

PLAIN CITY COUNCIL  
MINUTES OF REGULAR MEETING  
JULY 21, 2011

The City Council of Plain City convened in a regular meeting on Thursday, July 21, 2011, in the Plain City Hall beginning at 7:00 p.m.

Present: Mayor Jay Jenkins, Councilmembers LaFray Kelley, Brett Ferrin and Brent White  
Excused: Councilmember Beth Thompson and Bruce Higley  
Staff: Diane Hirschi  
Also present: Kristin Hadley, Jarod Maw and Deputy Rex Cragun.

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

Approval of Minutes: July 7, 2011

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

Comments: Public

Kristin Hadley asked about using the marquee for a PTA/Plain City Elementary community service project. She noted that it is a clothes swap that was started last year. This year they are asking people to drop off gently used clothing next Tuesday and Wednesday at the elementary school. All items will be sold for \$1 on Thursday and Friday. She feels that it is a need for the community this year due to the economy. She noted that they have made some vinyl signs to put up as well. She reported that last year they made \$500. This year they are hoping to collect enough money to put some park benches in their playground. The council agreed to let this information go up on the marquee. Kristin asked if she had to come back every year to ask. The council told her no and that she could just use it. She mentioned a concern that when she comes home late at night from work, she can see that the light in the Lions Club restrooms is on. She would like to have the city install a motion sensor light so it won't stay on all night. She would also like to see a water spigot put in at the Lions Club park.

Public Hearing: Various Amendments: Building Regulation Code, Public Health & Safety Code, Zoning and Subdivision Ordinance

**Councilmember Ferrin moved to go into a public hearing. Councilmember Kelley seconded the motion. Councilmembers Kelley, Ferrin and White voted aye. The motion carried.**

The purpose of the public hearing is for four amendments to the city code. The Mayor invited Jarod Maw representing the Planning Commission to come up for the discussions.

The first amendment is concerning the key lock boxes. This will require all churches and business to have a key lock box so the fire department will have access to the building in the case of a fire. It was noted and discussed that the key will only be for our jurisdiction.

The second amendment is concerning park regulations. This will prohibit alcohol and smoking at a public park. There was a discussion about what would happen if someone was out walking and smoking all by themselves. The council discussed this at length and feels that all the other cities have made the same designation and that we should put up some signage so that it is clear. There was a question about the cemetery. It was noted that it is not owned by the city but there was a discussion about it being public. Councilmember White noted that he would get with the cemetery board for their thoughts.

The third amendment is concerning the zoning ordinance. It was noted it includes a section concerning procedures for zoning changes but is mostly concerning fowl. Jarod Maw reported that the changes made were the result of having a fowl focus group. This consisted of a handful of residents that own fowl and had volunteered to help with the ordinance amendment. He feels that it was very beneficial and would recommend this process in the future. There was a brief discussion about the definition of raising fowl for show. It was agreed that it would be best to take out part of the sentence concerning the fair. There are other events that fowl may be raised for showing. The council also had a discussion about numbers of fowl in 20,000-39,999 square foot lots. Councilmember Ferrin feels that we should be able to allow 25 chickens rather than 15. He also felt that we should be able to allow 10 pheasants

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rather than 4. Jarod noted that he thought that pheasants are regulated by the State and that's where they came up with 4. The council agreed to change it to 10. The other section that Councilmember Ferrin felt needed to be addressed was the section concerning residential lots over 40,000 sq. ft. lots. It was agreed to add 40 chickens instead of 15. It was suggested that we take out 1 rooster as it already says there is a maximum of 2 roosters per 8-10 hens. They wanted to change the limit to 60 from 40 fowl under 6 months of age, change to 6 from 3 geese, 8 ducks from 3 ducks, 6 turkeys from 3 turkeys, 40 pigeons from 20 pigeons and 40 pheasants from 4 pheasants. They also suggested breaking out the paragraph for above 5 acres to say no specific regulations of number of fowl and add the same paragraph as above concerning accessory structures.

The fourth amendment is concerning the subdivision ordinance. It was noted that it is concerning procedures for subdivision amendments but is mostly concerning a new section called the Senior Housing Overlay Zone. They wanted to have it in the subdivision ordinance like the PRUD and Cluster Subdivision section is. There was a discussion about the architectural standards. The council agreed that the dwelling should have a minimum of at least a one car garage rather than a two car garage. The measurements should be changed to 12 feet by 20 feet rather than 20 feet by 20 feet. The Mayor thanked the Planning Commission for all the work they have gone to with these changes. **Councilmember White moved to go out of the public hearing and into the regular meeting. Councilmember Ferrin seconded the motion. Councilmembers Kelley, Ferrin and White voted aye. The motion carried.**

Final Approval: Empire Acres Subdivision  
This will be postponed until the next meeting.

Motion for Ordinance: Building Regulation Code: Key Lock Box Regulations  
**Councilmember Ferrin moved to adopt Ordinance 2011-07 concerning the key lock box regulations. Councilmember Kelley seconded the motion. Councilmembers Kelley, Ferrin, and White voted aye. The motion carried.**

Motion for Ordinance: Public Health & Safety Code: Public Park Regulations  
**Councilmember Kelly moved to adopt Ordinance 2011-08 concerning park regulations. Councilmember White seconded the motion. Councilmembers Kelley, Ferrin and White voted aye. The motion carried.**

Motion for Ordinance: Zoning Ordinance: Fowl and Zoning Amendments and the Subdivision Ordinance: Amendments & Senior Housing Overlay Zone  
The Mayor would like have the council talk to people about these changes due to the fact that there was no one here at the public hearing. He also asked Diane to get with Jarod to make sure all the changes talked about can be made before the next meeting. **Councilmember White moved to table these to amendments to the next meeting. Councilmember Ferrin seconded the motion. Councilmembers Kelley, Ferrin and White voted aye. The motion carried.**

Discussion/Motion: Pioneer Park Phase 2  
Councilmember Kelley noted that the amount has been give to the council but never formally accepted. She would like to be able to proceed on the design. She noted that this phase will include the rest of the parking lot, grass, walking paths and the softball diamond. There was a discussion about the playground. It was also noted that maybe eventually a par course could be at this park as well. **Councilmember Kelley moved to approve the engineer's estimate for Pioneer Park, Phase 2. Councilmember White seconded the motion. Councilmembers Kelley, Ferrin and White voted aye. The motion carried.**

Motion: Environmental Certifying Officer for CDBG project  
The Mayor suggested that Mitch should be the environmental certifying officer for the CDBG grant. Councilmember Kelley noted that this person will have to log into the web grants site and suggested that she could do that. **Councilmember White moved to appoint Councilmember Kelley as the Environmental Certifying Officer for the CDBG project. Councilmember Ferrin seconded the motion. Councilmember Ferrin seconded the motion. Councilmembers Kelley, Ferrin and White voted aye. The motion carried.**

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Other Business

Approval of Business Licenses:

There were none.

Approval of Warrant Registers (see register dated 07/08/2011 to 07/21/2011)

The Mayor noted that there is a payment to Merrill Sheriff for the construction of the park. He mentioned that we have a utility easement with Josh Orton that cost \$5,500. He noted that the old one was for sewer only and this new agreement will replace the old one. He also noted that we are paying our new insurance premium. **Councilmember Ferrin moved to approve and pay the bills as presented. Councilmember Kelley seconded the motion. Councilmembers Kelley, Ferrin and White voted aye. The motion carried.**

Report: Planning Commission

Jarod Maw noted that they gave preliminary approval of Empire Acres Subdivision. He also noted that they had a request to look at changing the requirements for duplexes. They are working on a sensitive land use ordinance.

Reports – City Council

Councilmember Ferrin noted that he will be gone for the next two meetings.

Councilmember Kelley noted that when the building is demolished at the Town Square Park, they will have an on-site storage unit to hold all the equipment. She reported that they received a RAMP grant for the arts festival. She would like to purchase a tent for the fine arts display. It would be similar to the one that we set up for the dinner on the 4<sup>th</sup> of July.

Councilmember White reported that there was a low reading on residual chlorine. They are going to have to replace the feeder valve. He noted that the wildlife management area is close to getting water. Mark Schmidt from the state asked to be there when the water is turned in. He mentioned that it will be within the next month.

**At 8:51 p.m. Councilmember Ferrin moved to adjourn and was seconded by Councilmember White. The vote was unanimous.**

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City Recorder

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Mayor

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Date approved