

PLAIN CITY COUNCIL  
MINUTES OF REGULAR MEETING  
MAY 7, 2009

The City Council of Plain City convened in a regular meeting on Thursday, May 7, 2009, in the Plain City Hall beginning at 7:00 p.m.

Present: Mayor Jay Jenkins, Councilmembers Brett Ferrin, Brent White, Beth Koford and Bruce Higley  
Excused: Councilmember LaFray Kelley  
Staff: Diane Hirschi  
Also present: James Jensen, Duane Kearsley, Jay Gresham, Bob Lewis, Terrie Stephenson, Robert Seager, Blake Neil, Artie Pearce, Danny Kilgore, Mark & Robyn Lowther, Randall Marshall, Mike Schultz and Deputy Rex Cragun

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

Approval of Minutes: April 2, 2009

**Councilmember White moved to approve the minutes from April 2, 2009, as presented. Councilmember Koford seconded the motion. Councilmembers Ferrin, White, Koford and Higley voted aye. The motion carried.**

Comments: Public

Jay Gresham reported that he still has some concerns about phase 3 of Big Cottonwood Estates. He noted that he has been here numerous times. Jay noted that he has talked to Mitch and there is a punch list of things to be done for phase 1 & 2. Jay reported that he is not getting anything from the developer. He reported that he had to fix the corner of the fence. The irrigation diversion box by Dorothy Cook has collapsed. The developer owes Jay for the some sewer grates. The land drain on the north side of phase 3 needs to be fixed. The fence needs to be replaced. The dirt is sloughing off the road and is bulging his fence. Jay noted that he hasn't been able to get into some of his property since last December. He is asking the city to access the escrow in order to get these things taken care of. Mayor Jenkins noted that there is a punch list of things to be done for phase 1 and 2 and they are requesting an extension in order to get the things done. Jay Gresham asked how many extensions they can have. He said he is not getting any cooperation from the developer at all.

Duane Kearsley reported that the irrigation problem began in Phase 1 of Cottonwood Subdivision and moved to phase 3. The fence line that was torn out was in phase 3. He noted that the fence needs to be fixed immediately.

Report: Planning Commission

Artie Pearce reported that the Planning Commission recommended that England Meadows be vacated. She noted that they met with Brandon Richards before their meeting. Artie reported that they worked on the snow removal ordinance and the land use ordinance that Craig Call drafted. Councilmember Ferrin noted that there are some new training manuals that they would like to get.

Public Hearing: Amend Subdivision Ordinance about Lot Line Adjustments & Consolidation of Parcels

**Councilmember White moved to go into a public hearing. Councilmember Ferrin seconded the motion. Councilmembers Ferrin, White, Koford and Higley voted aye. The motion carried.** Artie Pearce reported that the Planning Commission has found some changes that need to be made to this ordinance. She reported that currently everyone has to provide engineering and a survey deed for a lot line adjustment. With this change, they won't have to unless the Planning Commission has some concerns and feels that it would be necessary. They will be required to produce an 11 x17 plat drawn to scale showing all the buildings. **Councilmember Ferrin 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.**

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Motion for Ordinance: Amend Subdivision Ordinance

**Councilmember Ferrin moved to adopt Ordinance 2009-05 as presented and recommended by the Planning Commission. Councilmember White seconded the motion. Councilmembers Ferrin, White, Koford and Higley voted aye. The motion carried.**

Motion for Ordinance: Sewer Service Regulations

Brandon Richards reported that the council addressed this ordinance a couple of meetings ago, but he couldn't be here and had some questions. This amendment adds a penalty to those who are illegally putting water into the sewer. Brandon Richards would like to see the penalty as a Class C Misdemeanor. This way, the judge can look at each case individually and decide a fine rather than having a set fine no matter what the circumstances are. It was noted that a citation could be issued by our law enforcement and it would be heard in Plain City's Justice Court. Brandon explained that the way the council passed in the ordinance before, it made it more of a civil penalty. He feels that this way, the prosecutor and the judge have more latitude. **Councilmember White moved to amend Ordinance 2009-04 as presented by legal counsel. Councilmember Ferrin seconded the motion. Councilmembers Ferrin, White, Koford and Higley voted aye. The motion carried.**

Discussion/Motion: Interlocal Agreement with Central Weber Sewer District

The interlocal agreement is for the treatment of sewer for a small section of our city. Brandon Richard noted that he couldn't see any concerns with the agreement. He noted that the termination may be a little difficult, but wasn't really an issue. **Councilmember White moved to approve Resolution 2009-02 allowing the Mayor to sign the interlocal agreement with Central Weber Sewer Improvement District. Councilmember Koford seconded the motion. Councilmembers Ferrin, White, Koford and Higley voted aye. The motion carried.**

Discussion/Motion: Abandonment of England Meadows Subdivision

Mike Schultz, one of the owners of England Meadows Subdivision, reported they have 80 lots that the economy is not sustaining at this time. He reported that the bank is forcing them to totally abandoning the plat, escrow and development agreement. He noted that they still own the property and they hope to come back at another time and develop it. Mr. Schultz noted that they have put in approximately \$100,000 of improvements which consists of some pipe and manholes. It was reported that this is a PRUD and if the development agreement is abandoned, that they may not be able to have the same amenities at a future date. Artie Pearce reported that Allan Karras told the Planning Commission that the trails people would still honor their agreement at a later date. Councilmember White noted that he would like to keep the development agreement in tact if at all possible. Brandon Richards noted that he would look into it but is concerned about binding a future council. Brandon noted that the city has to do what is best for the public interest. It was noted that tonight, a public hearing needs to be set. Brandon Richards was asked to see if the council could keep the development agreement but abandon the plat and the escrow. **Councilmember White moved to set a public hearing for June 4 for the abandonment of England Meadows Subdivision. Councilmember Ferrin seconded the motion. Councilmembers Ferrin, White, Koford and Higley voted aye. The motion carried.**

Discussion/Motion: Big Cottonwood Ph 1 & 2 Final Acceptance Extension

Danny Kilgore reported that his time ran out on his escrow and would like an extension to get the improvements done. At the same time, Danny is asking to be able to use some of the contingency money to finish out the improvements. It was noted that on April 2, Wasatch Civil made a punch list of things to be completed. Brandon Richards noted that like Pheasant Brook Subdivision, this is doing things a little backwards. Mayor Jenkins noted that this way the city would have control. Councilmember White noted that if the city has control, then the city should hire the contractor. Councilmember Higley asked what the time limit would be. It was suggested that Danny get with Brad Jensen and itemize the costs and then set the time line. After that has been completed, Danny should supply the costs and the deadlines to the city council. It was also suggested that phase 3 be addressed by the city engineer. **Councilmember White moved to table this discussion for two weeks while the developer gets with Brad Jensen for costs and time frames for Phases 1 & 2. Councilmember Higley seconded the motion. Councilmembers Ferrin, White, Koford and Higley voted aye. The motion carried.** As far as phase 3 goes, the Mayor suggested that Jay Gresham get a list together of his concerns and get it to Mitch. Mitch will then get with

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Brad Jensen. If some of the problems were created in Phase 1 or 2, then they would need to be taken care of now. Danny Kilgore agreed.

Discussion/Motion: Approve 2009-2010 Tentative Budget

Steve Davis handed out a March financial statement. He reported that the revenue is holding up at almost 75%. He noted that building permits are way down which also affects the impact fees. Steve also handed out the proposed tentative budget. He reported that he has done what he can do but there is a \$178,472 shortfall this year. He noted that the council has two options. They can either transfer capital project funds back to the general fund or have everyone look and see where they can cut. He reported that the tentative budget has to be approved tonight, but mentioned that it is only a starting point to give final approval on June 18. Steve Davis also mentioned that he needs to know of what bills will be coming in before the end of the year because we also have to make final changes for this budget year on June 18. Steve reported that the sewer fund doesn't have to balance. He noted however, that it is running behind and the council needs to seriously look at it. The capital funds project balance will probably need to be cut and we will have to transfer money to the general fund. The redevelopment budget is still at 0. James Jensen thanked Steve for his information. **Councilmember Ferrin moved to approve the tentative budget and the redevelopment budget as presented and to set a public hearing for June 18 for the budget hearings. Councilmember White seconded the motion. Councilmembers Ferrin, White, Koford and Higley voted aye. The motion carried.** Mayor Jenkins noted that the council needs to look at costs savings anywhere.

Other Business

Approval of Business Licenses:

New

|   |             |               |                 |
|---|-------------|---------------|-----------------|
| GSL Process Servers                         | Sean Jones  | 4773 W 1850 N | process serving |
| Jack's Garage                               | Greg Warg   | 2417 N 4425 W | restore cars    |
| Academy of Discovery (formerly Almost Home) | Tauna Blair | 2414 N 4350 W | daycare         |

Renewal

|                   |                  |               |            |
|-------------------|------------------|---------------|------------|
| ABC Preschool     | Cristine Wheeler | 2138 N 3900 W | preschool  |
| RJ Analytical LLC | Rich Mickelsen   | 4364 W 2575 N | testing    |
| RJ Analytical     | Rich Mickelsen   | 2195 N 3500 W | consulting |

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

Approval of Warrant Register (see 04-01-09 to 04-21-09 and 04-22-09 to 04-30-09)

**Councilmember White 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.**

Reports – City Council

Councilmember Ferrin noted that the 4<sup>th</sup> of July committee is coming along. He noted that they will try and cut expenditures. He noted that they are doing some different things this year and are also looking at some corporate sponsors.

Councilmember Higley reported that the Mosquito District is planning on a good crop of mosquitoes this year. He also noted that Bona Vista put some water information in the water bill. He suggested that everyone read it.

Councilmember White reported that he, Don and Brad Jensen are looking at some projects on the lagoons. He noted that he will have all the information in place when we have the funds to do it. He reported that he had copies made of some impact fee information and suggested that maybe we should have a joint work meeting with the Planning Commission and Steve.

Councilmember Koford noted that she went to a seminar for Block Grants. She has some information about applying for some stimulus money through the state.

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Mayor Jenkins noted that this month the sewer readings were the lowest they have ever been. He thanked Steve Davis for his work and asked the council to look at their departments for cuts.

**At 8:44 p.m. Councilmember Higley moved to adjourn and go into an executive session for the discussion of purchase, exchange or lease of real property. Councilmember Ferrin seconded the motion. The vote was unanimous.**

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City Recorder

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date approved

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