

PLAIN CITY COUNCIL  
MINUTES OF REGULAR MEETING  
AUGUST 6, 2009

The City Council of Plain City convened in a regular meeting on Thursday, August 6, 2009, in the Plain City Hall beginning at 7:00 p.m.

Present: Councilmembers LaFray Kelley, Brett Ferrin, Brent White, Beth Koford and Bruce Higley  
Excused: Mayor Jay Jenkins  
Staff: Diane Hirschi  
Also present: Mary Lou Heslop, Terrie Stephenson, Rick Scadden, Artie Pearce, Chad Butters, Don Weston, Gordon Nozaki and Deputy Rex Cragun

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

Approval of Minutes: July 16, 2009

**Councilmember Ferrin moved to approve the minutes from July 16, 2009, as presented. Councilmember Kelley seconded the motion. Councilmembers Kelley, Ferrin, White, Koford and Higley voted aye. The motion carried.**

Comments: Public

Mary Lou Heslop explained that they have property next to the Fox Subdivision. Originally there was a fence between the home and the agricultural property but the home owner took the fence down. Now that Carlos has cattle in the property, he had to put up a make shift fence until the developer put in the fence. She noted that she has a copy of the minutes from August 10, 2006 stating that the developer must put up a fence along agricultural property.

Public Hearing: Various Ordinance Amendments

**Councilmember Koford moved to go into the public hearing to amend various ordinances. Councilmember Kelley seconded the motion. Councilmembers Kelley, Ferrin, White, Koford and Higley voted aye. The motion carried.** Artie Pearce reported that they worked on four different ordinances. One was for catteries and kennels. She noted that kennels and catteries will only be available to acre lots and commercial property under a conditional use permit. She mentioned that we only allow three dogs and three cats per lot. If they want more, they will have to get a conditional use permit and a business license and be on a one-acre lot. She reported that they created a livestock ordinance. She reported that currently you can have two horses on one-half acre. The planning commission feels that you should have at least  $\frac{3}{4}$  of an acre. It was pointed out that those that have horses now will be grandfathered in. Artie Pearce reported that they are working on the parking ordinance and are suggesting that no one be allowed to park on the road during winter hours between 1 am and 7 am and/or 48 hours after a snowstorm. Parking will be prohibited along the road on 2200 North by the Lee Olsen Park and also on 2200 North above 3600 West. It was noted that this may pose a problem for the crossing guard at the intersection of 2200 N and 3600 W. The Mayor asked for any comments from the public. Mary Lou Heslop noted that sometimes the crossing guard has a child asleep in her car and is worried if she can't park her car by the crossing. Don Weston asked for clarification on livestock restrictions on lots under  $\frac{3}{4}$  of an acre. It was noted that a grandfather clause should be on all the ordinances. Don Weston also asked if currently three dogs were allowed on any lot. There was a question about fowl. There was a discussion about 15 chickens and 30 chicks under 5 months of age. There was also a discussion about just having one rooster. Councilmember Ferrin asked about buffalo and why we don't allow them. Artie Pearce reported that the Planning Commission looked at other cities that don't allow them. Terrie Stephenson asked if there are buffalo now and would they be grandfathered in? It was noted that there aren't any buffalo currently. **Councilmember Kelley moved to go out of the public hearing and into the regular meeting. Councilmember Ferrin seconded the motion. Councilmembers Kelley, Ferrin, White, Koford and Higley voted aye. The motion carried.**

Motion for Ordinance: Various Ordinance Amendments

Councilmember Koford mentioned that Plain City is full of narrow streets and wondered why they picked 2200 N above 3600 W to not allow any parking. It was discussed that maybe it had to do with fire and safety since it is the

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only way into that subdivision. There was a discussion about daytime vs. nighttime or possibly sunset to sunrise. Councilmember White suggested going through each ordinance. They looked at the Police Regulation ordinance 5-1-1 concerning kennels and catteries. The council suggested that it have a grandfather clause attached to it. It was also noted that they can't see where it says there is a one-acre minimum. Next, the proposed livestock ordinance 5-4-1 was looked at. The council suggested that it have a grandfather clause added. Another question was if we will be regulating animals under six months. In the proposed ordinance beginning with 10-2-1, the council felt that it also had to have a grandfather clause. There was a discussion about fowl. Councilmember White felt the wordage wasn't clear about the numbers of fowl and roosters. They wanted the sentence concerning fowl under five months clarified. The council also felt the Planning Commission ought to look at breeding game birds a little closer. It was also pointed out that the last sentence of the ordinance concerning accessory structures needs to be changed to 30 feet from any public street. **Councilmember Ferrin moved to table these ordinances and send them back to the Planning Commission for further review. Councilmember Koford seconded the motion. Councilmembers Kelley, Ferrin, White, Koford and Higley voted aye. The motion carried.** Artie Pearce asked Diane if she would put all of these changes in a memo to the Planning Commission.

Motion for Final Acceptance: Pheasant Brook Subdivision

Councilmember Koford thought that there was supposed to be three street lights in the subdivision. This will be checked into. There is a memo from Wasatch Civil stating that all the items have been completed. **Councilmember Higley moved to give final acceptance to Pheasant Brook Subdivision. Councilmember Ferrin seconded the motion. Councilmembers Kelley, Ferrin, White, Koford and Higley voted aye. The motion carried.**

Motion to Set Public Hearing: Land Use Ordinance Amendments – Sept 3

**Councilmember Kelley moved to set September 3, 2009 as a public hearing to discuss the land use ordinance amendments. Councilmembers Kelley, Ferrin, White, Koford and Higley voted aye. The motion carried.**

Discussion: Lorna Hoffman – Concerns about Pheasant Hollow Subdivision

Lorna Hoffman wasn't in attendance.

Motion for Ordinance: Procedure for Written Minutes

It was noted that this is a written procedure for the minutes. Diane noted that the Utah League of Cities sent out a model ordinance. She forwarded it to Brandon Richards who in turn made a few adjustments to fit our city.

**Councilmember Ferrin moved to adopt Ordinance 2009-06 as our procedure for written minutes. Councilmember Higley seconded the motion. Councilmembers Kelley, Ferrin, White, Koford and Higley voted aye. The motion carried.**

Motion: Appointment of Election Judges

Diane reported that she needs to appoint her office staff as the election judges for early voting and then Coral Hadley, Pat Smith and Janet Judkins as Election Day judges. **Councilmember Ferrin moved to appoint the office staff, Coral Hadley, Pat Smith and Janet Judkins as election judges. Councilmember Higley seconded the motion. Councilmembers Kelley, Ferrin, White, Koford and Higley voted aye. The motion carried.**

Other Business

Approval of Business Licenses:

There were no business licenses to be approved.

Approval of Warrant Register (see 07-17-09 to 07/31/09)

Councilmember White noted that the city has purchased a public works office as part of the redevelopment of the public works complex down by the sewer lagoons. It was also noted that the line laser is for striping the football field and can also be used for roads and crosswalks. Councilmember Koford reported that half of the money will be paid by the RAMP grant. **Councilmember Koford moved to approve and pay the bills as presented. Councilmember Higley seconded the motion. Councilmembers Kelley, Ferrin, White, Koford and Higley voted aye.**

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Report: Planning Commission

There was no report.

Reports – City Council

Councilmember Kelley reported that the Arts Festival is on its way. She noted that the deadline for vendors to sign up is August 24. She will ask Mitch if she can get Dusty and Cortney to help with setting up the tents and taking them down.

Councilmember Koford reported that the sidewalk project is moving forward but is very slow. They are promising to be done by August 22. She mentioned that the playground equipment will be installed on August 17. She had bids for the curb around the playground. All the bids were close to the same price. It was agreed that the local contractor should be awarded the bid. Garrett and Co. was previously approved to do the wood fiber.

Councilmember Higley reported that the mosquito district is doing well and responding to calls. He noted that the recycle program has almost been going for a year and asked that the council look at it again the first meeting in October. He thanked Councilmember Ferrin for a great 4<sup>th</sup> of July celebration.

Councilmember White reported that in recent staff meetings, preparations for closing the little road off in the Lee Olsen Park are underway. He explained that there will be gates and they will leave a walkway open. Councilmember White feels that we need to be making preparations and have a plan for the big RAMP grant that will be due in January. He noted that the council received copies of the letters that were sent to Robson's about removing the building. He mentioned that the landfill department is looking at purchasing a dump trailer that possibly could be rented to citizens. Councilmember Ferrin feels that the liability would be too great for the city. It was noted that we need to look into this a little more. Councilmember White reported that they are working on a project in the sewer lagoons for the outflow line. He also reported that the Mayor found a mobile office and plans to move it down by the landfill and the sewer ponds for a public works office. He mentioned that Councilmember Higley get with Mitch and the Mayor about deciding whether to move or sell and rebuild the city shop.

Diane asked if the council is planning on attending the Utah League of Cities and Town convention in September. If they are interested, they need to let her know. She also asked if they wanted to have a Meet the Candidates night for the Mayoral race. The council thinks it will be a good idea and it was sent for Tuesday, August 25 at 7 p.m. Deputy Rex Cragun was asked to be the moderator.

**At 8:42 p.m. Councilmember Higley moved to adjourn. Councilmember Ferrin seconded the motion. The vote was unanimous.**

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City Recorder

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Mayor

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Date approved