

PLAIN CITY COUNCIL  
MINUTES OF REGULAR MEETING  
NOVEMBER 5, 2015

The City Council of Plain City convened in a regular meeting on Thursday, November 5, 2015, in the Plain City Hall beginning at 7:00 p.m.

Present: Mayor Bruce Higley, Councilmembers LaFray Kelley, Joel Maw and Mike McKean.  
Excused: Councilmember Kris Carrigan and Natalie Hale  
Staff: Diane Hirschi  
Also present: Cecil Satterthwaite, Randy Marriott, Jeni Hadden, Brad Jensen, Jeremy Crowton, Cheri Sparks, Blake Neil, John Leonardi, Andrew Scott, Jarom Scott, Jerry Preston, Art Dover

Call to Order: Mayor Higley  
Pledge of Allegiance: Diane Hirschi  
Invocation/Moment of Silence: Councilmember McKean

Approval of Minutes

**Councilmember Maw moved to approve the minutes from October 15, 2015 as presented. Councilmember Kelley seconded the motion. Councilmembers Kelley, Maw and McKean voted aye. The motion carried.**

Comments: Public

Jeni Hadden reported that she has been attending the Planning Commission meetings. Since the Council will make the ultimate decision on Kent's, she wanted to know how the City Council feels about it. She noted that it probably doesn't affect anyone here, but wanted the council to know it affects her family.

Presentation/Discussion: Plain City Sewer Upgrade – Cecil Satterthwaite and Randy Marriott

Cecil Satterthwaite gave the council a map showing the basic proposal for running sewer from Box Elder County to our lagoon system. He is asking for the City's partnership so get sewer available in the north end of Plain City through another County. He noted that they would set up a special district and run the pipes in Box Elder County and then Plain City would treat the sewer. Cecil noted that it would benefit Cecil and Randy economically and it would benefit the City with revenue to upgrade the facilities. He reported that nothing is set in stone, he just wanted to see if the city was interested in working together. Councilmember Maw asked where they were crossing the rail trail. It looked like it was around 4000 N. Councilmember McKean asked what upgrades need to be made to the sewer and how many lots were coming from Box Elder. Cecil reported that within the next 30-50 years (depending on the market), there would be about 2200 units. Councilmember McKean asked when they want to start. Cecil reported that this is the first step. If the city is interested, a special improvement district would need to be set up and drawings would be drafted. He is hoping to start within the next year. It was noted that the city would collect service fees and impact fees from anyone within the district. It was asked how many Plain City residents would be within the district. Cecil doesn't know off the top of his head. Councilmember Kelley reported that the city can't make a profit on sewer. It was noted that the revenues collected would help pay for any upgrades that need to be done. Councilmember McKean asked them what their plan B is. It was reported that they would go with Willard and Perry sewer but that is very expensive. Randy Marriott said that he wasn't sure where it would come out by the rail trail but needs to get sewer up to England Meadows and Stillcreek. Another benefit to the city would be able to eliminate a lift station at Grouse Meadows. There was a discussion about North Plain City Road being at capacity. Brad Jensen, City Engineer, noted that there is a lot of infiltration at that lift station. He noted that this proposal would relieve some of the sewer from North Plain City Road. He also added that it is always good to eliminate a lift station. Councilmember McKean asked what the cost of this would be. Randy noted that hopefully there will be a payback agreement with the city. Also the city will be able collect part of the fees. There was a question about split billing and impact fees between counties. It was noted that it depends on how the special district is set up. Our legal counsel will be involved with that. Billing was mentioned. Randy said the city could do the billing or Marriott Construction could. Councilmember Kelley asked if the city would maintain the lines. Randy mentioned that the special improvement district would. Brad Jensen reported that all of this looks good on paper but more information will need to be gathered. Randy again noted that they are just finding out if the city is interested in the partnership. Councilmember Maw asked about crossing by Dixie Creek. Drawings and studies will have to be done before the exact location will be identified. Councilmember McKean feels that he is interested in looking into this but wants to know the number of Plain City residents that will be involved, the potential cost and

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the costs of upgrading our system. The Mayor anticipated that there would be a lot of questions. Randy and Cecil thanked the council for their time and will get with them as more information is available.

Discussion/Motion for Ordinance: Authorizing Recovery of Expenses Incurred for Hazardous Materials Emergencies

Jeremy Crowton, Fire Chief, reported that there is a Weber County HazMat Taskforce. If we are to be a part of that, we need to have an ordinance to recover expenses if we were to have an incident. He noted that when the taskforce comes out, it is quite labor intensive. This ordinance will allow the city to charge if there is an accident and gas, oil or antifreeze spill. He noted that if Maverik were to have an incident and the taskforce were to come out, it would be very costly. With this ordinance we could bill either the insurance or the company for this charge. Councilmember McKean asked what if someone didn't pay, who would be liable. Jeremy noted that the city would. It was noted that there were several times in the ordinance it refers to the County. Jeremy said that it should be the City. There is an example of a cost breakdown that could be used for billing. **Councilmember McKean moved to adopt Ordinance 2015-04 authorizing recovery of expenses incurred in responding to hazardous materials emergencies with the corrections noted. Councilmember Maw seconded the motion. Councilmembers Kelley, Maw and McKean voted aye. The motion carried.**

Discussion/Motion: Set Date for Canvass Election – November 16

The Mayor noted that we need to canvass the election before November 17. It is suggested to canvass it on Monday, November 16. Diane suggested the time be 5 p.m. **Councilmember Kelley moved to set a special meeting to canvass the election on Monday, November 16, 2015 at 5 p.m. Councilmember McKean seconded the motion. Councilmembers Kelley, Maw and McKean voted aye. The motion carried.**

Mayor Higley noted that we did the hybrid election this year which was a combination of vote by mail and voting downstairs. The unofficial results show Buddy Sadler, Brett Ferrin and Brad Searle as the top three. The Mayor congratulated them. He thanked David Pendergast, Mark Osenbach and Kris Carrigan for putting in their names. He thanked Councilmembers Kelley and Maw for their work.

Motion: Approval of Business Licenses Solicitor

Vivant Solar                                  Matthew Hunt                                  2963 N 4200 W                                  solicitor/solar products

It was noted that this is a solicitor license. **Councilmember Maw moved to approve the business license as presented. Councilmember Kelley seconded the motion. Councilmembers Kelley, Maw and McKean voted aye. The motion carried.**

Motion: Approval of Warrant Register

See warrant register dated 10/15/2015 to 10/31/2015. Councilmember McKean asked why the Sheriff's bill was so late. Diane reported that it was sent to the previous Mayor. He also asked about the sound system. Diane noted that she had our sound system checked out and repaired. It was reported that it is working much better.

**Councilmember McKean moved to approve the warrant register as presented. Councilmember Kelley seconded the motion. Councilmembers Kelley, Maw and McKean voted aye. The motion carried.**

Report: Planning Commission

Cheri Sparks reported that at the last Planning Commission meeting they had a public hearing to change the C-2 ordinance concerning lot size and parking. She reported that the lot size was tabled and the parking changes were approved. She noted that the Planning Commission wanted more information. Diane noted that Rob Scott is working on the staff report for the parking amendment and will be forwarded to the Council at their next meeting. Blake Neil reported that the C-2 ordinance amendment concerning the maximum of five acres will be on the next Planning Commission agenda. Councilmember McKean asked if there was going to be another public hearing on this. It was noted that there will not. Councilmember Kelley asked who decides whether the zone is C-1 or C-2. Blake mentioned that Rob Scott's summary noted that C-2 is usually 10-20 acres. C-1 has no limit. There was some discussion about what is allowed in each. Councilmember Kelley thinks that C-1 is more restrictive. It was discussed that with Kent's, there will be a development agreement. Councilmember McKean asked what

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information the Planning Commission is waiting for. Blake wasn't sure and he has contacted all the Planning Commission to get their concerns to Rob Scott so they can be addressed. Final approval for Sunee Acres was on the agenda. Blake reported that John and Blake had met with him prior to the meeting. The concern is they are creating a building lot and leaving the rest a remainder parcel. Brandon Richards has gotten involved in this and there may be an appeal.

Report: Council

Councilmember McKean reported that girls' basketball is going. They are signing up for boys' basketball and football is over. He noted that the parks have been cleaned up and ready for the winter.

Councilmember Kelley reported that the youth council is having a food drive on December 5. The Mayor asked if we need more youth council members. Councilmember Kelley said they do. She has a meeting with some donors for pickle ball. The park benches are being worked on. She has an eagle scout who wants to put cement on the baseball dugouts at Lee Olsen Park.

The Mayor thanked Rick Schroeder for his work on the landfill crawler and Dusty Palmer for his work on the blower at the sewer pond. He figures it saved the city about \$6,000. The Mayor noted that we will need to look into a mower. Dusty has tried to repair it enough to use. The Mayor reminded the council about the special meeting on November 16 to canvass the election. He thanked Diane and her staff and thanked the council.

**At 7:59 p.m. Councilmember McKean moved to adjourn and was seconded by Councilmember Kelley. The vote was unanimous.**

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City Recorder

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Mayor

\_\_\_\_\_  
Date approved