

PLAIN CITY COUNCIL  
MINUTES OF REGULAR MEETING  
MAY 5, 2011

The City Council of Plain City convened in a regular meeting on Thursday, May 5, 2011, in the Plain City Hall beginning at 7:00 p.m.

Present: Mayor Jay Jenkins, Councilmembers LaFray Kelley, Brett Ferrin, Brent White, Beth Thompson and Bruce Higley  
Staff: Diane Hirschi, Mitch Willson  
Also present: Terrie Stephenson, Dean Olsen, Tate Lewis, Jeremy Crowton, Maureen Woodard, Debby Ortiz, Hal Hougaard, Matt McBride, Brent Weston, Bill Morris, Ed Hall, Lt. Matt Bell and Deputy Rex Cragun

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

Approval of Minutes: April 7, 2011

**Councilmember Ferrin moved to approve the minutes from April 7, 2011 as presented. Councilmember Higley seconded the motion. Councilmembers Kelley, Ferrin, White, Thompson and Higley voted aye. The motion carried.**

Comments: Public

There was none at this time.

Motion: Deferral Agreement – Clara’s Corner

The deferral agreement is to pipe the ditch in front of Clara’s Corner Subdivision on 5100 W. **Councilmember Kelley moved to approve the deferral agreement for the piping of the ditch in front of Clara’s Corner Subdivision. Councilmember White seconded the motion. Councilmembers Kelley, Ferrin, White, Thompson and Higley voted aye. The motion carried.**

Motion: Award Street Maintenance Projects

There are four separate projects. A spreadsheet was given to the council for a summary of the projects. The low bid for the striping was Interstate Barricade for \$14,550.04. The low bid for removing and replacing sidewalk in Kamelot Subdivision was Toller Concrete for \$9.50 a linear foot for a total cost of \$6,080. The low bid for the crack sealing was Post Construction for \$6,900 and the low bid for installing fire hydrants was B&K Fox Construction for \$17,550.00. Mitch noted that all contractors will be required to provide insurance certificates. **Councilmember White moved to award the street maintenance bids to Interstate Barricades, Toller Concrete, Post Asphalt and B&K Fox Construction with the condition that appropriate paperwork is received. Councilmember Higley seconded the motion. Councilmembers Kelly, Ferrin, White, Thompson and Higley voted aye. The motion carried.**

Discussion/Motion: Escrow Agreement for Poplar Stake Subdivision

It was noted that Jeff Hales had the LDS church make a few changes to the city’s escrow agreement for this subdivision. Brandon Richards reported that typically the escrow agreement is a three way agreement between the city, the developer and the escrow agent and in all instances the City has the final say. The difference in this case is that the LDS church is another party and the language states “Plain City and the church” and in some instances “Plain City or the church”. It reads that the church is the same level as the city and that caused him some concern. He feels that this is our ordinance and our agreement and the city should call the shots. He suggested that maybe in this case, the developer could have separate agreement with the church and they could even use the same escrow account that has money for both the subdivision and for the church. Councilmember Higley feels that we shouldn’t bend our rules. Councilmember White noted that the church has been burned a couple times on escrows. It was mentioned that when this was first brought up the church was going to self-fund this project. It was noted that the city changed its ordinance a while back to only allow an escrow account and did away with bonds and letters of credit. There was a question of whether our ordinance requires a financial institution for the escrow. Brandon feels that the city will loose control if this agreement is used. The Mayor asked Mitch if he has run into any control issues. Mitch feels that it should stay as it is. Mitch noted that we had some trouble with the school district when

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they were putting in the elementary school because there was no escrow and there are some repairs required to our road. There was a discussion about whether the city should allow a modified escrow agreement or keep it as it is. It was noted that this isn't what was discussed on a side conversation earlier. **Councilmember White moved to deny the change to the escrow agreement and encourage the developer to use our agreement or propose an alternative to both. Councilmember Kelley seconded the motion.** Councilmember Higley mentioned some concern about the motion. **Councilmember White modified his motion to deny and recommend the developer to follow the city's escrow agreement with alternate ways to fund. Councilmember Kelley seconded the motion. Councilmembers Kelley, Ferrin, White, Thompson and Higley voted aye. The motion carried.**

Discussion/Motion: 4<sup>th</sup> of July

Mayor Jenkins asked Councilmember Thompson to give an update on the 4<sup>th</sup>. Councilmember Thompson noted that in March, she asked Councilmember Kelley to help her. The Mayor said that it is not Councilmember Thompson's option to change assignments. Councilmember Thompson noted that she turned it to someone in order to keep it going. Councilmember Kelley noted that Jim Scheer has done the 4<sup>th</sup> before and doesn't need a lot of direction. Councilmember Thompson said that if there is a problem, then have someone else take it. Councilmember Ferrin suggested rather than overload one person that the council as a whole could see where they could help. Councilmember Higley mentioned that last year there was a concern about candy being thrown out in the parade. He would hate to see a kid get run over. He noted that another city changed their policy so that there are two spotters for each float that walk along the side and throw candy. This would prevent someone getting run over. Councilmember Kelley noted that it is a concern of hers too. She noted that Jim Scheer seems less concerned. It is unclear if Debby Stanger is going to be able to do the parade this year. It was decided that this is something to think about.

Discussion: City Budget

The Mayor mentioned that a tentative budget needs to be passed at our next meeting. He noted that the March financial statement was given to each member of the council. He asked the council to look over their departments with a fine tooth comb and meet with their department heads concerning the needs for the rest of this budget year and next years budget. If they have any changes, they need to get with Diane. The Mayor noted that we appear to be a pretty good shape currently. Councilmember Kelley asked if there could be a budget increase. The Mayor noted that it would have to be justified.

Motion: Purchase of Landfill Crawler

Councilmember White noted that this was brought up via email to the Mayor and Council. Maw Equipment has a used Crawler for \$22,000 that is the same make and model as the old one. Don said he could cut his landfill budget down to bare bones and use \$13,000 to \$14,000 towards the purchase and then get the rest out of next year's budget. Don noted that the old crawler is 27-28 years old. **Councilmember White moved to approve the purchase of the crawler at Maw Equipment. Councilmember Ferrin seconded the motion. Councilmembers Kelley, Ferrin, White, Thompson and Higley voted aye. The motion carried.**

Other Business

Approval of Business Licenses:

New

SR Marketing	Scott Rasmussen	3486 W 2425 N	marketing
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Renewal

Yard Care by Leonard	Leonard Trujillo	1511 N 4700 W	yard care
Hal's Tree Service LLC	Halbert Hougaard	4437 W 1500 N	tree service

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

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Approval of Warrant Registers (see register dated 04/01/01 to 04/30/11)

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

Report: Planning Commission

Ed Hall reported that they had some good training from Craig Call at their last meeting. They are still working on the fowl ordinance and the overlay zone.

Reports – City Council

Councilmember Kelley handed out a copy of the list of assignments for the clean-up day. She noted that the Pioneer Park project is moving along well. She noted that there was an issue that Councilmember White brought up with her and she will get with Brad Jensen about that.

Councilmember Thompson reported that three brokers responded to our RFP. Those three brokers have prepared cost proposals and turned them in today. She would like to see if the council would like to have a work meeting before our next meeting where each broker could come in and explain their proposals. She noted that a packet will be prepared by Wednesday for each council member with all of the information. The Mayor said that he would see about setting up a work meeting.

Councilmember Higley expressed his appreciation for the Plain City volunteer fire department. He noted that the Community Preparedness Fair went well and was very well attended.

Diane asked the council if they were alright sending a letter about the 2<sup>nd</sup> Annual Willard Bay Triathlon. They agreed that she could send the letter.

**At 7:50 p.m. Councilmember Ferrin moved to adjourn and was seconded by Councilmember Higley. The vote was unanimous.**

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City Recorder

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Mayor

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Date approved