

PLAIN CITY COUNCIL  
MINUTES OF REGULAR MEETING  
OCTOBER 1, 2009

The City Council of Plain City convened in a regular meeting on Thursday, October 1, 2009, in the Plain City Hall beginning at 7:00 p.m.

Present: Mayor Jay Jenkins, Councilmembers LaFray Kelley, Brent White, Beth Koford and Bruce Higley  
Excused: Councilmember Brett Ferrin  
Staff: Diane Hirschi  
Also present: Terrie Stephenson, Paul Hodson, Blake Neil, Mitch Willson, Joe Serrao, Dusty Palmer, H.R. Hale, and Don Weston

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

Approval of Minutes: September 17, 2009 and September 22, 2009

**Councilmember Koford moved to approve the minutes from September 17, 2009 and September 22, 2009, as presented. Councilmember Higley seconded the motion. Councilmembers Kelley, White, Koford and Higley voted aye. The motion carried.**

Comments: Public

There was none at this time.

Discussion/Motion: Verizon Cell Tower Lease Agreement

Brandon Richards, City Attorney, reported on a couple of concerns he had on the agreement. It was soon realized that he didn't have the correct copy of the agreement. A correct copy was given to him. Brandon Richards pointed out that the cell tower will be accessed through city property. It is a 25 year lease unless Verizon were to terminate. Joe Serrao from Verizon mentioned that \$1,000 will be paid to the city upon signing the contract to hold the option for up to 18 months. Then at the commencement of construction the rent will be due at the rate of \$1,000 per month. Mayor Jenkins reported that he had the rental terms changed to \$12,000 annually. It will increase every year by 3%. **Councilmember White moved to approve the modified contract for \$12,000 per year lease agreement for Verizon on the condition that Brandon Richards review the option clause on the correct contract. Councilmember Kelley seconded the motion. Councilmembers Kelley, White, Koford and Higley voted aye. The motion carried.**

Discussion/Motion: Cemetery Contract

Councilmember White reported that this has been a long process but the city is finally ready to sign the contract to trade the property on Pioneer Road and the new property purchased from the East's. H.R. Hale was asked how many shares of water the city needs to give with the property. H.R. Hale reported that he talked to Pineview and they will require 51. Brandon Richards reported that there is a date missing on the contract and that would be the date the agreement is signed. H.R. Hale reported that Jerry Bradford has the title and he will get it tonight. The Cemetery District is ready to get going. It was reported that there will be another entrance onto 1975 North. It was mentioned that it will be good to have only one cemetery in town. **Councilmember Kelley moved to approve the cemetery contract as presented. Councilmember Koford seconded the motion. Councilmembers Kelley, White, Koford and Higley voted aye. The motion carried.**

Discussion/Motion: Parking Ordinance

Brandon Richards reported that he drafted the ordinance. He mentioned that the underlining means parts that are to be added and the strike-through words will be deleted. This ordinance is amending the current parking and snow removal ordinance. It was reported that Mitch and Deputy Cragun made some suggestions to the Planning Commission about snow removal. Councilmember Kelley felt that second 7-1-2(B) seemed nit-picky by not allowing snow to be pushed in the street. Councilmember Koford didn't like it either. Mitch explained that there is a problem with people plowing the snow across the street from their driveways and leaving a windrow of snow in the road. He noted that it pulls the plow in the truck and makes it easy to lose control. Councilmember Higley noted that it is a hazard and this tells people that can't put the snow back in the road. There was a discussion about

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people having their driveway cleaned out and then the plow comes and fills it up again. Mitch noted that they have to plow the road from curb to curb and unfortunately it takes a while to get all the roads done, especially when it keeps snowing. It was also noted that the Planning Commission changed the times that you can't park in the roads from November 1 through April 1. Rex Cragun reported that he has a warning notice printed off that he puts on the cars so they are aware. It was also reported that there will be no parking anytime on 2200 North from 4100 W on the south side of the road to 100 feet beyond the southwest corner of Lee Olsen Park. It was noted that there is a real parking problem at the Lee Olsen Park on Saturdays. They discussed painting the curb red on city property. **Councilmember Higley moved to approve Ordinance 2009-09 amending the parking, removal of snow, and street obstruction ordinances as presented. Councilmember White seconded the motion. Councilmembers Kelley, White and Higley voted aye. Councilmember Koford voted naye. The motion carried.**

Discussion/Motion: Review of Recycle Program

Councilmember Higley reported that it has been a year since we started the recycle program. He noted that he has received some good feedback on the program. He reported that currently there is not a tipping fee on the recyclables, but may be in the future. He noted that we have put in 383.62 tons over the year with a savings of \$11,511.60. He noted that the average is 25.5 tons a month. It was discussed that this is a very good program and compared to the other cities, we got a good deal. Our residents are paying \$3.15 per month. It is Councilmember Higley's recommendation that we leave the fee where it is at. He feels it covers the city and that no one is lower than we are. Mayor Jenkins reported that Councilmember Higley did a great job on this project. **Councilmember Higley moved to keep the \$3.15 rate for recycling. Councilmember Kelley seconded the motion. Councilmembers Kelley, White, Koford and Higley voted aye. The motion carried.**

Discussion/Motion: Membership in Ogden Weber Chamber of Commerce

There was a discussion about whether the city wants to join the Chamber. It was noted that they come around periodically, but this is the first time they asked the city to join for \$675. The Mayor asked the council what their feelings were. Councilmember White feels that it is a good thing and his business has joined. He noted that Plain City receives sales tax revenue which stems from all businesses in the county and the state. He feels that this alone makes it worthwhile. Councilmember Kelley asked if the city could join anytime and suggested that maybe next year would be a better time. She noted that the city asked departments to cut back, employees didn't get any raises and thinks that maybe the council ought to be mindful of that. Councilmember Higley asked when the renewal date would be. No one knew. Councilmember White noted that he understands what Councilmember Kelley is saying but his business took a huge hit this year, but he still has to market. Councilmember Kelley asked why the city would need to market. Mayor Jenkins noted that this year is not business as usual because things have been cut drastically. He noted that Riverdale has benefitted and this organization can help our city. Councilmember White suggested that this be tabled until we know what the renewal structure is like and what the due cycle is. Councilmember Koford wondered if the fee will go up next year. She wondered if they would be obligated every year. Diane will call Larry Crouch with these questions. **Councilmember Higley moved to table this upon further information on dues. Councilmember Koford seconded the motion. Councilmembers Kelley, White, Koford and Higley voted aye. The motion carried.**

Discussion/Motion: Sewer Treatment Improvements

Councilmember White mentioned that they have a roadblock with the State and so he, Don Weston and Brad Jensen, the city engineer put their heads together to come up with some ideas. He noted that our permit is up for renewal in 2013. He said the state won't renew if we don't do what they want us to do, which is basically build a mechanical plant or an aeration system in the primary ponds. He gave the council a breakdown of the costs for the aeration pond. He noted that he feels the numbers are high. He feels the city needs to be proactive and talk about what we want to do within these next four years. Do we want to bond for two million dollars, apply for grants, or what? We need to be planning now. He noted that it would only take 6-8 months to do the aeration pond. He noted that they are still planning to do the wildlife/habitat area and raise the dyke. It was noted that the purpose of the wetlands is to remove more solid waste. The water would be tested after. Mitch Willson noted that there is about 20% of the city that could be sent to Central Weber if the need arises. Councilmember White felt that the permit renewal needs to be talked about and looked into.

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Discussion/Motion: Crack Seal Bids

Mitch Willson reported that he got three bids for the crack sealing. He noted that the lowest is Precision Asphalt Maintenance at \$18,720.00. He noted that he hasn't worked with this company before. **Councilmember Higley moved to approve the bid of Precision Asphalt Maintenance, Inc for \$18,720.00. Councilmember White seconded the motion. Councilmembers Kelley, White, Koford and Higley voted aye. The motion carried.**

Other Business

Approval of Business Licenses:

There were none at this time.

Approval of Warrant Register (see 09/18/09 to 09/30/09)

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

Report: Planning Commission

Blake Neil reported that the Planning Commission is working on the abandoned building ordinance. Brandon Richards came to their meeting and gave them some suggestions. They are working on the difference between a mobile home and a recreational vehicle. He noted that right now the ordinance doesn't allow anyone to live on a temporary basis in a mobile home. They are looking at allowing someone to temporarily stay in a recreational vehicle for 30 days per quarter but no more than 60 days per year. There was a discussion about was a class C misdemeanor fine was. It was also noted that the vehicle can't be hooked into the sewer system. Blake Neil also reported that they looked to the ordinance talking about open space and common space feel that it is alright. He also noted that they are working on the animal ordinance and have some new information from Utah State University.

Reports – City Council

Councilmember Kelley reported that she went to a CDBG workshop and noted that if we want to apply, we have to have a capital improvement plan by November 20. We need to have a public hearing to get suggestions of things to put on this plan. We would then need to identify a project and have the application in by December 4.

Councilmember Kelley explained that the project can benefit the entire city or a certain neighborhood. Both would require a survey to see if the area qualifies as low to moderate income. Mayor Jenkins reported that maybe the sewer on North Plain City Road would be a good project. He asked the council to think of other possibilities.

**Councilmember Kelley moved to hold a public hearing on October 15 to discuss potential projects for the CDBG grant application. Councilmember White seconded the motion. Councilmembers Kelley, White, Koford and Higley voted aye. The motion carried.**

Councilmember Higley mentioned that he was approached by a citizen about a stop sign at 2850 W 1975 N. It was noted that if you stop at the line, you can't see the traffic. Deputy Rex Cragun reported that you stop at the line and then proceed with caution. Councilmember Higley noted that the gates are up at the park. He has some information about expanding the parking lot at the senior center. He noted that the new playground equipment looks great.

Councilmember Koford reported that the net is up for the batting cage.

Mayor Jenkins noted that Bona Vista has extra water.

Diane asked about Meet the Candidates Night. It was not discussed.

**At 8:50 p.m. Councilmember White moved to adjourn. Councilmember Koford seconded the motion. The vote was unanimous.**

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City Recorder

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Mayor

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Date approved