

PLAIN CITY COUNCIL
MINUTES OF REGULAR MEETING
MARCH 19, 2009

The City Council of Plain City convened in a regular meeting on Thursday, March 19, 2009, 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
Also present: Terrie Stephenson, Robert Seager, Artie Pearce, Jim Beesley, Don Weston, Suzanne Palmer, Archie Skeen, Jay Gresham and Deputy Rex Cragun

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

Approval of Minutes: March 5, 2009

Councilmember White moved to approve the minutes from March 5, 2009, as presented. Councilmember Ferrin seconded the motion. Councilmembers Kelley, Ferrin, White, Koford and Higley voted aye. The motion carried.

Comments: Public

There was none at this time.

Report: Planning Commission

Buddy Sadler reported that the Planning Commission had a discussion with some people who want to put an offer into the school district for the old elementary school. These people want to put in a drug rehabilitation facility. The Planning Commission extended preliminary approval for Four-Mile Parkway. They also had a discussion with the developers of England Meadows who want to abandon their subdivision, development agreement and escrow. The Planning Commission tabled this so they could get more information. This subdivision is tied in with Still Creek and there are some road and sewer issues to work out. Buddy noted that they wanted to make sure there are no ramifications if the escrow is released. He reported that they recommended a change to the lot line adjustment ordinance.

Motion for Ordinance: Amend Sewer Service Ordinance – Penalty for Illegal Connections

Mitch Willson, public works director, reported that there is a lot of water emptying into the sewer lines that shouldn't be. This water is causing the sewer lift stations to run more than necessary and is also filling up the lagoons with water than shouldn't have to be treated. Mitch is suggesting smoking the lines which would show those that have tied their roof drains into the sewer system. It was reported though, that it won't show those that have basement sump pumps hooked to the sewer. Mitch reported that Central Weber will let the city use one of their fans to smoke out the line. It was suggested that a letter be sent to the homeowners that would explain the process and educate them on the cost to the city for the excess water going through the sewer. The Mayor asked Judge Beesley about violators coming to court. Judge Beesley reported that the city has to decide how to handle this before violations are issued. Mitch reported that the ordinance allows him to go on people's property but he would like to have Rex come with him. Mitch also reported that in one subdivision with about 18-20 homes, he can see 4 of those homes dumping water into the curb. He is reasonably sure that the rest is going into the sewer. Councilmember Ferrin asked about videoing the line. Mitch noted that it costs 55 cents a foot. He noted that smoking is faster and will do more houses at a time. Councilmember Higley noted that the new homes probably have pumps and they will also have traps to block off the smoke. It was noted that we have to be uniform around the city. Mitch noted that he is doing a rotational maintenance of the sewer. Through this system, he can come up with a list of suspects on those lines that have previously been videoed. He also noted that it would take about three man hours to smoke 400 feet. Councilmember Koford noted that she would like to have a letter sent out thirty days ahead, so people are aware of the problem. Mitch suggested sending a letter 30 days ahead, and then if they are in violation, we could fine them \$55-100. He also noted that the ordinance allows a citation for every day in violation. Councilmember Kelley asked where the sump pumps need to drain to. Mitch reported that they need to drain to the curb. Judge Beesley noted again that once the people have been warned, a fine can be imposed. He noted that the city needs to set that fine. Councilmember Ferrin feels that the fine ought to be a minimum of \$75. Councilmember

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White feels that it should be \$100 and they should have 30 days to fix it. Mitch reported that he put an article in the newsletter about this in September. Councilmember Higley noted his concern and feels that there should be a letter first for education purposes and then if they don't respond they should be fined. He noted that we need to explain to people that this problem is costing all of us. It was also suggested to talk to those that are suspected when we do the routine maintenance. It was mentioned that it costs to check to see if someone is hooked illegally. **Councilmember Ferrin move to adopt ordinance 2009-04 as presented with the addition of imposing a \$100 penalty when the line is smoked and giving them 30 days to fix the problem. If the problem isn't fixed within the 30 days, they can be fined \$250 every month until it is fixed. Councilmember White seconded the motion.** Councilmember White asked about the wordage to the ordinance. Diane said she would send it to Brandon Richards and he could add the correct wordage into the ordinance. **Councilmembers Kelley, Ferrin, White, Koford and Higley voted aye. The motion passed.**

Set Public Hearing: Amendment to Subdivision Ordinance – Lot Lines and Consolidations
Councilmember Ferrin moved to set May 7, 2009 as a public hearing to amend the subdivision ordinance concerning lot lines and consolidations of parcels. Councilmember Kelley seconded the motion. Councilmembers Kelley, Ferrin, White, Koford and Higley voted aye. The motion carried.

Discussion/Motion: Amendment to Land Use Ordinance
Mayor Jenkins reported that Craig Call, a local attorney in town who specializes in land use offered to put together a proposed amendment to our land use ordinance. He and several residents have formed "Friends of Plain City", a non-profit organization. Mayor Jenkins read a letter from Mr. Call dated 03-16-09 that was attached to the proposed amendment. The Mayor pointed out that if the council is interested in these amendments, they will need to make a motion to study the amendments and pass them on to the Planning Commission. It was noted if the city considers this a "pending ordinance", any application that comes to the city within six months could be made subject to the pending ordinance. **Councilmember White moved to adopt the pending ordinance amending section 10 and proposed title 17 for a six-month review period with the Planning Commission and City Council. Councilmember Ferrin seconded the motion. Councilmembers Kelley, Ferrin, White, Koford and Higley voted aye. The motion carried.** Councilmember White reported that in the building code there are some public safety issues that he hopes the building official is up on. Councilmember White asked Diane to have Ken Martin call him.

Other Business

Approval of Business Licenses:

New

Ultimate Equestrian	Danna Russell	3077 N 3900 W	equine training
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Renewal

Altitude Audio, Video & Automation	Richard Yorgason	2434 N 3425 W	install custom home equip.
Neal's Landscape Designer Inc	Jack Neal	1853 N 3375 W	landscaping
Cedarwood Studios Inc	Stan & Shauna Smith	2803 W NPC Rd	photography
Gottahavit Wholesale	David & Lori Burgett	2123 N 4650 W	delivery prepackaged meat
Cozy Quilts	Shauna Lewis	2081 N 4500 W	quilting
Yard Masters Inc	Bryce Wade	1573 N 4325 W	yard care
Lewis Construction Inc	Bob Lewis	2081 N 4500 W	general contractor
Keyway Strategies LLC	Paul & Sara Hurd	4487 W 2575 N	service-business coaching
Ellis & Urry, Inc	Roy East	4251 W 1400 N	real estate consulting
DMLP Resources LLC	Dan Scarbrough	5057 W 1500 N	construction
LT Sports Enterprises	Leonard Tyner	1585 N 4400 W	internet – sports jerseys
Balderree Home Inspections	Ted Balderree	1622 N 4150 W	inspection services
YBR Distributor	Michael Spears	3951 W 2200 N	wholesale distribution
Personal Touch Transcription Service	Renee Terrell	4433 W 1650 N	medical transcription
Sher's Nails	Sherilyn Elliott	2107 N 3900 W	nails, manicures
Hales-Sheds	Jim Hales	3030 W 1900 N	portable sheds
Jeff Johnson Drywall, Inc	Jeff Johnson	3406 W 2350 N	drywall
Old Homestead	Becci Kohler	3803 W 2100 N	wholesale crafter

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Dawn Co – RK Supply	Rebecca Kohler	3803 W 2100 N	property management
Sizzle Sack Inc	Nathan Corey	2982 N 3525 W	self heating paper bag
Hall Construction Co. Inc	Edward Hall	2704 W 1575 N	construction
Stonehouse Associates LLC	Craig Call	2424 N 4500 W	carpentry/real estate
Einstein Learning Academy	Marina Noble	4436 W 1650 N	home day care
Chadwick Homes Inc	Chad Koford	3479 W 2100 N	contractor
Randy Marriott Construction	Randy Marriott	4960 W 2200 N	construction/maintenance

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

Approval of Warrant Register (see 03-01-09 to 03-18-09)

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

Reports – City Council

Councilmember Kelley reported that Founders Day is in two days! She also noted that the intersection of 2200 N and 4425 W is hard to see due to some parked cars. Deputy Cragun will look into it.

Councilmember Ferrin asked how much the city wanted to spend on fireworks. It was noted that last year the fireworks were \$6,000 due to \$2,000 being donated by a private citizen. Councilmember Ferrin noted that we have to have a 50% deposit paid by March 31. It was decided that we would send \$3,000 now and hopefully raise enough in donations to cover the additional \$2,000. Councilmember Ferrin reported that they have started marking the utilities on 3600 W to get ready for the sidewalk.

Mayor Jenkins asked Mitch if there were any flooding problems. Mitch noted there is a minor issue on 5100 W. Mayor Jenkins also mentioned that he is concerned about the lasted proposal for the old elementary school. He noted that the high security lock-down facility is a nightmare. He noted that the Planning Commission just listened to the proposal. A local senator wrote a letter of concern for this proposal to the school board. The chairman of the board called him back to say they don't support this type of facility and they will head it off.

At 8:00 p.m. Councilmember Higley moved to adjourn. Councilmember Koford seconded the motion. The vote was unanimous.

City Recorder

Mayor

Date approved