

PLAIN CITY COUNCIL
MINUTES OF REGULAR MEETING
MAY 15, 2014

The City Council of Plain City convened in a regular meeting on Thursday, May 15, 2014, in the Plain City Hall beginning at 7:00 p.m.

Present: Councilmembers Mike McKean, Mark Lowther and Natalie Hale
Excused: Councilmembers LaFray Kelley and Joel Maw
Staff: Diane Hirschi, Brandon Richards (arriving approximately 8:00 pm)
Also present: Leann Kilts, Paul Krauth, John Leonardi, Ross Taylor, Taylor Priest, Sabrina Wheeler, Don Weston, Kelly Weston, Buddy Sadler, Jeremy Crowton, Brandie Kilts, Penny Barnes, Clint Hadley, Brady Lane, Alan Walker, Angie Walker, Erik Craythorne, Dallas Taylor

Call to Order: Mayor Bruce Higley
Pledge of Allegiance: Councilmember Lowther
Invocation/Moment of Silence: Councilmember Hale

Approval of Minutes

Councilmember McKean moved to approve the minutes from April 17, 2014, as presented. Councilmember Hale seconded the motion. Councilmembers McKean, Lowther and Hale voted aye. The motion carried.

Comments: Public

Penny Barnes had two concerns concerning the S-Curve Subdivision that is in the planning process. She reported that there is a drain ditch on the west side of the property that she owned. She was told that she would have to tile it and so she gave it to Jeff because it was too expensive to tile. Now Jeff is showing on the plan that the ditch is to be abandoned and filled in. She noted that she still uses the ditch. The second issue is that the plans do not show a road coming out to the north and she is worried that this development will land lock her property. The Mayor noted that the city engineer will look at both those issues. Councilmember McKean also noted that he will make sure the Planning Commission is aware and feels that the ditch needs to be tiled and there should be a stub road. He will look at the ordinances.

Leann Kilts reported that she is running for the County Recorder/Surveyor. She indicated that if there is any trouble with her signs to let her know. She reported that the primary election is June 24. There will be early voting from June 10 to June 20 in eight locations. She noted that this is the only item on the ballot and asked that they all come out and vote. She reported that she has been with the County Recorder's office for 33 years and feels that the recorder half of the office needs to be represented. She noted that there are five full-time surveyors in the office as well.

Alan Walker reported that he lives on the south border of the Hadley Family Trust property and he is concerned about the water that drains to his property from this land. Mayor Higley reported that the city engineer will look at this.

Clint Hadley reported that he was the designee from his neighborhood in Mountain West Meadows. He noted that the subdivision is full of young children and they are worried that 2850 W will be a main through street to connect 1975 N and 2600 N. He would like to see some stop signs to slow the traffic down. The Mayor mentioned that the residential zone speed limit is 25 mph and that the city engineer would assess this. He also noted that the road will be a 60' right-of-way and will be patrolled and posted. He will mention this to the engineer.

Presentation: Best Operated Wastewater System Award – Paul Krauth

Paul Krauth from the Utah Department of Water Quality presented Don Weston an award that was decided upon by the 46 lagoon operated systems in Utah. Don came up and accepted that award.

PLAIN CITY COUNCIL
MINUTES OF REGULAR MEETING
MAY 15, 2014

Public Hearing: Amendment of Zoning Ordinance Concerning Single Family Dwelling Requirements and Sign Ordinance Definitions

This public hearing is to amend the zoning ordinance requiring single family dwellings to have a concrete parking pad. Ross Taylor asked if this only applied to dwellings. It was noted that it does.

Public Hearing: Amendment of Subdivision Ordinance Concerning Final Plat Extension and Definitions

This public hearing is to amend the subdivision ordinance concerning final plat extensions. John Leonardi reported that we have had a subdivision that has extended for 7-8 years. The Planning Commission worked on this amendment so that a subdivision has a time limit and will have to re-apply if they cannot record within six months. They would now have a limit of 18 months.

Discussion/Motion: Ordinance Amending Zoning Ordinance – Single Family Dwelling Requirements and Sign Ordinance Definitions

It was noted that this would affect single family dwellings only. **Councilmember McKean moved to approve Ordinance No. 2014-03 amending the zoning ordinance as presented. Councilmember Hale seconded the motion. Councilmember McKean and Hale voted aye. Councilmember Lowther voted nay. The motion did not pass.** (This is discussed again later in the meeting)

Discussion/Motion: Ordinance Amending Subdivision Ordinance – Final Plat Extension & Definitions

Councilmember McKean moved to approve Ordinance No. 2014-03 amending the subdivision ordinance as presented. Councilmember Lowther seconded the motion. Councilmembers McKean, Lowther and Hale voted aye. The motion carried.

Discussion/Motion: Resolution establishing Fees for Final Plat Extension

It was reported that the proposed fees for final plat extension is \$100 plus \$25 per lot. Diane noted that filing fees for a subdivision is \$100 plus \$50 per lot. **Councilmember Hale moved to approve Resolution No. 2014-01 establishing fees for final plat extension. Councilmember McKean seconded the motion. Councilmembers McKean, Lowther and Hale voted aye. The motion carried.**

Discussion/Motion: Approval of FY2015 Tentative Budgets

Steve Davis gave the council an April Financial Statement. He noted that 88% of the year is completed. The revenues are in at 88% and the expenditures are in at 63%. He noted that the final budget has to be approved on June 19. He also handed out the budget report that he has put together. He noted that there are three columns. One is the actual budget for the last year, the estimated budget for the current year and the proposed budget for the coming budget. Steve went over the revenues. He noted at the bottom it shows that we are using some of the park impact fees this year. Councilmember McKean asked if we are planning a percentage for growth. Steve noted that right now we haven't done that. We have basically gauged it by the year before. Steve went through the expenses. Councilmember Lowther asked about the increase to the judicial budget. It was noted that it went over because the prosecutor didn't bill for a couple years. Steve noted that the police contract dropped a little and the animal control service varies. It was noted that this year the fire department had an emergency truck repair and so the budget will need to be adjusted. He noted that he was approached by the fire chief to see about setting up a capital outlay line item for a new vehicle. Steve tentatively put in \$24,000. He also explained that there is a public safety impact fee that we are collecting. In reading the impact fee study, Steve explained that the only project that was listed was the addition to the fire station that took place several years ago. He noted that the funds to build the addition were taken from the capital projects fund. Steve researched this and we can take the impact fee money and put it back in the capital projects fund to repay it. He suggested that we revise the impact fee study once this is paid back. Steve mentioned that he was able to balance out the tentative budget at \$2,189,900 which is about \$400,000 less than this year. It was noted that the storm drain impact fees need to be used. There is a project on 1975 N. that is about ready to be put out to bid that would use these funds. Steve mentioned that he did not add anything in this tentative budget for a cost of living increase or for the increase that the State Retirement office is doing. Councilmember McKean asked about parks and recreation and noted that we have more residents, these items need to show an increase. Steve noted that impact fees cannot be used for maintenance. Steve reported that the sewer fund is looking much better. In the past, this fund has run in the red but is now back in the black. It was reported that there will be one

PLAIN CITY COUNCIL
MINUTES OF REGULAR MEETING
MAY 15, 2014

more rate increase this July. Steve reported that the landfill reserve fund is required from the state in the event that we close our landfill. The capital projects fund has around \$500,000. The projects listed are a carryover from that last time the council set up projects. It is up to the council to decide how to use that money. He cautioned the council to use the money carefully and that it is always good to have a reserve. Steve also mentioned that there is \$1,152 in the redevelopment fund. He noted that he didn't put any money into that account but it needs to be addressed in the motion. Councilmember McKean noted that he is concerned that we need to plan for increases in parks and recreation. Mayor Higley noted that by state law, we have to approve a tentative budget now and then have the final budget approved by June 19. He asked to council to think about a cost of living increase for the employees. He noted that the council can decide any other changes to the budget. **Councilmember Lowther moved to adopt the tentative FY 2015 City Budget and Redevelopment Budget as presented. Councilmember McKean seconded the motion. Councilmembers McKean, Lowther and Hale voted aye. The motion carried.**

Discussion/Motion: Set Public Hearings for City Budgets – June 19

Councilmember McKean moved to set the public hearings for the city budgets on June 19, 2014. Councilmember Lowther seconded the motion. Councilmembers McKean, Lowther and Hale voted aye. The motion carried.

Discussion/Motion: Ordinance to Amend Appeal Authority Code

Brandon Richards explained that the Board of Adjustment generally has the authority to hear variance requests. When the city did the appeal board ordinance it listed the appeal board to handle variance requests. He noted that we still have the Board of Adjustment on our books and they should be the body to hear variances. He prepared the amendment to the appeal authority board to allow the Board of Adjustment to hear variances. The Mayor asked if there would be any problem with having an alternate member of the Board of Adjustment. Brandon didn't think that would be an issue. **Councilmember Lowther moved to adopt Ordinance No. 2014-04 amending the appeal authority code. Councilmember Hale seconded the motion. Councilmembers McKean, Lowther and Hale voted aye. The motion carried.**

Discussion/Motion: Appointment of Board of Adjustment Members

The Mayor noted that six people have shown an interest in being on the Board of Adjustment. He recommended the names of Gary Westergard, Laurel Sharp, Kris Carrigan, Cheri Sparks and Steve Diamond as members of the Board of Adjustment. He also presented the name of Chris Haramoto as an alternate member. **Councilmember McKean moved to appoint the members of the Board of Adjustment as presented. Councilmembers Lowther seconded the motion. Councilmembers McKean, Lowther and Hale voted aye. The motion carried.**

Discussion: Lions Club Building

Ross Taylor reported that the Lions Club met and they have decided to keep and maintain the Lions Club Building.

Discussion/Motion: Rezone – Hadley Family Trust – RE-20 to RE-15 – approximately 4425 W 1900 N

John Leonardi reported that the Planning Commission had a public hearing to gather input for the changing the zone to a 1/3 acre zone to a 1/2 acre zone. It was noted that by approving the rezone it could roughly change it to 42 homes instead of 30. It was also noted that they are mixing the sizes of lots and the developer is trying to match the north side to what is already there. Erik Craythorne, the developer, reported that they are looking at 32-33 lots. It was noted that there is a water concern that was brought up from Allen Walker and he will address that in the subdivision process. Erik reported that he looked at the General Plan and is in compliance with that. Councilmember McKean is concerned about the RE-15 zone. Erik reported that the configuration of the roads and the lots only allow so many lots. John Leonardi noted that the Planning Commission is concerned about the traffic and is holding the developer to having mixed lot sizes. It was noted that both zones require 100' of frontage. It was reported that the corner on Pioneer Road where Frank Hadley lived is really narrow. Councilmember McKean is concerned about smaller lots. Brandon Richards, City Attorney, noted that this rezone is a process that needs to be done before they draw up their subdivision plans. He noted that the council can table this, approve or deny. Mayor Higley noted that he attended the Planning Commission meeting and they have gone over this with a fine tooth comb. Brandon Richards noted that they could table the rezone until the engineer and Mitch can give some input. It was mentioned that the developer can say anything he wants but then do something different during the subdivision

PLAIN CITY COUNCIL
MINUTES OF REGULAR MEETING
MAY 15, 2014

process. It was also noted that some councilmembers want to see more open space and larger lots. Councilmember McKean wants to look at the General Plan. **Councilmember Hale moved to table this until June 5 and do some more research. Councilmember Lowther seconded the motion. Councilmembers McKean, Lowther and Hale voted aye. The motion carried.**

Re-Address Ordinance Amending Zoning Ordinance – Single Family Dwelling Requirements and Sing Ordinance Definitions

Mayor Higley asked the city attorney if they can revisit the zoning ordinance amendment. Brandon said it was alright. **Councilmember Lowther moved to revisit the zoning ordinance amendment. Councilmember Hale seconded the motion. Councilmembers McKean, Lowther and Hale voted aye. The motion carried.** It was reported that the single family dwelling amendment will only affect new development not existing dwellings. John Leonardi noted that it was discussed at great length by the Planning Commission. Buddy Sadler noted that Federal law requires that we don't allow mud and dirt to be tracked onto roadways through the Clean Water Act. **Councilmember McKean moved to approve Ordinance No. 2014-05 amending the zoning ordinance concerning single family dwellings. Councilmember Hale seconded the motion. Councilmembers McKean, Lowther and Hale voted aye. The motion carried.**

Motion: Approval of Business Licenses

New

BnG Transportation, LLC Clint Brown 2528 N 4275 W home office for transportation co.
Councilmember Hale moved to approve the business license as presented. Councilmember Lowther seconded the motion. Councilmembers McKean, Lowther and Hale voted aye. The motion carried.

Motion: Approval of Warrant Register

See warrant register dated 04/17/14 to 04/30/14 and 05/01/14 to 05/14/14. Councilmember Lowther asked what the GSH Geotechnical bill was for. Diane noted that it is concerning the 1500 North sewer project and will be part of the insurance claim from Wasatch Civil. **Councilmember Lowther moved to approve the warrant registers as presented. Councilmember McKean seconded the motion. Councilmember McKean, Lowther and Hale voted aye. The motion carried.**

Report: Planning Commission

John Leonardi reported that the Planning Commission gave preliminary final to Scott and Georgia Knight Subdivision. They tabled S-Curve Subdivision. The Planning Commission recommended approval of the Hadley property rezone and gave preliminary approval to Taylor Parks Subdivision. He also reported that they denied Lucia Subdivision because they do not have secondary water. They inquired about the work that is being done at the Confectionary. Diane noted that according to Ken Martin, they were tearing down part of the wall so their structural engineer could come in and see how it is built. After that is analyzed, they will determine how they can draw up the plans to remodel. John Leonardi also indicated they haven't seen anything happening with the old school. Councilmember Hales asked if we can put up "No Trespassing" signs. The Mayor noted that it might affect our liability.

Reports: Council

Councilmember McKean reported that recreation is in full swing and the park diamond is complete.

Councilmember Lowther reported that Mitch is requesting some road projects on the next agenda. He noted that fire truck repairs are done. It was noted that there was a structure fire on Sunday. Jeremy Crowton mentioned that they had an ISO audit and it was noted that the fire hoses aren't up to snuff. Jeremy noted that he is working at replacing them and bring them up to standard. Impact fees were discussed and it was noted that medical calls are up 12-15%.

Councilmember Hale reported that she will be doing the newsletter in the next couple of days. If anyone wants anything in there, they need to get it to her. She mentioned that Swift Trucking is sponsoring the 5K and they are working on Knight Trucking for a donation too. She noted that the trucks will not be in the parade due to costs. She reported that there is entertainment on the 3rd which is a children's choir. They are looking for volunteers for the

PLAIN CITY COUNCIL
MINUTES OF REGULAR MEETING
MAY 15, 2014

rodeo and they are putting limits on the events on the rodeo. She inquired with Maverik about the Monster Truck. Councilmember Hale noted that it is booked out a year ahead and suggested we get on the books for next year. As for the council, they will ride in Councilmember McKean's truck in the parade. Councilmember Lowther noted that he will be in New York. Councilmember Hale reported that they would like the council, youth council, employees, planning commission and fire department help serve the dinner on the 3rd. She reported that Ryan Taylor is catering the dinner and is charging the city \$4 per plate. She is hoping to get the flyer completed by June 5. They are talking about honoring the veterans. She also noted that they are charging \$1 to catch a fish as well as a chicken.

The Mayor thanked everyone for all they do. He reported that Farr West gave us a heads up that there is a subdivision coming in from Remuda that will connect onto 2800 N which is in Stephens Subdivision. It will bring some additional traffic and is one of our older streets.

Buddy Sadler noted that another subdivision is coming to North Plain City Road. The Planning Commission is asking the city council to look into doing a traffic study to see how many houses there are and how many that road can handle.

At 9:03 p.m. Councilmember McKean moved to adjourn and was seconded by Councilmember Lowther. The vote was unanimous.

City Recorder

Mayor

Date approved

NOT OFFICIAL DOCUMENT