

PLAIN CITY COUNCIL
MINUTES OF REGULAR MEETING
SEPTEMBER 3, 2009

The City Council of Plain City convened in a regular meeting on Thursday, September 3, 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, Brad Simons, Diane Taylor, Thane Ellis, Gar Hunter, Sterling Bailey, Galen Lord, Don Weston, Artie Pearce, Paul Hodson, Jarod Maw, Lynn Bitton, Dan Perkins, Justin Jensen, Zach Decaria, Zach Jensen, Zack Perkins, Kelly Parke, and Kathy Johnson

Mayor Jenkins called the meeting to order and asked Troop 516 to lead in the pledge of allegiance. Councilmember White gave the invocation/moment of silence.

Approval of Minutes: August 20, 2009

Councilmember White mentioned that he wasn't present at the last meeting. Councilmember Kelley mentioned that she was not either. **Councilmember Higley moved to approve the minutes from August 20, 2009, as corrected. Councilmember Ferrin seconded the motion. Councilmembers Kelley, Ferrin, White, Koford and Higley voted aye. The motion carried.**

Comments: Public

Mayor Jenkins noted that there is a public hearing to amend the Zoning Ordinance concerning group living facilities. He noted that there might be a misunderstanding that people think there is a public hearing concerning the animal ordinances tonight, but there is not. He did mention that the council would like to hear comments about the animal ordinance if they are here. Sterling Bailey feels that limiting the number of animals will be detrimental to the community. He feels that the city ought to keep the ordinance the same. The new proposed ordinance states that you are not allowed any large animals under ¾ of an acre. He feels that it would take a lot of the homes off the market that are advertised as horse property. Gar Hunter asked when this change took place. Artie Pearce reported that the Planning Commission has worked on a draft and it has just been given to the council. She feels that the Planning Commission's thinking is that you need to have a ½ acre of property without the house in order to maintain a horse. Scott Cook asked what happens if you have over five acres. Artie Pearce pointed out that there is no regulation for over five acres. Sterling Bailey noted that the draft says that a corral has to be 60' back from the road. Troy LaFleur asked about the grandfather clause. Jarod Maw read the grandfather clause. Troy noted that at Meet the Candidates Night, everyone wanted to keep the city rural. Scott Carnahan was concerned about the grandfather clause that stated that they would not be grandfathered if they are off for more than six months or there is a change of ownership. Lynn Bitton noted that he thinks there is just a misinterpretation of the changes but mentioned that there are instances where several horses on 1/3 acres is better maintained than on a larger lot. He is concerned about having a blanket policy and feels that it needs to be controlled on a case by case basis. Councilmember Koford feels that we should set a public hearing for this. Mayor Jenkins felt that we should have a work session. He promised the people that they would be notified of the meeting. Artie Pearce doesn't feel that the changes are drastic.

Public Hearing: Amendment of Zoning Ordinance – Group Living Facility

Councilmember Higley moved to go into the public hearing to discuss the proposed changes for group living facilities. Councilmember Koford seconded the motion. Councilmembers Kelley, Ferrin, White, Koford and Higley voted aye. The motion carried. Jarod Maw reported that this is the ordinance that was drafted by Craig Call. He mentioned that basically it is changing what were permitted uses to conditional uses. **Councilmember White moved to go out of the public hearing and into the regular meeting. Councilmembers Kelley, Ferrin, White, Koford and Higley voted aye. The motion carried.**

Motion for Ordinance: Amendment of Zoning Ordinance – Group Living Facility

Councilmember White moved to approve Ordinance 2009-08 as presented. Councilmember Ferrin seconded the motion. Councilmembers Kelley, Ferrin, White, Koford and Higley voted aye. The motion carried.

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Review: Resolution 2009-03 Vacation of England Meadows

Diane mentioned that Brandon Richards asked that the council look at the resolution to make sure that is what they meant when they vacated England Meadows. A copy of the resolution and the minutes for that meeting were given to the council. The council agreed that it was correct.

Discussion: Sewer Treatment – Don Weston

Don Weston reported that for two years they have never gone over the limit. With the by-pass system, the new chlorine basin and the poo-gloos, the numbers are at 0 with 100% kill rate. They are using a lot less chemicals which should result in a savings in 4-6 years. He reported that they are actively using three of the six ponds. There are three more projects that he would like to do. He mentioned that he has been meeting with Brad Jensen, Brent White and the State on preparations for these projects. One of the projects is a wildlife habitat area. Councilmember White thanked Don for a job well done. It was noted that the poo-gloos are working very well. He noted that all of the improvements have taken place on one side and eventually they will duplicate it on the other side. It was noted that right now the lagoons are designed for 7000 people and when they are done with the improvements it will accommodate 15,000-20,000 people.

Discussion/Motion: Landfill Equipment

Councilmember Brent White reported that Maw Equipment faxed him some information about a Case Crawler Loader that is exactly like the one we have for the landfill. It is \$9,000. It is newer than the one we have but needs some engine work. He reported that the landfill people want to buy it and take \$4,500 out of the current budget and \$4,500 out of next year's budget to pay for it. He also noted that it would cost around \$8,000 to rebuild the engine. It was noted that we have the other one to use for parts. Councilmember White noted that he has received other price comparisons for something similar. He noted that they are still using the old machine at the landfill so they would have time to rebuild the newer one. Councilmember White noted that he thinks this is a good opportunity and would have about a year and a half to rebuild it. Councilmember Ferrin asked if on top of the \$9,000, it would cost \$8,000 to replace the engine. It was noted that it is correct. Councilmember Higley appreciates Councilmember White looking around, but feels that equipment is cheap now and is leary about jumping into something that we have to put a new engine in. Construction is slow and he feels we can take advantage of this to find something better. Don Weston noted that we can use the old one for parts. Councilmember White noted that he had some concerns at the first but liked that we could work with Maw's and split it within two budgets. Councilmember Higley still feels the economy is in our favor and there is lot of equipment out there. Councilmember Ferrin feels that we should table this for two weeks. **Councilmember Ferrin moved to table this item. Councilmember Higley seconded the motion. Councilmembers Kelley, Ferrin, White, Ferrin and Higley voted aye. The motion carried.**

Discussion: Brad Simons – Four Mile Parkway

Brad Simons with Four-Mile Parkway, asked to be on the agenda to get some direction from the city council. He reported that he knows the concerns from the joint meeting with the Planning Commission. There are five things he needs guidance on. #1 – Parks and Trails. Mr. Simons noted that originally they proposed that all the parks would be private. The city didn't like that. Now they have the park with the pond in the middle and another large park with a soccer or baseball field. Originally they wanted to set it up with a home owners association with the option of setting up a special improvement district. Now they are thinking about just setting up a special improvement district. Councilmember Ferrin noted that his concern was a small park behind some the homes that didn't have public access. There was some discussion about possibly making that park into a trail head park. It was noted that the senior park will still be private. Brad Simons noted that he will modify this in the development agreement. He noted that the trails will be public and all the parks will be public except for the senior park. #2 – Access points. Mr. Simons reported that he had an engineers study and it was determined that they widen the main entrance into the subdivision. It was recommended that they have the easement secured that could possibly be another access onto 1975 N. Councilmember White noted that if the other section of the subdivision comes in, then there won't be a problem with another access. #3 – Water property. Mr. Simons mentioned that it is Glen and Diane Taylor's dreams to have a little stream go through the subdivision to Four-Mile. They would like to keep it open. Brad Simons noted that they would make it so any child could walk right out of it and he realizes that it goes against the city ordinance. Mayor Jenkins noted that he likes the idea and hates to see everything piped and fenced.

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Councilmember Ferrin is concerned about the liability and noted that he hasn't seen any engineering. Brad Simons noted that they would put it in the CC & R's and on the deed that this is a waterfront community and with the swale provision. Artie Pearce reported that according to the Planner's this is a concession that the city council can make. There was a question of flow numbers and keeping the pond and the streams being stagnant. Councilmember Koford thinks that it runs all year long. There was a discussion about ducks. Brad Simons noted that the size of the pond will determine the duck population. #4 – Special Improvement District. Mr. Simons would like to have a special improvement district rather than the home owner's association. #5 – Land Drains. Mr. Simons reported that they really want basements. He explained the proposed system. He noted that the houses will be built two feet above the water table and every house will have a perforated pipe around it with a sump pump. The system will be funded through the special improvement district. Artie noted that the Planning Commission didn't have a problem with the system as long as the city isn't responsible. Councilmember Higley asked if the sump pumps were just a backup system. It was noted that it is and that it will be pumped onto the backyards. Councilmember White mentioned that he has some concerns about the mechanical system. Councilmember Kelley noted that she did too. Brad Simons noted that they can possible gravity flow the first two phases. It was noted that the buyers will be informed upfront about the special improvement district and the land drain system if it were approved. Councilmember Koford noted that there are still maintenance and liability issues. Councilmember Koford also noted that she doesn't like the access points in that the road doesn't match up with the other road across the street. She feels that the residents think that there will be a second access on the 1975 N. Brad Simons said he never promised that. He secured the easement, but never intended that to be a road unless he had to. Brad Simons noted that the utilities have all been contacted. The Mayor asked Paul Hodson about Bona Vista. Paul reported that he talked to Brad Simons about the plan review fee but nothing else has been done. Councilmember Ferrin wondered if Central Weber really wants the water. This needs to be checked out.

Other Business

Approval of Business Licenses:

There were no business licenses to be approved.

Approval of Warrant Register (see 08/21/09 to 08/31/09)

Councilmember Brent White mentioned that the Wastewater Compliance bill is for the rest of the poo-gloos that we agreed to pay. He is suggesting that we not retain Wastewater Compliance any longer. **Councilmember Ferrin moved to approve and pay the bills as presented. Councilmember Kelley seconded the motion. Councilmembers Kelley, Ferrin, White, Koford and Higley voted aye. The motion carried.**

Report: Planning Commission

Jarod Maw reported that the Planning Commission recommended on the dog kennel ordinance and the snow removal ordinance. He noted that Brandon Richards came to the meeting to discuss the group living facility ordinance that was prepared by Craig Call.

Reports – City Council

Mayor Jenkins reported that the Weber County Sheriff's Office has sent an invitation for the council and their spouses to come to their annual Employee Picnic and Appreciation Day on Sept. 17 from 11 a.m. to 8 p.m. at the Mountain View Park in Farr West.

Councilmember Kelley reported that the Arts Festival is the 12th. She asked about getting some pop-up shades. It was noted that Tammy Folkman has some for CERT.

Councilmember Higley mentioned that a while ago he brought up the pond of water issue in front of Bob Lewis' home. Apparently some things were tried to fix the problem in the past. He noted that the city engineer had looked at it years ago, but it was a huge cost. Councilmember Higley is at a loss of what to do. Mayor Jenkins noted that it is a problem in a lot of places. He will look into this problem.

Councilmember Ferrin noted that there has been an issue with the paint sprayer and suggests that someone should be in charge of equipment. He also noted that he will not be at the Oct. 1 meeting.

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Councilmember Koford reported that she is working on the park design with Paul Keeler. She reported that the sidewalk project on 3600 W is still going very slow. She is hoping that there will be concrete by next week.

Mayor Jenkins noted that Mitch got the bids for the walking path from Fremont to the cemetery on the south side of 1975 North.

At 9:20 p.m. Councilmember White moved to adjourn. Councilmember Koford seconded the motion. The vote was unanimous.

City Recorder

Mayor

Date approved

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