

PLAIN CITY COUNCIL
MINUTES OF REGULAR MEETING
MAY 5, 2016

The City Council of Plain City convened in a regular meeting on Thursday, May 5, 2016, in the Plain City Hall beginning at 7:00 p.m.

Present: Mayor Bruce Higley, Councilmembers Mike McKean, Buddy Sadler, Brett Ferrin and Natalie Hale
Excused: Councilmember Brad Searle
Staff: Diane Hirschi, Bren Edwards, Steve Davis
Also present: Mark Osenbach, J.C. Aland, Robert Seager and Kelly Maw

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

Approval of Minutes

Councilmember McKean moved to approve the regular meeting minutes and the work meeting minutes from April 21, 2016 as presented. Councilmember Ferrin seconded the motion. Councilmembers McKean, Sadler, Ferrin and Hale voted aye. The motion carried.

Comments: Public

There was none at this time.

Discussion/Motion: Final Approval of Stillcreek Phase 2 – 3152 N Still Creek Parkway – 88 lots

J.C. Aland is the developer of phase 2. He noted that he has talked a lot with Mike Flood from Hawkins Homes who developed phase 1. He noted that Randy Marriott owns the property to the north. J.C. is working closely with Randy Marriott and coordinating the developments together. J.C. noted that he has changed and hired the same engineer as Randy so the whole project can be engineered together. J.C. also reported that he cannot speak for Randy, he can only speak for phase 2. As for the development agreement, he is willing to put in the park restroom to the city's specification. There was a three-sided lot that has been corrected. The council should have received a copy of the original development agreement and an addendum to the agreement. Councilmember McKean asked when the park will go in. It was reported that the homes and the park will go in at the same time. It was noted that the park will take longer as they have to first put in sprinklers, the path and grass. The trees will be put in after the grass has been established. Councilmember Hale asked why there is high density housing. Councilmember Ferrin noted that federal mandates require some high density housing. Senior housing was discussed. J.C. noted that it is hard to enforce senior housing. It was reported that the townhouses have to be owned and won't be rented. J.C. noted that they will be nice homes in the \$170,000-\$250,000 range. Councilmember Ferrin noted that the trade-off for high density is open space. Councilmember Sadler reported that he is concerned that we don't have anyone checking the plans to make sure they meet the ordinance. J.C. reported that he will have an architectural committee and noted that someone from the Planning Commission could be on the committee. It was mentioned that they are looking at pre-approved plans for the homes. Councilmember Ferrin feels that Councilmember Sadler ought to sit on that committee. J.C. reported that he is only using two builders. The development will have protective covenants. It was noted that the PRUD has requirements that the city will have to check. It was noted that the protective covenants can't be enforced by the city, but the PRUD requirements can. J.C. reported that the plans and builder will be approved before they sell the lots. Mayor Higley reported that the building inspector should catch the PRUD requirements at the building permit level. It was noted that the roundabout is narrow. J.C. reported that none of the houses will have basements. Some might have a 4' crawl space. The fencing plan was discussed. Mark Osenbach reported that the fence plan follows the ordinance. Councilmember Sadler noted that the PRUD ordinance requires fencing. J.C. noted that it is a simple plan. Councilmember Sadler brought up that our trails call for a combined use. Part for running/walking and part for horses. It was noted that horses don't want to be encouraged in Stillcreek. J.C. noted that Randy's portion connects to the rail trail. Councilmember Sadler report that this whole area came in originally as one development with 511 units coming into the sewer ponds. Now it is three different projects, but the density is still the same. It was reported that there is a pioneer agreement in place for Stillcreek. Each building permit in Stillcreek is charged \$615 to go to another developer who upsized the lift station in their development to include Stillcreek. It was discussed that these homes should be helping to build the sewer

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line. Councilmember Sadler just wants to make sure the city is aware of this and that it gets figured out. J.C. reported that he is willing to cooperate and work with us within reason. Fencing was discussed. Brandon reported that exhibit E is the original fencing plan and he couldn't see anytime that it was modified. It needs to be followed. Councilmember Sadler feels that someone needs to finish the obligation that hasn't been completed in phase 1. Brandon Richards feels that it is Hawkins Homes. **Councilmember Ferrin moved to give final approval contingent upon a development agreement with the sewer calculations, updating of the pioneer agreement, fencing as per the original plan and the bathroom facilities are in the development agreement.** Bren noted that the drainage issue is being taken care of. Bren would like to see the restroom fixtures be stainless steel and jail style. **Councilmember McKean seconded the motion. Councilmembers McKean, Sadler, Ferrin and Hale voted aye. The motion carried.**

Discussion/Motion: Approval of FY2017 Tentative City Budgets

Councilmember McKean reported that he was impressed with the work meeting on the budget last week. He mentioned that it was well thought out. **Councilmember McKean moved to approve the FY2017 tentative city budgets. Councilmember Hale seconded the motion. Councilmembers McKean, Sadler, Ferrin and Hale voted aye. The motion carried.** Councilmember McKean thanked Bren and Steve for their work on the budget and explaining how it all works.

Discussion/Motion: Set Public Hearing for Final Adjustments to FY2016 City Budgets – June 16

Councilmember Ferrin moved to set June 16, 2016 as a public hearing for the final adjustments to the FY2016 city budgets. Councilmember McKean seconded the motion. Councilmembers McKean, Sadler, Ferrin and Hale voted aye. The motion carried.

Discussion/Motion: Set Public Hearing for Final Approval of FY2017 City Budgets – June 16

Councilmember McKean moved to set June 16, 2016 as a public hearing for the final approval of the FY2017 city budgets. Councilmembers McKean, Sadler, Ferrin and Hale voted aye. The motion carried.

Discussion/Motion: Resolution – Cooperative Agreement with UDOT – SR 134 (2600 N) 3425 W Crosswalk Project

It was noted that this project will come out of FY2017 budget. The engineer's estimate is around \$71,000. UDOT will pay half of the cost. It was noted that our portion will come out of the transportation and storm drain impact fees. **Councilmember Ferrin moved to adopt Resolution 2016-06 to enter into a cooperation agreement with UDOT for the 2600 N Crosswalk Project. Councilmember McKean seconded the motion. Councilmembers McKean, Sadler, Ferrin and Hale voted aye. The motion carried.**

Discussion/Motion: Amendment to Zoning Ordinance Concerning Side Yard Requirements

Mark Osenbach reported that the Planning Commission has been working a long time on this amendment. It is concerning side yard requirements for swimming pools, tennis courts and basketball standards. It was noted that some properties will be able to have a swimming pool on the side of their house, but most will have to be in the back yard. Brandon noted that it is in line with other cities. It was noted that the old ordinance only had a couple paragraphs about swimming pools. **Councilmember McKean moved to adopt Ordinance 2016-02 amending the Zoning Ordinance concerning swimming pools, tennis courts and basketball standards and courts. Councilmember Sadler seconded the motion. Councilmembers McKean, Sadler, Ferrin and Hale voted aye. The motion carried.**

Discussion/Motion: Amendment to Subdivision Ordinance Concerning Cul-de-sacs

It was reported that these changes were requested from the city engineer and be in accordance with our public works standard. **Councilmember Ferrin moved to adopt Ordinance 2016-03 amending the Subdivision Ordinance concerning cul-de-sacs. Councilmember McKean seconded the motion. Councilmembers McKean, Sadler, Ferrin and Hale voted aye. The motion carried.**

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Discussion/Motion: Miscellaneous Surplus Items

Bren reported that GovDeals.com is a great resource for the city to put surplus items on. He noted that we can list an item and give a minimum price and it doesn't cost the city anything. The buyer pays 10% that goes to GovDeals. He mentioned that he put the old bottles and filling station from the fire station and now they are at the minimum. Bren had a list of items he would like to put on. **Councilmember McKean moved to approve the list of items to surplus as presented. Councilmember Sadler seconded the motion. Councilmembers McKean, Sadler, Ferrin and Hale voted aye. The motion carried.**

Motion: Approval of Business Licenses

There was none.

Motion: Approval of Warrant Register

See warrant register dated 04/21/2016 to 04/30/2016. It was noted that we have a new server. The Hoffman check is for Pro Pipe for sewer. The Mayor noted that he got the Wahlquist bill figured out. The Miller check was for woodchips for the playground. The check for Bryce Wade was for an eagle project last year. The check got lost. **Councilmember McKean moved to approve the warrant register as presented. Councilmember Ferrin seconded the motion. Councilmembers McKean, Sadler, Ferrin and Hale voted aye. The motion carried.**

Report: Planning Commission

Mark Osenbach thanked the council for their time. He noted that they are working on rules and procedures for meetings. He thanked Bren for his work and that it is good to have him at their meetings. They are discussing the commercial landscape ordinance. Casey Nielsen is looking to rezone the Blair Simpson property by the Dance Establishment from commercial to residential. Kent's Market will be coming to the Planning Commission for site plan approval on May 26. They will be moving dirt on the property beginning May 23. The Mayor asked if the Planning Commission would start their meeting with the pledge.

Report: Council

Councilmember Ferrin reported that the 4th is off and running. It was noted that the Grand Marshall's will be Judge Beesley and his wife. It was reported that rather than serving a meal on the Saturday night, we are inviting food trucks to come in with the car show. All events will be at the Town Square Park. Councilmember Ferrin reported that the mosquito spraying has begun. It was reported that Bren is doing a great job and is working well with the county on projects.

Councilmember Sadler reported that the cemetery will be selling lots and looking into some improvements.

Mayor Higley reported that the city is in great shape. He is having a meeting tomorrow at 1 with Cecil Satterthwaite about the project at the old elementary school site. He thanked the Planning Commission and the staff for their work.

At 8:23 p.m. Councilmember Ferrin moved to adjourn and was seconded by Councilmember McKean. The vote was unanimous.

City Recorder

Mayor

Date approved

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MAY 19, 2016

The City Council of Plain City convened in a regular meeting on Thursday, May 19, 2016, in the Plain City Hall beginning at 7:00 p.m.

Present: Mayor Bruce Higley, Councilmembers Buddy Sadler, Natalie Hale and Brad Searle
Excused: Councilmember Mike McKean and Brett Ferrin
Staff: Diane Hirschi, Bren Edwards, Jake Meibos, Jeremy Crowton
Also present: Blake Neil, LaFray Kelley, Jerry Jensen, Cody Rhees, Paula Harper, Leasa Wayment, Val and Liz Taylor

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

Approval of Minutes

Councilmember Sadler moved to approve the regular meeting minutes from May 5, 2016 as presented. Councilmember Searle seconded the motion. Councilmembers Sadler, Hale and Searle voted aye. The motion carried.

Comments: Public

There was none at this time.

Discussion/Motion: Resolution – Establishing a Storm Water Utility Fee

Bren Edwards, Public Works Director, reported that in 2003, the city passed a storm water ordinance but did not elect to set a monthly utility fee at that time. With all the mandates that are in place and coming, it is time to get the utility fee in place. They have contacted all the surrounding cities and the average is about \$4.60. Bren is suggesting charging a monthly fee of \$5 per ERU (Equivalent Residential Unit). An ERU is 2800 square feet. He is proposing that commercial be charged \$5 for every 2800 square feet of impervious surface. There was a discussion about a 1400 sq. ft. home versus a 2000 sq. ft. home paying the same fee. It was noted that simplicity is better. It was noted that the city engineer recommends the \$5 rate. Councilmember Sadler is concerned about everyone paying the same fee. It was noted that Bona Vista will want a flat rate. The Mayor noted that it is tough to impose fees but the state is mandating all of these requirements. We didn't start charging a fee in 2003 and so now we are playing catch up. He noted that Bren and Jake have done their homework to meet the regulations. Councilmembers Hale and Searle were alright with the amount. Councilmember Sadler thinks that maybe we should only charge \$3-4. The Mayor noted that the \$5 was generated by the city engineer and based on a study of the needs and regulations that need to be met. Jake had previously given the council a copy of the items that need to be addressed through this fee, for example a street sweeper, drains to clean. This fee will generate the revenue to pay for these things. **Councilmember Hale moved to adopt Resolution 2016-07 establishing a storm sewer utility fee of \$5 per residence and \$5 per ERU for commercial. Councilmember Searle seconded the motion. Councilmembers Sadler, Hale and Searle voted aye. The motion carried.**

Discussion/Motion: Final Approval of Taylor Parks Phase 2 – 2400 N 4000 W – 20 lots

Councilmember Sadler asked Cody Rhees, the developer if all of the items on the city engineer's memo and the public works comments. Cody said they are not but will be by the time construction starts. The Mayor asked if the escrow was in place for Phase 1. Cody noted that it is not but Bren has given him the list of items to be included. **Councilmember Sadler moved to give final approval of Taylor Parks Phase 2 contingent upon the engineer and public works comments, that the development and escrow agreement for Phase 1 is in place and that the storm water is taken care of. Councilmember Searle seconded the motion. Councilmembers Sadler, Hale and Searle voted aye. The motion carried.**

Discussion/Motion: Pickle Ball Committee

Leasa Wayment noted that she, Jerry Jensen, Paula Harper and LaFray Kelley are here as the pickle ball committee. The city received a RAMP grant for \$106,707 for the pickle ball courts and the city needs to match the grant for the restrooms. There will be 4 lighted courts at the Lions Club Park. The committee is trying to come up with

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donations for the city match. It was noted that in-kind donations will work. Bren Edwards asked the council if the city is willing to put up the money until their money can be raised. It was noted that they don't have any donations yet but they have had some commitments. Leasa noted that if there were a substantial donor, the park may be renamed for them. Bren noted that the money has to be used by December 31 which means the work has to be done by October. It was mentioned that the restroom will have to meet city standards and meet ADA regulations. It was noted that it is a city project, but the committee is doing the legwork and is willing to go out and get donors. They need the plans drawn up so they will have something to show the donors. The Mayor feels that they need the engineered plans. The committee is confident they can get the money, they just need to get the plans engineered so they can officially go after donors. It was noted that it will probably cost between \$2,500 and \$5,000 to get the engineered drawings. Once they have the drawings, they will approach donors and bring the money to the city. It was noted that the city will help with the demolition and the hookups. **Councilmember Sadler moved to spend money for the city engineer to draw up the plans for the restrooms at Lions Club Park. Councilmember Searle seconded the motion. Councilmembers Sadler, Hale and Searle voted aye. The motion carried.**

Discussion/Motion: Purchase of Lift Station Control Panels – Nickerson Company

Bren Edwards explained that they can't get parts for the panels for several of our lift stations. He would like to order some new ones and they take 4-6 weeks to ship. He would like to get two every budget years. They cost \$1,549 per panel. The old panels could be used for parts for the other old panels. Councilmember Searle is concerned about the cost. Bren is concerned that if one goes down, it takes 4-6 weeks to get one here and the sewer won't wait. He is trying to be proactive. **Councilmember Hale moved to approve the purchase of two lift station control plans from Nickerson Company for a total of \$3,400. Councilmember Sadler seconded the motion. Councilmembers Sadler, Hale and Searle voted aye. The motion carried.**

Discussion/Motion: Purchase of Kubota Lawnmower

The lawnmower was discussed at the budget work session. Bren reported that the cost for a Kubota is \$7750. He mentioned that they are local and the parts would be close. Kubota's are good machines. Councilmember Searle asked if we really need it now. Bren reported that currently both lawnmowers are working but there has been a lot of maintenance on the 15 year old machine. It was noted that the old one would be used for a backup. It was noted that the cutting width is 60" which is the biggest Kubota has. **Councilmember Hale moved to approve the purchase of the Kubota lawnmower from Sunset Kubota. Councilmember Searle seconded the motion. Councilmembers Sadler, Hale and Searle voted aye. The motion carried.**

Motion: Approval of Business Licenses

New

Wasatch Irrigation Solutions	Eric Schoenfeld	3258 W 2950 N	sprinkler repair and install
Hair by Celeste	Celeste Atkinson	1461 N 4600 W	salon
Net Forge, LLC	Jeff Lewis	2057 N 2850 W	knife manufacture

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

Motion: Approval of Warrant Register

See warrant register dated 05/01/2016 to 05/18/2016. The Cragun bill is for the defense attorney. IEI was for sensors at the sewer pond. Shea Michelle Buckles is for the Jr. Queen Contest in conjunction with the 4th of July. Maverik and Fuelman are for gas. We have been using Maverik cards but have changed to Fuelman because Fuelman is operated by the state and takes the tax off for municipalities. **Councilmember Sadler moved to approve the warrant register as presented. Councilmember Hale seconded the motion. Councilmembers Sadler, Hale and Searle voted aye. The motion carried.**

Report: Planning Commission

Blake Neil reported that at the last Planning Commission they had a rezone from RE-15 to the senior overlay zone. Blake handed out a map and the zoning map of that area. The residents gave some negative feedback and were opposed to having more units than would be required with a RE-15 regular subdivision. The Planning Commission

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will address this on June 23. Blake reported that Kent's are coming in with their final site plan on the 26th of this month.

Report: Council

Councilmember Sadler noted that he mentioned the new mandate for storm water to Senator Jenkins. Senator Jenkins claims he didn't know anything about this. The Mayor noted that this is not a new thing and it is a quality issue that all cities are required to do.

Councilmember Hale noted that she had some concerns about the Fox subdivision where the water in the slough is backing up and rising. Bren noted that this will have to be cleaned but probably in the winter. He has contacted the County to help in opening up the channel.

Mayor Higley reported that Bona Vista will be replacing the water line in the Stephens Subdivision as the city is redoing the road. He is meeting with UDOT on the 2600 N school crossing. That project should be done before school starts again in the fall. The 4th of July is coming along.

At 8:21 p.m. Councilmember Sadler moved to adjourn and was seconded by Councilmember Searle. The vote was unanimous.

City Recorder

Mayor

Date approved