

PLAIN CITY COUNCIL
MINUTES OF REGULAR MEETING
NOVEMBER 3, 2011

The City Council of Plain City convened in a regular meeting on Thursday, November 3, 2011, in the Plain City Hall beginning at 7:00 p.m.

Present: Mayor Jay Jenkins, Councilmembers LaFray Kelley, Brett Ferrin, Brent White, Paul Hodson and Bruce Higley
Staff: Diane Hirschi
Also present: Terrie Stephenson, Mark Lowther, Roger Cannon, Pam Hodson, Aiden S. Ewing, Shianne Martineau, Tashana Connell, Savannah White, Amy Martineau, Chandler Bandle, Bill Broomhead, Jason Bandle, Barbara Jenkins, Lt. Merv Taylor and Deputy Rex Cragun.

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

Approval of Minutes: October 20, 2011

Councilmember Hodson moved to approve the minutes from October 20, 2011 as presented. Councilmember Kelley seconded the motion. Councilmembers Kelley, Ferrin, Whites, Hodson and Higley voted aye. The motion carried.

Comments: Public

There was no comments from the public.

Discussion/Motion: Review Appeal from Discharge Appeal Board

Brandon Richards, City Attorney, noted that a month ago this was tabled so the new member on the council could go through the information. Councilmember Hodson noted that he has gone through all of the information. Brandon Richards asked if the council had any questions as to what their responsibility is. Councilmember Kelley read the following statement: "For the record, I'd like to explain my vote. For me, this case has always about whether we, as a city, followed our own policies and procedures and whether that was important. The policies and procedures are in place for two reasons: first, to preserve the necessary checks and balances in city government and second, to make sure that our employees are treated fairly. Neither of these things happened and so I think the appeal board should have ruled against the action that was taken against a city employee. Because they did not, I feel an obligation to vote against upholding their decision." **Councilmember Ferrin moved to uphold the discharge appeal board decision because no where do we see that she was terminated, only changed her assignments. Councilmember White seconded the motion.** Councilmember Higley noted that for the record, he feels that the whole process and both parties had a lack of communication. His opinion was there could have been more dialogue. Councilmember White agrees with both Councilmember Ferrin and Higley. **Councilmember LaFray voted nay. Councilmembers Ferrin, White, Hodson and Higley voted aye. The motion carried.**

Discussion/Motion: City Hall Paint Bids

Councilmember Ferrin reported that he has two paint bids. He is still waiting for the roof bids and realizes that the roof needs to get fixed before the inside can be painted. The paint bids are from Scott Breeding, Inc. for \$3,710.00 and DeVries Painting, Inc. for \$6,000. Councilmember Ferrin noted that he personally walked through with each of the bidders. The bidders were told to paint the front foyer, the reception office and the hallway in the office, a portion of the hallway going downstairs and the entire senior center. It was noted that the building still has the original paint. It was asked how long these bids are good for. Councilmember Ferrin noted that both of the contractors want to do it this winter. **Councilmember Ferrin moved to accept Scott Breeding's bid of \$3710.00 for wall repair and paint. Councilmember Higley seconded the motion. Councilmembers Kelley, Ferrin, White, Hodson and Higley voted aye. The motion carried.**

Discussion/Motion: Sewer Lagoon Line Replacement

Councilmember White reported that four years ago the poogloos were put in. He noted that the tubing is deteriorating and not showing a lot of efficiency. The people that put in the system are proposing to pull and replace the tubing at \$200 a piece which would amount to \$9,800. Councilmember Kelley asked if this will have to be done

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every four years. Councilmember White said we shouldn't have to. The Mayor noted that things are going very well down at the treatment facility even with the runoff so high this spring. Councilmember Hodson noted that we need to do what we have to do to meet the criteria from the state. **Councilmember Hodson moved to approve the line replacement as presented. Councilmember Ferrin seconded the motion. Councilmembers Kelley, Ferrin, White, Hodson and Higley voted aye. The motion carried.**

Other Business

Approval of Business Licenses:

New

Sheril Boekweg-Nelson Sheril Boekweg-Nelson 2808 W 1800 N nail tech
Councilmember Ferrin moved to approve the business license as presented. Councilmember Higley seconded motion. Councilmembers Kelley, Ferrin, White, Hodson and Higley voted aye. The motion carried.

Approval of Warrant Registers (see register dated 10/20/2011 to 10/31/2011)

Councilmember Kelley noted that part of the park paving was paid by Class C Road funds. **Councilmember White moved to approve and pay the bills as presented. Councilmember Higley seconded the motion. Councilmembers Kelley, Ferrin, White, Hodson and Higley voted aye. The motion carried.**

Report: Planning Commission

Buddy Sadler reported that they are just about done with the sensitive land use ordinance. The Mayor asked if they are looking into the conditional use permit. Buddy Sadler noted that they will be looking into that. He noted that he would like to talk to the city attorney while he is here. The Mayor asked if the Planning Commission has heard anything from Jeff Hales about the old school property. Buddy Sadler noted that Jeff told them that he would have something to them in a couple weeks.

Reports – City Council

Councilmember Kelley reported that the city engineer did a final walk through on phase 1 of Pioneer Park. She noted that she talked with Shelly at the County and the RAMP grant check should be here the first of next week. She reported that the concession stand at the Town Square Park is scheduled to be demolished. She asked the Mayor if they were going to hire it out. He reported that Marriott Construction will do everything for \$925. He noted that they may use some of our equipment. Councilmember Kelley noted that there was a question if we have money in the budget for this. She noted that money was received from the arts council that could be used. She also mentioned that it is time again to get ready to apply for another CDBG grant. There is a work shop on November 16 that she will attend. She is wondering if there is a sewer or storm water need in the same area as the Town Square Park. That way we could use the same income survey. Councilmember Kelley also noted that she has the Weber County Work Release group coming out to clean up around the parks and detention basins on November 8 and 15.

Councilmember White asked about next years application for the RAMP grant. Councilmember Kelley noted that it is in process and Brad Jensen is working on the estimates. Councilmember Ferrin noted that some of the detention basins still have a lot of water in them.

Councilmember Higley reported that the mosquitoes aren't a problem anymore due to the frost. He noted that he has a meeting next week but feels that it was a very successful year. He mentioned that the plane helped a great deal. Councilmember Higley also thanked Rex and the Sheriff's Office for their help with the issue at the elementary school. He noted that the fire department is doing drills at the old concession stand that will be demolished. He reported that there has been a water problem for the last couple of months at the corner of 4100 W and 2600 N. He mentioned that the pipe is crushed and when people irrigate the water backs up on Amussen's property. Councilmember Higley feels that we need to address it before the next irrigation season. Councilmember Hodson noted that it also backs up into Marigold Subdivision. It was noted that Mitch had a camera go in the line up to Schumer's property. It was noted that part of the problem may be east of Schumer's. Mayor Jenkins noted that at the last WACOG meeting they were discussing the salaries are really high for those at the mosquito board. The Mayor noted that the state's transparency code requires all government entities to have the salaries on the website. The Mayor noted that it looked like the mechanic is making \$110,000. Councilmember Higley noted that

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the mechanic is the pilot. The Mayor asked him if it has been addressed. He thinks it has been but also noted that those employees have been there a long time.

Councilmember Hodson reported that a copy of the risk management assessment was handed out to the council. He noted that there seems to be a lot of small items. He will get with Mitch to get them fixed.

Councilmember White reported that he is working with Don and the city engineer on some sewer capital projects. He also noted that there is grass in the new cemetery.

Mayor Jenkins introduced Lt. Taylor with the Sheriff's office. He is assigned to our area now. The Mayor noted how much the city appreciates all the Deputy Cragun does. He noted that he is happy about going with Utah Local Government Trust and explained that it took four years to be able to get with them and it is saving the city money.

The Mayor reported that the appeal is over but we received a letter from an attorney that Janet Judkins is filing a notice to sue the city. He stated that he has been serving for eight years, two on the city council and six as Mayor. He was told by Janice Brown that if he were ever Mayor, he could use the senior center for free. He also noted that on two different occasions, Janet Judkins told his sister-in-laws if they wanted to use the senior center to put it in his name because he can use it for free. He reported that Councilmember Kelley was over the building for two years and never brought it up. Once Councilmember Ferrin took over the building, Councilmember Kelley brought it up with Councilmember Ferrin. He also noted that according to the attorney, everything is covered; the appeal board felt that the decision was backed up; the State reported that there is no basis and now the City Council has ruled. It should be over. He noted that Janet's claim is that she was terminated, but that never happened. He feels that she is trying to make it look like he is dodging the payment. That is not the case. Councilmember Kelley stated that she did call Janice Brown and Janice didn't know what she said that would have given him that impression. Councilmember Kelley also noted that the previous Mayor paid. She reported that she wasn't sure she had paid for a time she used the building so she checked the log and found out that she hadn't and took care of it. She also saw that the Mayor hadn't paid. This all happened after Councilmember Ferrin had taken over the building and he said he would bring it up.

At 7:44 p.m. Councilmember Ferrin moved to adjourn and was seconded by Councilmember Higley. The vote was unanimous.

City Recorder

Mayor

Date approved