

PLAIN CITY COUNCIL  
MINUTES OF REGULAR MEETING  
APRIL 18, 2013

The City Council of Plain City convened in a regular meeting on Thursday, April 18, 2013, in the Plain City Hall beginning at 7:00 p.m.

Present: Mayor Jay Jenkins, Councilmembers LaFray Kelley, Joel Maw, Brent White and Bruce Higley  
Excused: Councilmember Mark Lowther  
Staff: Diane Hirschi  
Also present: Brent Weston, Terrie Stephenson, Becky Martin, Wendell Winegar, Blaine Cutler, Bridger Holmes and Buddy Sadler

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

Approval of Minutes: April 4, 2012

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

Public Comments:

Brent Weston reported that he met with Councilmembers Maw and Lowther to let them know that the seeded area of Pioneer Park is about 55% turf grass and the rest is bad. He noted that it does look better today after it was mowed. There was a question of whether the seed was guaranteed. Councilmember Kelley will look at the contract. Brent noted that it needs to be dealt with. He is bringing it to the council's attention so that the next phase, we look at the difference from seeding and laying sod. He is trying to figure out what to do with the grass now, whether to kill it and start over or if there is a way to control it.

Blaine Cutler reported that he is over the Junior Posse and he received a call from Colette saying that their time was being cut. He noted that he came to the council to plead his case. Councilmember Maw noted that they are leaving it as is for now. There will be a park committee meeting next week and hopefully we can work it out. Mr. Cutler asked if he could be invited. Councilmember Maw said that would be fine. Mr. Cutler noted that he is trying to do things for the city and reported that on the clean up day last year, they were the only ones working at the park and their assignment was the fence. He noted that this year he would like to work on the crows nest in the arena.

Wendell Winegar at 5190 W 2700 N, is concerned about the road in front of his property. He mentioned that he sold the property to Byron Krenek for a development. It was set to go but needed to be annexed in. They were asked to wait to annex until the city included this land with a pioneer boundary annexation. He noted that they waited a good year and a half and put the development in financial strain. Weber County had asphalted the road and then Byron dug it up for the development. The development went bankrupt and Wendell is left with a road that is a mess. Mr. Winegar said he has played along enough and would like to get this road fixed. He had been trying to maintain it the best he can. He noted that this is his third request and would like to have it taken care of before he has to take it to court. Mr. Winegar said he talked to Mitch previously and the funds weren't there, but now they are. He is asking to have this done by July.

Public Hearing: Amend Zoning Ordinance concerning sensitive land use, sign regulation, site development standards and standards for single family dwellings; creation of tree board

The Mayor noted that there are five proposed ordinances that are included in the public hearing. Four of the ordinances are amending the Zoning Ordinance and one is establishing a tree board. **Councilmember White moved to go into a public hearing. Councilmember Higley seconded the motion. Councilmembers Kelley, Maw, White and Higley voted aye. The motion carried.**

Sensitive Land Use Ordinance – Buddy Sadler reported that the Planning Commission finished the first ordinance about a year ago. The purpose of the sensitive land use ordinance is to protect around high water areas. The engineer had some concerns with the first ordinance, so this ordinance is basically changing and adding the engineers concerns. There was a brief discussion about Diamond E and the canal. It was noted that the Planning

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Commission wants to have a work meeting with the City Council on May 9. Buddy reported that basically there are three solutions and the Planning Commission wants to be on the same page as the City Council. The canal company can have a service road at the base of the canal, the fence at the base of the canal or the fence at the top of the canal. The Planning Commission feels that a standard needs to be set. It was noted that this is not in the sensitive land ordinance but is an issue coming up. Buddy reported that the Planning Commission tabled Diamond E indefinitely so we could have time to get this issue worked out. The subdivision is not a concern as far as the sensitive land use ordinance. Councilmember Maw indicated that the canal company is concerned about taxes and weeds are a concern for everyone. It was reported that the Planning Commission has some information from Farr West that they have set in place that may be helpful. The Mayor pointed out that we are moving towards having home owners take care of catch basins in subdivisions. This should work for the canal too. Buddy noted that they went to Mountain West Meadows and some have cut out part of the base in order to make their backyards bigger. There just needs to be a standard. Buddy reported that there is a state engineer and wondered if he should be contacted. There was also a discussion about making sure the canal is insured. The joint work meeting is scheduled for May 9. Back to the sensitive land use ordinance, most of the changes were editorial.

Sign Ordinance – Buddy reported that the major thing that was added to the ordinance was the clear view triangle. Buddy also noted that we don't allow billboards and mechanical moving signs. Councilmember Kelley noted that signs aren't allowed on city property. Buddy noted that banners are prohibited but allowed for special events. The Mayor noted that we don't want city signs where we aren't allowing others to put signs. Councilmember Kelley said she wasn't talking about the ROW's but just city property.

Site Development – This ordinance would allow the front setback in the RE-15 and RE-20 zone to be changed from 40' to 30'. It was noted that we are the only city that requires 40'. It was noted that if 50% of the subdivision is developed, then we would finish it at 40'.

Single Family Dwelling Standards – This was a suggestion from Ken Martin who thought this was already in the code.

Tree Board – Councilmember Kelley noted that if we want to apply for Arbor Foundation grants, we need to have this ordinance set up. The board consists of three people. It was noted that a member of the City Council was not put on there so they could act as an appeal board. The three people include the building inspector, the public works director and the recreation director. The ordinance is open ended and really doesn't say what to do. Councilmember Higley asked if we have an ordinance saying what kinds of trees can be planted in the park strip. It was noted that we do not. An ordinance like that would be included in the subdivision ordinance. The Mayor noted that Brigham has a good ordinance if we want to get a copy.

The council thanked the Planning Commission and Buddy for his comments tonight. The Mayor asked if there were any other comments from the public. Bridger Holmes feels that the city needs to turn the old school into a place that the kids can have fun and exercise. **Councilmember White moved to go out of the public hearing and go into the regular meeting. Councilmembers Maw seconded the motion. Councilmembers Kelley, Maw, White and Higley voted aye. The motion carried.**

Motion for Ordinance: Amend Zoning Ordinance concerning Sensitive Land Use  
**Councilmember White moved to approve Ordinance #2013-04 repealing chapter 18 of title 10 and adopting a new sensitive land use ordinance. Councilmember Higley seconded the motion. Councilmembers Kelley, Maw, White and Higley voted aye. The motion carried.**

Motion for Ordinance: Creation of a Tree Board  
**Councilmember Kelley moved to approve Ordinance #2013-05 creating a Tree Board with the change of adding the Parks Director to the board rather than the Recreation Director. Councilmember White seconded the motion. Councilmembers Kelley, Maw, White and Higley voted aye. The motion carried.**

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Motion for Ordinance: Amend Zoning Ordinance concerning Standards for Single Family Dwellings  
**Councilmember White moved to approve Ordinance #2013-06 amending the zoning ordinance concerning standards for single family dwellings. Councilmember Higley seconded the motion. Councilmembers Kelley, Maw, White and Higley voted aye. The motion carried.**

Motion for Ordinance: Amend Zoning Ordinance concerning Site Development Standards  
**Councilmember Higley moved to approve Ordinance #2013-07 amending the zoning ordinance concerning site development standards. Councilmember Maw seconded the motion.** It was noted that the verbage was confusing. Councilmember Maw clarified that it should read, "30 feet, except if 50 percent of approved subdivision/phase is completed, then not less than 40 feet." **Councilmember Maw amended to the motion to include the amended verbage. Councilmember Higley seconded the motion. Councilmembers Kelley, Maw, White and Higley voted aye. The motion carried.**

Motion for Ordinance: Amend Zoning Ordinance concerning Sign Regulations  
**Councilmember Maw moved to approve Ordinance #2013-08 amending the zoning ordinance relating to signs. Councilmembers Kelley, Maw, White and Higley voted aye. The motion carried.**

Discussion/Motion: Lion's Club Park Backstop Addition  
Councilmember Maw reported that he talked with the neighbors at the Lions Club Park and they feel that if only one thing can be done, it should be the backstop. He noted that the lowest bid was from Mountain States Fence for \$1,117.00. Councilmember Maw mentioned that he talked with Brent Weston and the money could come out of his maintenance budget. **Councilmember Maw moved to award the bid to Mountain State Fences to upgrade the backstop at the Lions Club Park. Councilmember Kelley seconded the motion. Councilmembers Kelley, Maw, White and Higley voted aye. The motion carried.**

Other Business

Approval of Business Licenses:

Renewals

DMLP Resources                                      Dan Scarbrough                                      5057 W 1500 N                                      construction

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

Approval of Warrant Registers (see register dated 04/01/13 to 04/17/13)

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

Report: Planning Commission

Buddy Sadler noted that there was nothing to report.

Report: City Council

Councilmember Higley reported that the Mosquito District had their first meeting with the new director.

Councilmember Higley has a copy of their annual report if anyone is interested. Councilmember Higley feels that the parks and recreation departments are doing a great job but feels that the communication needs to be improved. He feels that the Jr. Posse is a great program.

Councilmember White reported that the phase motor will be here tomorrow to fix the lift station. He noted that Brad has finished the sewer capital facilities plan for the sewer and asked the council to look at it. Diane noted that there would have to be a public hearing set for this. It was discussed that a public hearing could be set for the same time as the budget hearing. Diane noted that would be the second meeting in June.

Councilmember Maw noted that baseball and softball will be starting the first of May. The 4<sup>th</sup> of July committee is going strong. This year there will be a mutton bustin, a jr. rodeo and a jr. rodeo queen contest. The queen contest will be May 18. Councilmember Higley is concerned about having room in the arena for all these events. He is

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concerned about horse trailer parking and the liability for the mutton bustin. Councilmember Maw will pass that along.

Councilmember Kelley thanked Blaine Cutler for the work in the arena. She noted that the EZ RAMP grants are due tomorrow. The Arts Council is doing a pops concert this summer and the arts festival in September. They are also bringing the circus back to town in July. They are requiring \$290 upfront. She noted that they made \$1,000 last time.

**At 8:10 p.m. Councilmember Higley 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

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