

PLAIN CITY COUNCIL
MINUTES OF REGULAR MEETING
JANUARY 5, 2017

The City Council of Plain City convened in a regular meeting on Thursday, January 5, 2017, in the Plain City Hall beginning at 7:00 p.m.

Present: Mayor Bruce Higley, Councilmembers Mike McKean, Buddy Sadler, Brett Ferrin, Natalie Hale and Brad Searle
Staff: Diane Hirschi, Bren Edwards, Tyson Garr
Also Present: Michael Grove, Sarah Brown, Lillian Brown, Cody Rhees, Lt. Chad Ferrin, Wendell & Elaine Winegar, Richard & Wendy Davies, Craig Butts, Justin Anderson, Jaquell Taylor, Amber Taylor, Shane McFarland, Jarod Maw, Tessa Kelley

Call to Order: Mayor Bruce Higley
Pledge of Allegiance: Councilmember Ferrin
Invocation/Moment of Silence: Councilmember McKean

Approval of Minutes

Councilmember McKean moved to approve the minutes from December 1, 2016 regular meeting and work session as presented. Councilmember Searle seconded the motion. Councilmembers McKean, Sadler, Ferrin, Hale and Searle voted aye. The motion carried.

Comments: Public

Sara Brown wondered why there is not money in the budget to reconstruct 5100 W. She noted that this road is heavily traveled by other citizens as well as those that live in that area. She also inquired as to why it hasn't been properly maintained. Sara reported that it was the best road in town and always plowed before the city annexed them. She mentioned that it was not repaired properly this summer. The Mayor noted that this road wasn't built up to standard in the first place. Councilmember Ferrin noted that we know this road has issues and is why we are applying for a grant.

Wendell Winegar also noted that this road was good until the city took over the road. Most of the traffic is not from those that live in the area. He was also concerned as to giving out financial information.

Michael Grove noted his frustration as he clears off his sidewalk and then the plow comes along and fills it back up. Who is responsible at that point?

Craig Butts reported that that he is concerned about people not cleaning off their sidewalks. He noted he contacted the city to see how long residents have to clear them. He noted that the ordinance says a reasonable time. He would like to have the city look at that and define what a reasonable time is. He also mentioned that Maverik has not cleared off their sidewalks on the west side of the store.

Sara Brown reported that she is really tired of her subdivision not getting plowed. The Mayor will look into that.

Public Hearing: Consideration of Potential Projects for which Funding may be applied under the 2017 (CDBG) Community Development Block Grant Program

Councilmember Ferrin moved to go into a public hearing for the purpose of consideration of potential projects for with funding may be applied under the 2017 (CDBG) Community Development Block Grant Program. Councilmember Sadler seconded the motion. Councilmembers McKean, Sadler, Ferrin, Hale and Searle voted aye. The motion carried. Mayor Higley opened the public hearing for the CDBG program and stated that this hearing is being called to consider potential projects for which funding may be applied under the 2017 Community Development Block Grant Program. It was explained that the grant money must be spent on projects benefiting primarily low and moderate-income persons. Mayor Higley reported that one project that is being considered is totally reconstructing 5100 W. In the past the city has received several grants. The city has a capital investment plan. This list shows needed projects in the city. The Mayor turned the time over to the citizens for their comments. Sarah Brown reported that sidewalks are needed for those children who walk to school. Elaine Winegar wanted it clarified what they are planning to do to 5100 W. It was noted that it will be reconstructed.

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Councilmember McKean noted that we are asking the citizens what other projects need to be done. It was reported that part of the application process is income based and that is why we are doing the confidential survey. Justin Anderson asked if it could be used to extend the school zone on 1975 N. He noted that the subdivision just west of the current school zone is causing a very dangerous condition. Sara Brown reported that she is in favor of reconstructing 5100 W and asked that the city allocate for proper maintenance. The Mayor asked if there were any other suggestions. **Councilmember McKean moved to go out of the public hearing and into the regular meeting. Councilmember Sadler seconded the motion. Councilmembers McKean, Sadler, Ferrin, Hale and Searle voted aye. The motion carried.**

Discussion/Motion: Audit Report for Year ending June 30, 2016 – Wood Richards and Associates
Ryan Child, Wood Richards and Associates, presented to the Council the audit for fiscal year ending June 30, 2016. He went over in detail the general fund, sewer fund and capital projects fund. He noted that it was a good year for sales tax and building permits. He reported that we received a RAMR grant at the end of the year and will be spent in the current fiscal year. As a result of building permit increases, the impact fees increased. He noted that this is \$741,735 in the capital projects fund. Ryan went over the revenues and the expenses of the general fund. He noted that the sewer fund is in good shape and our annual bond payment is \$150,000 and he noted the revenues and expenditures. As part of the audit, they have to look at state compliant issues. They have a few very minor findings. The first is that every member of the Council has to have a training on the open meeting law. One councilmember didn't attend. They found that two sets of minutes weren't attached to the Utah Public Notice website within the three day time period. Since the budget has increased, the treasurer's bond needs to be increased and there should be more internal control on payroll. They suggest that all department heads sign off on timecards and have additional measures in place for internal control. Councilmember McKean asked about the unassigned balance in the general fund and Ryan noted that it will be carried over to next year. **Councilmember McKean moved to approve the audit report for the year ending June 30, 2016 from Wood Richards and Associates. Councilmember Searle seconded the motion. Councilmember McKean, Sadler, Ferrin, Hale and Searle voted aye. The motion carried**

Discussion/Motion: Re-Final Approval of Taylor Parks Phase 2
It was noted that the Planning Commission recommended approval and the fees have been paid. **Councilmember Ferrin moved to give Re-Final Approval of Taylor Parks Phase 2. Councilmember Hale seconded the motion. Councilmembers McKean, Sadler, Ferrin, Hale and Searle voted aye. The motion carried.** Cody noted that he has the escrow for Phase 1.

Discussion/Motion: Award CMGC (Construction Manager General Contractor) for Public Works Building
Councilmember McKean reported that a couple months ago, they formed a volunteer committee to help with the public works facility. The volunteers were Brad Barto, Joe Dunn, Brent White, Randy Douglass and Erick Thompson. They had several meetings. Their first meeting was to list all the assets that need to be protected. Bren got them that information. Then they met to discuss the storm water requirements that the shop has to have. They looked at all types of buildings to meet our needs. It was determined that they have to have a cement pony wall. As for the structure, brick would be best, but a metal building will meet our needs. The building will be have seven bays and a separate wash bay. The building will be metal with a cement pony wall. The committee has been disbanded. It was thought that the best way to handle the requirements is to be our own general contractor. Legally we can't do that on a public building so we are looking for a Construction Management General Contractor (CMGC) to get bids for every aspect of the construction. This is a licensed contractor that can also bid the project as well. The CMGC will get three bids for every portion of the building and bring it back to the council. This was advertised and we had five credible bids. The bids were based on the project costing \$500,000 and taking 6 months to build. The lowest was Barto Construction at \$41,250. Councilmember McKean would like to petition the council to award the CMGC to Barto Construction. Three bids for each portion will come to the city council and hopefully be able to approve the total project the first meeting in February. He is optimistic that we can get the building for under \$500,000. This would protect our assets and get us in line with the storm water requirements so we wouldn't get a monthly fine. Currently we have two snow plows that are unprotected. Without a wash bay, it costs us \$100 to wash the trucks. Councilmember Sadler asked what is included. Councilmember McKean noted that it is a 60x20 bay and a 20x30 separate wash bay. The salt storage was cut out and the office is still in the bid. The asphalt

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has been taken out of the plan. It was noted that the original bid was \$850,000 and after cutting things done, ended up at \$560,000. Councilmember Searle asked if Brad Barto is concerned that he was that much lower. It was noted that he built the fire station and think that he is trying to give back to the city. It was also noted that we may get better bids with putting it out this time of the year. The Mayor wanted to make sure the volunteers were thanked.

Councilmember Ferrin moved to award the Construction Manager General Contractor to Barto Construction for \$41,250 as specified in the bids. Councilmember Sadler seconded the motion. Councilmembers McKean, Sadler, Ferrin, Hale and Searle voted aye. The motion carried.

Discussion/Motion: Set Time and Plan for 2017 City Meetings

Councilmember Ferrin moved to adopt Ordinance 2017-01 setting the time and place for City Council and Planning Commission meetings for the year. Councilmember McKean seconded the motion. Councilmembers McKean, Sadler, Ferrin, Hale and Searle voted aye. The motion carried.

Discussion/Motion: Set Work Session for Open Meeting Training

Diane noted that Brandon Richards can do the training on either Jan 19 or Feb 16 at 6 pm. Diane noted that all councilmembers must be present. Councilmember Searle will be out of town on Jan 19 but can be available by phone for the training. **Councilmember McKean moved to set a work session on January 19 at 6 pm as a work session for open meeting training. Councilmember Ferrin seconded the motion. Councilmembers McKean, Sadler, Ferrin, Hale and Searle voted aye. The motion carried.**

Motion: Approval of Business Licenses

New

Nails by Mandy	Amanda Malone	1442 N 4600 W	nail salon
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Renewals

Jana's Salon	Jana Hancock	1963 N 5100 W	hair salon
Tanner's Tack Room	Delmar Tanner	3481 W 2100 N	leather and canvass goods
O'D Systems	Patricia O'Driscoll	4292 W 1400 N	tax/bookkeeping service
Shannette Keeler LCSW	Shannette Keeler	4184 W 1975 N	counseling
Touch of Healing	Jeanie Maw	4282 W 1400 N	massage therapy & body work
Walker Homes	Alan Walker	4496 W 1650 N	general contractor
Rebel Birds	Scott Rhodes	1623 N 4150 W	raising & selling game birds
Real Estate Unlimited	Jason Klomp	3723 W NPC Rd	real estate & financing
Daz Management LLC	Tony Daz	2063 N 5100 W	excavation, sewer, water, snow removal
Gene Bingham CDL Testing	Gene Bingham	2825 W 2125 N	CDL training and testing
NuEyes	Randy Espinoza	2809 W 1975 N	fire truck equipment/HAFB
Hall Construction Co LLC	Ed Hall	2704 W 1575 N	construction company
Petroff Piano Studio	Anarie Petroff	2754 N 3475 W	piano instruction
Tara's Essential Care	Tara Despain	2007 N 4900 W	make up, waxing, oils, facials
CJD Hauling	John Anderson	2489 N 4425 W	truck hauling
New Wave Pool, Spa & Swim	Ann & Jeff Tippets	3364 W 1975 N	pool, chemicals, swim lessons
Extraordin-aire LLC	Russell Scott Crozier	1367 N 4700 W	HVAC
White Nest Designs	Gianna Malan	3456 W 2350 N	design

Solicitor

Vivint Solar	Matt Hunt	2963 N 4200 W	solar
Edward Jones	Kristina Lynn Sorensen	2225 Washington Blvd	financial advisor

Councilmember Ferrin moved to approve the business licenses as presented. Councilmember Searle seconded the motion. Councilmembers McKean, Sadler, Ferrin, Hale and Searle voted aye. The motion carried.

Motion: Approval of Warrant Register

See warrant register 12/01/16 to 12/21/16 and 12/22/16 to 12/31/16. It was reported that the tires were for the landfill. Kirks Mobile was to repair the bobtail. The portable storage is for the sewer pumps. The insulation company will come back and do the football stand when it dries up. The shirts are for the public works employees. The concrete was for the Pickle Ball court project. It was suggested that we get an update on that project. The hatch

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is for the sewer manhole. **Councilmember McKean moved to approve the warrant register as presented. Councilmember Sadler seconded the motion. Councilmembers McKean, Sadler, Ferrin, Hale and Searle voted aye. The motion carried.**

Report from Planning Commission

Jarod Maw reported that final for S-Curve Phase 4 was tabled. They set a public hearing for rezoning by Penny Barnes. Taylor Parks Phase 2 was given re-final approval. The Planning Commission is working on temporary business licenses such as food trucks, etc. They are also working on the commercial uses and getting that updated. Councilmember McKean noted that Bren said there are 300 building lots available. There is concern over infrastructure. Councilmember Sadler asked about the general plan grant. Bren noted that it is due January 19.

Report: Council

Councilmember Searle reported that parks and recreation are good. Boys' basketball will start shortly. He asked about the impact fee study. It was noted that it could take up to a year to go through the financial advisor.

Councilmember Hale thanked the public works department on keeping the roads plowed.

Councilmember Ferrin has a mosquito meeting on Monday. They are going through at RFP for aerial spraying.

Councilmember Sadler reported that it has been a long time since business license fees were looked at. Diane will look into the process.

Councilmember McKean thanked the public for staying the whole meeting.

Mayor Higley appreciates the feedback and thanked the auditor.

Diane noted that there are a couple ordinances that need to be looked at. One is snow removal on sidewalks and the other is unauthorized vehicles on the parks. A copy of the proposed changes were given to the council. This will be placed on the next agenda.

At 8:30 p.m. Councilmember Ferrin moved to adjourn and was seconded by Councilmember Searle. The vote was unanimous.

City Recorder

Mayor

Date approved

PLAIN CITY COUNCIL
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JANUARY 19, 2017

The City Council of Plain City convened in a regular meeting on Thursday, January 19, 2017, in the Plain City Hall beginning at 7:00 p.m.

Present: Mayor Bruce Higley, Councilmembers Buddy Sadler, Brett Ferrin, Natalie Hale and Brad Searle
Excused: Councilmember Mike McKean
Staff: Diane Hirschi, Mike Kerswell, Jake Meibos
Also Present: Cheri Sparks

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

Approval of Minutes

Councilmember Ferrin moved to approve the regular meeting minutes from January 5, 2017 as presented. Councilmember Searle seconded the motion. Councilmembers Sadler, Ferrin, Hale and Searle voted aye. The motion carried.

Comments: Public

There was none at this time.

Discussion/Motion: Bid for Cleaning Drain at approximately 1975 N 3700 W

Jake Meibos noted the pictures that were in the council packet. He reported that the drain at approximately 1975 N 3700 W is silted in and growing vegetation. It is a major drain for everything from 2600 North. He said that they have contacted the Army Corps of Engineers and are waiting for their blessing before they will begin cleaning. Marriott is the only company that can go out on pads through the swamp. The price for this project is not to exceed \$17,650. The City would supply the pipe at a cost of approximately \$5,000 for 42 inch pipe. It was noted that what is dredged out will be put to the side. Councilmember Searle asked if other cities drain into this. Jake Meibos noted that it is all our water until it gets to Western Irrigation. There will be two crossings that will be enlarged. Councilmember Sadler asked who determines the pipe size. It was noted that 42" pipe is large but not oversized. It was noted that there is money in the budget for cleaning this. Jake reported that they are also looking at a couple other projects too. It was noted that this one has to be completed before spring. **Councilmember Searle moved to approve cleaning the drain at 1975 N 3700 W with Marriott Construction not to exceed \$17,650 contingent on approval from the Army Corps of Engineers. Councilmember Hale seconded the motion. Councilmembers Sadler, Ferrin, Hale and Searle voted aye. The motion carried.**

Discussion/Motion: Amend Title 7 Concerning Removal of Snow on Sidewalks

The Mayor reported that the purpose of this amendment is to give a time that sidewalks need to be cleared. Currently the ordinance says "a reasonable time". It has been suggested to change that to 48 hours. Councilmember Sadler would like to see it 24 hours. It was also discussed that does it mean 48 hours after the snow has stopped or when it begins. It was noted that it is difficult to prove the time. Councilmember Ferrin feels that 48 hours is reasonable and it is a start. If there are problems and we need to amend it later, we can. Councilmember Searle asked if the homeowner is liable for the snow. It was noted that they are. **Councilmember Ferrin moved to adopt Ordinance 2017-02 amending the city's removal of snow ordinance with the change of adding "48 hours after such snow..." Councilmember Hale seconded the motion. Councilmembers Ferrin, Hale and Searle voted aye. Councilmember Sadler voted nay. The motion carried.**

Discussion/Motion: Amend Title 1 & 5 Concerning Prohibited Activities in Public Parks

This was brought up because there are people snowmobiling in the parks. Councilmember Sadler asked about horses pulling a sleigh. It was noted that the snowmobiles and motorized vehicles are tearing up the park. The Mayor noted that we can't post the sign or cite anyone without it being in the code. **Councilmember Hale moved to adopt Ordinance 2017-03 amending the city's definitions and prohibited activities in the parks.**

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Councilmember Ferrin seconded the motion. Councilmembers Sadler, Ferrin, Hale and Searle voted aye. The motion carried.

Motion: Approval of Business Licenses

New

Griz Mobile Window Screen Repair repair	James Adams	1884 N 3375 W	mobile window screen
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Renewals

Plain City Confectionary	Randy Marriott	4960 W 2200 N	bar/tavern/beer license
Hairquarters	Karlene DeVries	3047 W 1975 N	beauty/barber shop
Pro-Mold	Farrell Christoffersen	1675 N 4150 W	machine shop
Cook Auto Sales, Antiques	George Cook	1985 N 4650 W	auto & antique sales
Randy Marriott Construction	Randy Marriott	4960 W 2200 N	construction/maintenance
Farrell Brothers Construction	Shane Farrell	3351 W 1700 N	general contractor
America First Credit Union	America First Credit Union	4350 W 2336 N	banking
Fingers & Toes	Sherry Bradford	2710 N 4200 W	salon
Carl's Auto Clinic	Carl Miller	1606 N 4700 W	light auto repair
Maxfield Concrete, Inc	Vaughn Maxfield	2164 N 4425 W	concrete/flatwork
JDR Inspection Company inspections	Dee & Sue Rose	3535 W NPC Rd	construction loan
Hilary's Home Daycare	Hilary Perez	1484 N 4800 W	day care
Ultimate Equestrian lessons	Danna Russell	3077 N 3900 W	equine training/riding
Jack's Garage	Greg Warg	5016 W 4075 N	restore cars
B. Blanch Maintenance	Bryce Blanch	1931 N 3500 W	handyman
Maverik Inc.	Maverik	4098 W 1975 N	c-store/beer license
Real Estate Connection	Ruth Mary Hansen	3438 W Larkspur Ln	real estate
Two Bit Treats	Sherry Bradford	2710 N 4200 W	office for candy vending
KET Express Inc. business	Kelly Ellis	2294 N 4100 W	office for trucking
BnG Trasportation LLC	Clint Brown	2528 N 4275 W	home office
Woodward Concrete Cutting	Brady Woodward	3230 W 1975 N	home office
Julianne L Koer, LCSW Inc.	Julianne Koer	2848 W 1975 N	clinical social work
Morrell & Sons, Inc.	Jeff Morrell	3424 W 1975 N	office for HVAC service
BRG Excavation	Bryson Grow	5171 W 2750 N	excavation company
Roylies	Suzanne Whitelock	2414 N 4350 W	bakery & cafe
'B' sew it!	Becky Montgomery	2161 N 4100 W	sewing and crafts
Rustic Rooster Properties LLC	Zac & Danya Walton	3723 W 1975 N	real estate
Hair by Celeste	Celeste Atkinson	1461 N 4600 W	salon
RDSS Properties Inc.	Dustin Skeen	2422 N 4050 W	general contractor
Countdown Bargains LLC	Nicole Bradford	3005 Morning Mist Ct	online retail store
Miller & Miller	Patric Miller	3326 W 1775 N	misc hauling

Councilmember Ferrin moved to approve the business licenses as presented. Councilmember Searle seconded the motion. Councilmembers Sadler, Ferrin, Hale and Searle voted aye. The motion carried.

Motion: Approval of Warrant Register

See warrant register 1/01/17 to 01/18/17. Councilmember Searle asked about the court refund. It was what the judge released. Nova Color is the RAMP sign for the Lions Club Park. Cody and Jake Jardine are going to the Rural Water training in St. George. Windstream is for the phones and internet for the city office, fire department and shop.

Councilmember Searle moved to approve the warrant register as presented. Councilmember Ferrin seconded the motion. Councilmembers Sadler, Ferrin, Hale and Searle voted aye. The motion carried.

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Report from Planning Commission

Cheri Sparks reported that the deadline for the General Plan is today and that Blake got it turned in. She also noted that they have been working on the commercial uses and it was tabled. The Mayor thanked the Planning Commission for all they do.

Report: Council

Councilmember Ferrin noted that Kim Slater has been the president of the Mosquito District for years. He is leaving for a mission and Boyd Ferrin is the new president. He noted that Bren and his crew are doing a great job clearing the roads. Brad Barto is in the process of getting bids for the public works building and will probably be ready to bring them to the council on the 2nd meeting of February. He also noted that Bren let him know that we met the requirements for the CDBG grant so we will be moving forward with that.

Mayor Higley noted that it is nearing time to start working on the budget. He would like to begin having budget work meetings before the council meetings. He reported that Judge Beesley will be retiring in July. We need look at other judges and Judge Beesley said he would help us however he could. Councilmember Ferrin feels that we need to keep our court. The Mayor noted that the Mayors are negotiating with the Sheriff's Office and he will keep the council up-to-date on that. The Mayor asked the council if they had any snow complaints. It was noted that there are some potholes. Mayor Higley thanked the road crew for their work. He also thanked the office and introduced Mike Kerswell, who will be helping with our website and newsletters.

At 7:42 p.m. Councilmember Ferrin moved to adjourn and was seconded by Councilmember Sadler. The vote was unanimous.

City Recorder

Mayor

Date approved

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