

PLAIN CITY COUNCIL
MINUTES OF REGULAR MEETING
SEPTEMBER 4, 2008

The City Council of Plain City convened in a regular meeting on Thursday, September 4, 2008, in the Plain City Hall beginning at 7:00 p.m.

Present: Mayor Jay Jenkins, Councilmembers LaFray Kelley, Brett Ferrin, Brent White, Beth Koford and Bruce Higley
Staff: Diane Hirschi, Mitch Willson, Brandon Richards
Also present: Terrie Stephenson, Jay Gresham, Staci Wilson, Julie Binkerd, Artie Pearce, Thane Ellis, Jean & Jerry Bradford, Jana Gunnell, Michelle, Lamneaux, Ashlee Steager, Jed Brunson, Paula Saunders, Robert Seager, Sara Hurd, Brad & Charlene Orton, Craig & Janene Call, John Shank, Don Weston, Blar Himelright, Gordon Nozaki, Marilyn Grondel, Charra Bradford, Dale Skeen, Cheri Sparks, John Shank

Mayor Jenkins called the meeting to order and Councilmember Kelley led in the pledge of allegiance. Councilmember White gave the invocation/moment of silence.

Approval of Minutes: August 21, 2008

Councilmember Kelley moved to approve the minutes from August 21, 2008, as presented. Councilmember Ferrin seconded the motion. Councilmembers Kelley, Ferrin, White, Koford and Higley voted aye. The motion carried.

Comments: Public

Jay Gresham reported that he has tried to work with the developer of Big Cottonwood Estates but it is not working. He noted that the irrigation line is missing grates and a head gate. He reported that the new houses are piping the land drains with 4" or 6" pipe. The drain behind Dorothy Cook hasn't been cleaned out and the fence needs to be replaced. He reported that the road is sloughing off and needs to have a retaining wall. The weeds are at least 8' tall and are causing a fire hazard. He is ready to take legal action because there is no effort being made.

John Shank lives east of Gresham and he noted that his barn was flooded out from this subdivision and he has not been compensated for his hay. He also noted that the weeds are bad and people are riding their ATV's in the area. He is worried that a spark may cause a fire. He also noted that there is a discrepancy on the property line.

Report: Planning Commission

Artie Pearce reported that at their last meeting they went on a field trip to Karen Stone's home who is applying for a kennel license. She reported that they have a temporary fix on the kennel and cattery license ordinance which the city council is looking at tonight. They will be looking at the whole animal ordinance in their next couple of meetings. She noted that they are looking into the possibility of underground detention basins. Artie Pearce reported that at their next meeting, the man who is buying the old school is on the agenda to discuss the possibilities of that property. She noted that the personal opinion of the Planning Commission is to keep the zoning the same.

Discussion: Staci Wilson – Concern for Walkers along 1975 N

Staci Wilson is representing three subdivisions and 90 kids that walk to the new Plain City Elementary School. She reported that it is a very dangerous situation. She had some suggestions for the council to help the situation. First, have Marriott's complete the section of sidewalk in front of Hunters Run (Cottle Subdivision). Second, it has been reported that the cross walk will be moved to the east in the future. She is suggesting that this be done now. Third, there is a hole by the power box that needs to be filled in. She reported that the kids have to walk in the road to go around it. Fourth, extend the walking path in front of Griffins so the kids don't have to walk in the road. She is asking the Mayor and City Council to come and walk with them Tuesday at 8 am so they can see what it is like. It was discussed that road base was placed along the side of the road. Ms. Wilson noted that the bicycles sink in the rocks. Councilmember Koford thanked Ms. Wilson and the parents in attendance tonight. She will check with the school district about a bus on a temporary basis. Charra Bradford noted that they will not do it. Deputy Rex Cragun noted that Nate Taggart from the district has been on site. It was noted that transportation probably will not happen. Deputy Cragun suggested that the kids and parents walk their bike on the gravel. Michelle Lamneaux reported that she has a stroller and it can't make it through the rocks. She would suggest a path in front of Griffin's. Mayor Jenkins noted that he will have Mitch call Marriott's about the sidewalk in front of Cottle's. He didn't know the

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cross walk was going to be moved and explained the costs associated with moving it. He will look into this and thanked everyone for their concern.

Discussion: Recent Sale of Old Elementary School

Craig Call reported that he has some questions concerning the old school. He wants to know what the residents can do, what local government can do and what the intention of the city council is concerning the sale of the school. Mr. Call noted that he looked at the general plan and it calls for a mixed use which is encouraging to him. Sara Hurd voiced her concern about the deterioration of the old school. Charra Bradford would like to see the city buy it and use it for a library. She noted that she could work on getting contractors to help tear it down. Deputy Cragun reported that there was an incident there tonight and the school district declared that they don't own the property anymore. Cheri Spark mentioned that an assisted living center would be a good use. She also suggested a Bed and Breakfast at Blair Simpson's home. Dale Skeen noted that he grew up at the town square and would hate to see the square disrupted. He feels that the city could offer the youth a lot more. Mayor Jenkins noted his frustration in working with the school district. He reported that they came to the city for support of the bond for the new school. They get the new school and then they offer the old school to the city for \$1.2 million dollars. $\frac{3}{4}$ of the square is owned by the LDS church and $\frac{1}{4}$ is owned by the school district, but the city has maintained the park. He noted that the city is trying to get the $\frac{1}{4}$ section from the school district. Now the school district has set a minimum bid of \$450,000 for the school property and apparently has accepted an offer of \$530,000. The Mayor also noted that our attorney, Brandon Richards has tried talking to Mr. Wilson about the park section and has not heard back. The Mayor is concerned about the old school property and feels that it wouldn't work as commercial property due to the small streets and the low traffic. Councilmember Higley noted that it is a historical area and would like to see the city own it. Staci Wilson asked if it would help if the residents went to a school board meeting. It was noted that it wouldn't hurt. Councilmember Koford also lived at the park as she was growing up. She likes the idea of an assisted living center or a library, but noted that we can't pick and choose right now. Councilmember White is disappointed in the lack of communication from the school district. He feels that it is good that the citizens take a stand. He doesn't want to see the property zoned commercial. Councilmember Ferrin noted that he attended Dairy Days there and it is a historic area. He would like to be able to come up with something to fit and maintain the square identity. Councilmember Kelley noted that it is zoned residential. It is the center of town and should be for civic space. She mentioned that she talked to Drew Willson and he hopes to get the $\frac{1}{4}$ section to the city. Sara Hurd noted her concern of the deterioration of the building. Michelle Lamneaux noted a city in California with a town square similar to this. Jean Bradford reported that the east side of the park is a blighted area and is concerned about the north side being the same condition. The Mayor thanked the residents for their concerns and for coming.

Motion: Conditional Final Acceptance – Fremont Estates Phase 1 & 2

The council received a memo from Brad Jensen dated 08-25-08. Mitch noted that the chip & seal will be completed in April and everything else looks good. **Councilmember Higley moved to give conditional final acceptance to Fremont Estates Phases 1 and 2 per the engineer's memo dated 08-25-08 and contingent that all fees have been paid. Councilmember Kelley seconded the motion. Councilmembers Kelley, Ferrin, White, Koford and Higley voted aye. The motion carried.** This will start the one year guarantee period.

Motion: Asphalt Crack Sealing

Councilmember White moved to table this item until the next meeting. Councilmember Ferrin seconded the motion. Councilmembers Kelley, Ferrin, White, Koford, Higley voted aye. The motion carried.

Discussion/Motion for Ordinance: Zoning, Subdivision and Police Ordinance Revisions

Mayor Jenkins went over the changes page by page. There was a discussion about lot line adjustments. Artie Pearce noted that we now have professionals on the Planning Commission and they want to see things to scale. It was noted that maybe there ought to be a difference between a boundary adjustment and a lot line adjustment in a subdivision. Brandon will look into this. Councilmember White noted that we need to require electronic copies for submittals as well as after it is recorded. Concerning the preliminary plat for minor subdivisions, there was a discussion about street names. It was noted that we will take out names and just stay with numbering. There was a discussion about improvements and guarantee. Brandon Richards will work out the issues on that. There was a lengthy discussion about whether flag lots should be addressed. It was reported that there are a few still in the center of town and there should be a provision for them. It was noted that they would like the stem construction and

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landscaping done before a building permit is issued. There was a discussion about a 6 ft privacy fence along the stem and the front of the flag lot. It was agreed that the Planning Commission could decide what type of fence. There was a discussion about listing the water companies that are available. Don Weston was concerned about that if someone had a flowing well or flood irrigated. It was noted that since there was so many changes that it be tabled until the next meeting. Councilmember Kelley asked about approving the section for kennels and catteries (10-2-01, 10-4-3, 10-5A-3 and 10-5C-3). Brandon Richards noted that he could take those sections out of this and make a new ordinance. **Councilmember White moved to approve Ordinance 2008-11 amending codes 10-2-1, 10-4-3, 10-5A-3 and 10-5C-3 concerning catteries. Councilmember Ferrin seconded the motion. Councilmembers Kelley, Ferrin, White, Koford and Higley voted aye. The motion carried.**

Councilmember White moved to table the rest of the ordinance amendments until the next meeting. Councilmember Kelley seconded the motion. Councilmember Kelley seconded the motion. Councilmembers Kelley, Ferrin, White, Koford and Higley voted aye. The motion carried.

Other Business

Approval of Business Licenses:

New

| | | | |
|---------------------|-------------------|---------------|-----------------|
| Frog Pond Preschool | Julie Della Lucia | 1639 N 4400 W | preschool |
| Words to Live By | Laura Spencer | 1862 N 3900 W | vinyl lettering |

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

Approval of Warrant Register (see 08/21/08-08/31/08)

Councilmember Ferrin moved to approve and pay the bills as presented. Councilmember Koford seconded the motion. Councilmembers Kelley, Ferrin, White, Koford and Higley voted aye. The motion carried.

Reports – City Council

Councilmember White noted that the baffle is in the sewer pond. Bid opening for the sewer project will be September 12.

Councilmember Koford noted that the holes are being dug for the power and the stairs for the announcers booth should be in soon.

At 10:35 p.m. Councilmember Koford moved to adjourn. Councilmember Ferrin seconded the motion. The vote was unanimous.

City Recorder

Mayor

Date approved