammerhead turnarounds will be required. The drainage water will go to a detention basin.

Beth Koford mentioned that the ordinance states the city doesn't favor flag lots. The ordinance specifically says one single-family dwelling and this isn't a family dwelling. The other issues can be worked out.

Frank Phillips, Pastor for the Liberty Bible Church mentioned that they have met all of the requirements. This was brought in for a church from day one. The lot line was approved with enough square footage to have the 125% percent of acreage required. The parking stalls exceed the requirement. The 30 feet of paved access stem with landscaping on each side exceeds the 20 feet required with landscaping on each side. The total 60-foot stem exceeds the 30-foot normally required. There will be a streetlight at the entrance of the stem with two parking lot lights. They are working with the engineers to make sure the drainage is adequate. The fencing will make it nicer for the neighbors. Mr. Phillips mentioned that the Liberty Bible Church has been involved in the citywide cleanup, Founders Day, has given to the community and would like to reap the rewards. He has congregation members who are giving up vacation to help work on this building. The church has the fundamentals of what the community needs to a better family experience. Their current facility is there to help in emergencies but they have out grown their

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current building. With their new building they can be a better help. He would like to see the issues resolved so they can move forward.

Terrie Stephenson with the Standard Examiner asked about the 25 stalls and 50 people giving up vacations. She wondered if 25 stalls would be enough. Mr. Phillips mentioned that the building can only accommodate so many people and if they have to they will go to two services.

Artie Pearce addressed the ordinance issue. The situation creates a need for a flag lot. There are some flag lots in the city. She feels that the single family fits because it is a House of God. It just doesn't have someone living in it.

Mark Megahan gave the property to the church. He feels it would be a nice addition for the area and will be well kept. It won't block anyone's view and it would be better than a barn on the lot.

Dave Phillips mentioned that the citizens are here because they care. It is the Liberty Bible Church's goal to meet the spiritual, emotional, and social needs of the community. They are here to stay, not just temporary.

Russ Newell grew up in Warren. He has seen the change in Plain City. He has always been welcomed no matter what his religion. He is not of the predominate church in town. He walked into the Liberty Bible Church and they have his same faith and beliefs. He would like to see the facility in this community. He loves the church, Pastor Phillips, and the congregation.

Terry Price is from Eden and has seen the change in the Valley. The Valley now has LDS, Protestant, and Catholic churches in the area. Pastor Phillips has impressed him with what he has done for people in this area. He asked that the Council allow the church. It isn't for Frank Phillips and his family but for all of Plain City.

Tami Phillips is in charge of the kid's activities. They have to add more classes. She is excited to see them coming to learn the word. She would like to see the building built.

Trina Phillips drives from Promontory to attend church. She wants someplace for her kids to attend church. She used to drive to Eden to attend church. It is important to her to be able to practice her religious beliefs and to keep the moral background they are striving for. She would like someplace for her grandchildren to attend church.

Stacie Gillette's family moved here 8 years ago. They didn't have a church close. Now they have one in the community where they can get baptized and be close to God. Having a church close to home is great for the kids. For those who can't travel, it gives them a change for morals and values.

Alexis Megahan has listened to and understands the concerns. She is concerned about safety. The safety concerns have been met and the requirements met. The church building means a lot to her. She can't drive and doesn't know how long she has to live. Having a church this close is a benefit to her and the community. She would understand if this were creating a hazard. A road couldn't be put through unless the house to the north is taken out. She asked the Council to make a motion so the church can go forth expeditiously and timely.

Dominic Gonino from Liberty has been doing what Frank does for years. He has several churches in Idaho and Utah. He doesn't think anyone is against a spiritual asset to the community. He knows the Council needs to evaluate everything to safeguard the community and church. He knows the Pastor won't alienate the community. He doesn't think the commission would bend the rules. They have approved this and if the ordinance is met the Council needs to uphold their decision.

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

Mayor Jenkins mentioned that a lot of information has been given to the Council tonight. He would recommend tabling the motion so the council has had time to review the information. It was noted that the Liberty Bible Church is welcome in Plain City but the law needs to be upheld. **Higley moved table the motion so the information received tonight can be evaluated. Councilmember Ferrin seconded the motion. Councilmembers Ferrin, Koford, and Higley voted aye. The motion carried.**

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Motion to Set Public Hearing: Zoning and Subdivision Ordinance Amendments – May 15th

Artie Pearce explained the proposed changes to the City Council. The flag lot change allows for one building that doesn't have to be a single family dwelling. The motion to change the flag lot ordinance was a 4-1 vote. Buddy Sadler didn't approve it because he feels it is a safety issue and could open the city up for problems. Another proposed ordinance change is to have the developers reimburse for planning and legal fees. The commission is proposing a minor subdivision ordinance for two lot subdivision. The Mayor mentioned that the City Council asked for all of the changes to be done in one public hearing. The commission is working on some other changes at this time.

Councilmember Ferrin mentioned he would like to see subdivisions before final approval is granted from the Planning Commission. He would like to have the Council consider changing the ordinance to have preliminary granted by the City Council and not just the Planning Commission. Mayor Jenkins explained that he feels the commission is doing a great job and the ordinance should stay the way it is. One concern is the appeal process. Right now the City Council would review an appeal for preliminary approval. The City Council isn't the appeal board for final approval so that might not matter. The concern is PRUD's not just every subdivision. PRUDs have a conditional use permit that allows for veering from the zoning ordinance. The City Council hasn't even seen a plat for Four Mile Parkway PRUD and preliminary approval has been granted. Some of the Council has concerns with this PRUD. It was suggested having a plat given to the City Council at the preliminary stage along with the engineer's letter with what was addressed from the Planning Commission at preliminary approval. That way the City Council knows what has been happening with this subdivision instead of just getting the final information. It was also suggested having a meeting with the developer prior to approval with the City Council. It was mentioned that Diane Hirschi has asked Brad Jensen to redesign his letters and put the engineer issues together and the City issues together. The City Council used to grant preliminary approval but that was changed. Brandon Richards suggested a conceptual meeting with a planning commission member, City Council member, developer and the engineer. The concern is what the Councilmember or Commission member think may not be what the rest of the Commission or Council think. The City Council has to approve the Development Agreement. The Development Agreement needs to be approved before final approval is granted. That may be the way the City Council has to voice their opinions concerning the PRUD. The concern is at that point it will frustrate the developer if changes need to be made that could have been made at the preliminary process.

There was a concern with Four Mile Parkway PRUD. Artie Pearce had contacted three City Councilmembers and all three were against the land drain system, but the commission approved it anyways. Mrs. Pearce explained that Brad Jensen was concerned with the city having to set up a special service district. The developer is willing to set that up so that takes care of the concern. Brad told Artie it would work so they approved it. There was a concern that just because it will work doesn't mean the city wants to take it over.

The City Council would like to set a public hearing for all of the changes to the Zoning and Subdivision Ordinances at once. **Councilmember Ferrin moved to table the amendments to the zoning and subdivision ordinance amendments. Councilmember Koford seconded the motion. Councilmembers Ferrin, White, Koford and Higley voted aye. The motion carried.**

Motion – Playground Installation Bid

Councilmember Koford only has one bid and asked that the motion be tabled. Councilmember White mentioned that he had bids that Diane has copies of. The companies would need to be contacted to see if the bid has changed. **Councilmember White moved to table the playground installation bid until the next meeting. Councilmember Ferrin seconded the motion. Councilmembers Ferrin, White, Koford, and Higley voted aye. The motion carried.**

Motion – Public Address System for 4th of July

Councilmember Ferrin brought up the public address system for the 4th of July. One can be rented for \$1,100. The \$5,000 ramp grant was tentatively reserved for a sound system. The money hasn't been received yet, but does the City want to purchase one or rent one this year. Councilmember Koford mentioned the money is available when they want it. He has talked to the person who the city rents it from and he can also sell one. The system could be used for recreation but big enough for the 4th of July. Councilmember White asked when the cut off is for renting it.

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It is soon. Bids need to be received. Maybe the grant could be increased to get an even better system. No motion is necessary it was just a discussion. **Councilmember White moved to table the public address system for the 4th of July until hard bids have been received. Councilmember Higley seconded the motion. Councilmembers Ferrin, White, Koford, and Higley voted aye. The motion carried**

Other Business

Approval of Business Licenses:

New

| | | | |
|---------------------------|-------------------|---------------|------------------------------|
| Jeff Johnson Drywall, Inc | Jeff Johnson | 3406 W 2350 N | drywall office/misc. Storage |
| AB Doors | Allen Bertagnolli | 4983 W 2150 N | home base – mobile service |

Renewals

| | | | |
|---------------------|------------------|---------------|-------------------------------|
| Central Innovations | Shad Christensen | 3850 W 2800 N | construction sub – contractor |
| Jana's Salon | Jana Hancock | 4750 W 1500 N | Hair Salon |

Councilmember White moved to approve the business licenses as presented for April 17. Councilmember Ferrin seconded the motion. Councilmembers Ferrin, White, Koford, and Higley voted aye. The motion carried.

Approval of Warrant Register (see 04/01/2008-04/15/2008)

The bill for BK Fox is for the storm drain on North Plain City Road that was rotted out. **Councilmember Koford moved to approve and pay the bills as presented. Councilmember Higley seconded the motion. Councilmembers Ferrin, White, Koford, and Higley voted aye. The motion carried.**

Report: Planning Commission:

The commission report has been received throughout the meeting.

Comments – City Council:

Councilmember Ferrin

Sandy's Fine Foods has agreed to do the food for the 4th. The menu will be baked chicken, salad, and roll. He will meet with them next week. They are still looking for someone to handle the raffle. Councilmember Higley thinks someone has been found for that. Colette Doxey has hired refs for baseball. He needs to know if Brent Weston is going to hire someone to mark the fields or Colette needs to. Councilmember Koford said Brent Weston would. Brent Weston needs to know if he needs to hire back the summer help from last year or if they are still employees. Colette will need to be in charge of the kids marking the fields. Interpace Brick will sell some dirt for a reasonable price for the mounds. Kids have been racing and speeding on 3600 W and he has addressed the issue.

Councilmember White

Councilmember White suggested having Rex Cragun patrol and move the trailer on 4400 W in Fremont Estates.

Councilmember Koford

She asked what budget the clean up supplies come out of. Councilmember White explained that in the past Carlos Heslop and Brent White worked it out. Getting the supplies will have to be coordinated. The fees for the arena were brought up. Diane said it would be hard to determine who is a resident and who isn't because they would have a resident pay. If fees were charged it would have to be groomed before each use. Thane Ellis grooms it once a week now. The fee was brought up originally because of the way non-residents were treating residents. Weber County could be contacted to see what the cost is for renting their arena. Pleasant View could also be contacted.

Councilmember Higley

The free John Deer backhoe from ATK Launch Systems for the parks department will be here on the 24th. He asked the Standard if they could cover it. Terrie Stephenson will talk to her editor but would need a date and time. Mitch Willson has requested a new truck. Bona Vista water has one in really good shape with 50,000 miles on it for \$14,000. Nothing has been done on the recycling yet. It was suggested finding out how much Econo Waste or Waste Management would pick up and dump green waste at the landfill. The city would need to know how much the containers would be and how much it would cost to dump the waste.

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Mayor Jenkins

Mayor Jenkins met with the Sheriff's office and toured the jail. They have 800 incarcerated people and they pay \$1 a day for their meals. There are 300-400 workers.

At 9:45 p.m. Councilmember Ferrin moved to adjourn. Councilmember White seconded the motion. The vote was unanimous.

City Recorder

Mayor

Date approved

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