

PLAIN CITY COUNCIL
MINUTES OF REGULAR MEETING
SEPTEMBER 18, 2008

The City Council of Plain City convened in a regular meeting on Thursday, September 18, 2008, in the Plain City Hall beginning at 7:00 p.m.

Present: Mayor Jay Jenkins, Councilmembers LaFray Kelley, Brett Ferrin, Beth Koford and Bruce Higley
Excused: Councilmember Brent White
Staff: Diane Hirschi, Mitch Willson, Brandon Richards, Brad Jensen
Also present: Terrie Stephenson, Rex & Pam Weston, Larry Belnap, Sara Hurd, Artie Pearce, Robert Seager and Dennis Brown

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

Approval of Minutes: September 4, 2008

Councilmember Ferrin moved to approve the minutes from September 4, 2008, as presented. Councilmember Koford seconded the motion. Councilmembers Kelley, Ferrin, Koford and Higley voted aye. The motion carried.

Comments: Public

Sara Hurd reported that she attended the last Planning Commission meeting. She reported that the sale of the old Elementary School won't be final until the 29th. She noted that the residents really want to the city to buy it if this sale falls through. She reported that she talked with Vahid Sadeghi after the meeting and he is pursuing selling to someone else. She said he feels misled about commercial property, but noted that he would be willing to sell to the city. He paid \$530,000 and he has another offer for \$700,000 that he would finance for five years. She reported that Mr. Sadeghi said he would finance the city if they needed him to. She again stated that they would like the city to buy the property.

Rex Weston owns property on the west side of Fox Subdivision. He noted that after the survey was marked for the subdivision, all the stakes were moved. He noted that the Planning Commission required a field fence around the subdivision. He noted that there is one by Pannunzios, but not his property. Mr. Weston has indicated that his property is being used as a dumping ground. He also reported that the new homes have put fences in his right-of-way. He reported that Mr. Fox has been sending him bills concerning his road. The council suggested that this be looked into and perhaps a letter could be sent to resolve this issue.

Report: Planning Commission

Artie Pearce reported on the last Planning Commission meeting. She noted that they would like to set up a citizen committee for the school property and have one member from the Planning Commission and one member from the City Council. They gave final approval to Diamond E Subdivision again. She reported that they approved a conditional use permit for Karen Stone's dog kennel. It was noted that she has five inside dogs and they placed some stringent conditions on the permit. It was also noted that when the dogs die, she will not get anymore. Mrs. Pearce reported that they did a lot line adjustment for Steve & Gayle Lund and they tabled Universal Estates #2.

Public Hearing: Dennis & Libby Brown Rezone – 1957 N 5100 W – A-1 to RE-20

Councilmember Kelley moved to go into a public hearing for Dennis Brown's proposed rezone from A-1 to RE-20. Councilmember Ferrin seconded the motion. Councilmembers Kelley, Ferrin, Koford and Higley voted aye. The motion carried. It was discussed that Dennis Brown is asking to rezone 4.51 acres to RE-20. This part is identified on a lot line adjustment plat marked at Parcel 1. **Councilmember Higley moved to go out of the public hearing and into the regular meeting. Councilmember Ferrin seconded the motion. Councilmembers Kelley, Ferrin, Koford and Higley voted aye. The motion carried.**

Motion for Ordinance: Dennis & Libby Brown Rezone

Councilmember Ferrin asked if this was consistent with the General Plan. Artie Pearce reported that it was.

Councilmember Ferrin moved to adopt ordinance 2008-12 rezoning parcel #1 of Dennis Brown's property

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from A-1 to RE-20. Councilmember Kelley seconded the motion. Councilmembers Kelley, Ferrin, Koford and Higley voted aye. The motion carried.

Motion for Final Approval: Diamond E Subdivision
This was tabled.

Motion: Asphalt Crack Sealing

Mitch Willson reported that he has three bids for crack sealing. He reported that the lowest is from Hot Asphalt Services. Mr. Willson noted that one section of the bid was for Fremont Estates for \$5,220.00 which will be paid by Brad Orton. The other section is for the city hall and the park for \$2,610.00. The third section is for various streets that have been mapped out for \$20,880.00. **Councilmember Higley moved to award the crack seal bid to Hot Asphalt Services as noted on the bid. Councilmember Kelley seconded the motion. Councilmembers Kelley, Ferrin, Koford and Higley voted aye. The motion carried.**

Discussion/Motion: Park Playground Project

Councilmember Koford reported that she has bids for bark for the playground. It was noted that it is engineered wood fiber surfacing. Garrett and Co. is the lowest bid. She noted that she is concerned about the location of the playground because she can't make it fit where it was originally decided. She is suggesting making it a little bigger because she has a swing set that she would like to donate. She was thinking about putting the playground in the grass behind the senior center or across the fence behind the recreation building. Councilmember Ferrin noted that he had talked to Councilmember White who felt you couldn't visually see the children in that location. Councilmember Koford's concern is that there is not enough room down by the baseball fields and it is against the road which she feels is dangerous. Mayor Jenkins noted that there will be a 2-3 foot curb. Mitch noted that he is a little apprehensive about putting the playground by the curve of the road. Councilmember Koford just needs to have a decision so that we can get it in. Mayor Jenkins would rather see it down by the baseball fields. Councilmember Koford noted that it has to be 42x33 and she can't get it to fit. Councilmember Ferrin suggested that she get with Brent Weston and try and make it work. He felt that it was approved with a fence and ballards. **Councilmember Ferrin moved to move forward with the playground installation as soon as possible based upon Councilmember White's recommendation and to accept Garrett & Co.'s bid for bark. Councilmember Kelley seconded the motion. Councilmembers Kelley, Ferrin, Koford and Higley voted aye. The motion carried.** It was noted that Garrett & Co. will deliver the bark.

Motion: Pipe for Sewer Lagoon Project

Brent White had sent out bids for air line pipe for the sewer lagoon. It was reported that the lowest is from Great Western. It was noted that with the pipe and the few extra things that will be needed, it will cost about \$2,000. **Councilmember Higley moved to approve the funding for pipe from Great Western Supply. Councilmember Ferrin seconded the motion. Councilmembers Kelley, Ferrin, Koford and Higley voted aye. The motion carried.**

Motion to Award Bid: Sewer Lagoon Project

This was tabled.

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

Brandon Richards reported that he made the changes that were suggested last time. He noted that at the last meeting the council talked about having a lot line process within a subdivision and then a boundary adjustment one for those that are not in a subdivision. He noted that it can't be called a boundary line adjustment because state code uses the terminology for boundary adjustments between two cities. The council feels that the process for a lot line adjustment for properties not included in a subdivision needs to be addressed and it also needs to be less cumbersome than in the subdivision. Brandon will get with Artie and the Planning Commission to come up with a new ordinance for that process. There was a discussion about electronic copies of preliminary and final plats being required. Councilmember White had suggested pdf or tif file. Brad Jensen, city engineer, would like them in an AutoCAD system if possible. It was suggested that the ordinance would say "electronic copy as required by the city." **Councilmember Ferrin moved to adopt Ordinance 2008-13 amending the zoning, subdivision and**

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police ordinance revisions as discussed. Councilmember Higley seconded the motion. Councilmembers Kelley, Ferrin, Koford and Higley voted aye. The motion carried.

Discussion/Motion: Capital Facilities Plan and Impact Fee Analysis

Brad Jensen, city engineer, just completed a capital facilities plan and impact fee analysis for public safety (fire), transportation (roads) and parks, recreation and trails. Mr. Jensen explained the reason for the plan and how he calculated the numbers for the analysis. He pointed out that it is a conservative plan. It was noted that capital facilities plans are required when applying for grants. Mr. Jensen indicated that these plans need to be updated every three years. It was pointed out that currently we are charging a \$200 impact fee for parks. Brandon Richards, city attorney, briefly explained the process that needs to be followed in order to enact these fees. He pointed out that you cannot charge higher fees than the analysis allows. The first step will be to pass an enactment statement that he will draft. It will have to be available for review for fourteen days before the public hearing. It will take effect 90 days after the ordinance is passed. The question tonight is how much the council feels we ought to set the fee. It was noted that Brad Jensen had a recommended amount which is also the maximum amount. Councilmember Ferrin felt that we need to follow our professional engineer's recommendation. Mr. Jensen feels that these fees are right in line with the other cities. Mayor Jenkins noted that we had a range for the sewer and storm sewer impact fee studies. He noted that the previous council didn't feel it was needed to charge the maximum right off the top. Mayor Jenkins doesn't think in this case we ought to charge the maximum. It was noted that we have to use these fees within six years. Councilmember Higley mentioned concern for going right to the maximum fee. Councilmember Ferrin noted that since Mr. Jensen has looked at other cities and he feels with our limited resources the maximum fee is fair and reasonable. Councilmember Kelley felt justified in charging the fee that was recommended. Councilmember Koford feels that if this would have been passed five years ago, we'd be a lot better off now. **Councilmember Kelley moved to allow the city attorney to prepare an impact fee enactment based on the recommendation by our city engineer utilizing the maximum rates. Councilmember Ferrin seconded the motion.** Mayor Jenkins noted that he hates to see the city council do this. Councilmember Kelley noted that it is based on professional analysis. **Councilmembers Kelley, Ferrin and Koford voted aye. Councilmember Higley voted nay. The motion carried.** Councilmember Higley noted that the reason he voted against was because he thinks it is a drastic change for the park fee to go from \$200 to \$600. He does feel however, that the transportation fee is good.

Other Business

Approval of Business Licenses:

There was none at this time.

Approval of Warrant Register (see 09/01/08-09/18/08)

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

Reports – City Council

Councilmember Koford noted that the press box and the power are in.

Councilmember Ferrin noted that there were 11 applications for the leisure services position.

Councilmember Kelley noted that the Arts Council will be caroling on December 11. They are looking at some sort of a fall festival the 3rd Saturday in September of next year.

Councilmember Higley reported that he has had good feedback on the recycling program. He also thought it was good to extend the landfill hours.

Mayor Jenkins noted that he is excited about the new sewer project and the engineer hopes to have the air running by October.

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Motion for Executive Session: Strategy session to discuss the purchase, exchange or lease of real property

At 8:50 p.m. Councilmember Ferrin moved to close the regular meeting and go into an executive session to discuss the purchase, exchange or lease of real property. Councilmember Higley seconded the motion. Councilmembers Kelley, Ferrin, Koford and Higley voted aye. The motion carried.

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

City Recorder

Mayor

Date approved

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