

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF PLEASANT VIEW CITY, UTAH**

August 24, 2021

The public meeting was held at City Hall, 520 W Elberta Drive, Pleasant View, Utah, commencing at 6:00 P.M.

MAYOR:

Leonard Call (absent)

COUNCILMEMBERS:

Ann Arrington

Kevin Bailey (*Mayor Pro-tem*)

Steve Gibson

David Marriott

Sara Urry

STAFF:

Amy Mabey

Laurie Hellstrom

Jill Hunt

Ryon Hadley

Stetson Talbot

James Kortright

VISITORS:

Dana Shuler

Chris Bailey

Derek Draper

David Park

Chad Winward

Dave Laloli

Pledge of Allegiance: Sara Urry

Opening Prayer, Reading or Expression of Thought: Sara Urry

Declaration of Conflicts of Interest:

CM Bailey: I have an item on the agenda.

Comments/Questions for the Mayor & Council for items not on the agenda:

Mayor Pro-tem Bailey: the Mayor is excused from this meeting. He had back surgery.

Derek Draper: the minutes are not updated on the website. Laurie Hellstrom: they have not been typed yet. Derek Draper: there are only impact fees for water, sewer, garbage and why not have impact fees for everything that has an impact like police, computers, training, the website, etc. That would be money into the city. I am a term limit guy to keep corruption out. CM Gibson has done two terms. The road closure was worked out and the Mayor called. CM Urry: impact fees are regulated by the state on what is allowed to charge for impact fees.

Consent Items:

Motion was made by CM Gibson to approve the consent items (minutes of July 13, 2021 and July 27, 2021 (2 sets) and the bills of Pleasant View City). 2nd by CM Marriott.
Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

Business:

1. Discussion and possible action to grant an exemption to the Home Occupation conditions to allow a person other than a bona fide residents of the premises and to conducted activities outside the primary structure on the premise for a preschool at 1091 W 3050 N. Requester: Megan Cluff. (Presenter: Laurie Hellstrom)

Laurie Hellstrom presented the information from the staff memo for both items #1 & #2. CM Gibson: make sure the kids have a gated area. Megan Cluff: yes. The backyard. Also I am asking for help with 8 kids in a classroom. There are 3 classes M/T/TH and W/F mornings with different drop off times. I have talked to my neighbors. CM Urry: you are asking for two exemptions. CM Gibson: when are the impacts to the neighbors? Megan Cluff: just operating between September and May.

Motion was made by CM Marriott to grant an exemption to the Home Occupation conditions to allow a person other than a bona fide residents of the premises and to conducted activities outside the primary structure on the premise for a preschool at 1091 W 3050 N. 2nd by CM Gibson. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

2. Discussion and possible action to grant an exemption to the Home Occupation conditions to allow a person other than a bona fide residents of the premises and to conducted activities outside the primary structure on the premise for a RV & Misc. Repairs at 3061 N 1000 W. Requester: Kevin Bailey. (Presenter: Laurie Hellstrom)

CM Bailey: the same conditions. I have signed affidavits from the neighbors. CM Urry: from the street I don't see it. CM Bailey: we fix RV roofs. There are other businesses on the street. CM Arrington: what is the number of RV's and where are they located? CM Bailey: in the shop or outside if they are too big. My son comes to help with the things I can't do. CM Urry: are the RVs on impervious surface? CM Bailey: yes. I work on one at a time. CM Gibson: is there any noise associated with it? CM Bailey: I have a wood shop inside the shop. No. I will run a drill or a leaf blower when needed. CM Gibson: can you pull them in okay? CM Bailey: yes. There is a pasture in the back. I also have RV trailers that belong to me and friends and family on the lot.

Motion was made by CM Marriott to grant an exemption to the Home Occupation conditions to allow a person other than a bona fide residents of the premises and to conducted activities outside the primary structure on the premise for a RV & Misc. Repairs at 3061 N 1000 W. 2nd by CM Arrington. Voting aye: CM Arrington, CM Gibson, CM Marriott and CM Urry. Abstained vote: CM Bailey. 4-1

3. Public Hearing. Discussion and possible action to consider amending the Mixed-Use Zone Ordinance in Title 20, Ordinance 2021-8. (Presenter: Jill Hunt)

Jill Hunt: this is the MU Zone (Mixed Use) in the Title 20. There where changes to the definitions and a clarification on the residential portion in the MU West Zone. MU East added both on 2700 N and 2550 N frontages. The MU Central is the same as the MU West but shrunk the area. The MU West the area was shrunk but a corner was added. CM Arrington: 25% of the footprint for residential? Jill Hunt: you can only go so high with residential. You have to look at the whole project to make sure we get commercial. For residential, the site work has to be completely done for the commercial

pads. You need the key component first to get residential. CM Gibson: we have been promised commercial in the past and never get commercial.

Motion was made by CM Gibson to go into a public hearing to consider amending the Mixed-Use Zone Ordinance in Title 20. 2nd by CM Arrington. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

Jill Hunt: there is an option for shared parking. CM Arrington: not have enough parking is a problem. Is that enough parking? I would like to up that. Jill Hunt: too little or too much parking is a problem. We are looking for a happy medium. CM Urry: they would need to do a study for adequate parking. Dana Shuler: parking study only when there is shared parking. CM Urry: Dana consulted with others on parking. They need to prove but only when it involves residential. CM Arrington: any household needs at least two parking spaces. CM Gibson: no place to park is a nightmare. Jill Hunt: we need a good average. But parking doesn't give them money. CM Gibson: we should learn from other's mistakes. Amy Mabey: it depends on the type of commercial. Big Box or franchise have requirements and they don't want to use all the land for parking. CM Gibson: I would like some flexibility but how do you write that into the ordinance? Mayor Pro-tem Bailey: we will see it upfront and adjust as it happens. CM Urry: we don't want to write flexibility into the language. CM Gibson: why is Parkland in that area? I don't want that there. Jill Hunt: there are no zones currently zoned MUW but it is up to the council to rezone. CM Gibson: why are we not adding that area that is currently zoned A-2? Mayor Pro-tem Bailey: that was left out on purpose. CM Arrington: we need to spell out 'office warehouse'. What about the uses 'bottling works – non alcohol'? Jill Hunt: it is an older code and it needs to be updated. The state regulates alcohol production. CM Arrington: why can't contractor/construction equipment be within 100' of Hwy 89? CM Urry: that was already in the code. Amy Mabey: probably for aesthetics. Mayor Pro-tem Bailey: any questions from the public? Derek Draper: in the MUE, why make mixed commercial in a prime area? Jill Hunt: MUW is the only one that allow a mix with residential. The MUE allows for mixed commercial uses. CM Urry: there was no language changes for the MUE and no housing element. Mayor Pro-tem Bailey: we see apartments in the MUE and that is the purpose for this with teeth.

Motion was made by CM Gibson to go out of the public hearing. 2nd by CM Marriott. Discussion. Matt Laloli: I live in Plain City. Why is the mixed use on West and not on the East? Mayor Pro-tem Bailey: it already exists there. CM Gibson: we don't want apartments in the city but change it a little.

Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

CM Gibson: I feel that this is not put together and I would like to go a couple of weeks to clear up some things. I am happy with the direction we are going.

Motion was made by CM Gibson to table action for two weeks and polish and finish this ordinance as discussed. 2nd by CM Bailey.

Mayor Pro-tem Bailey: can this be put off for two weeks? Amy Mabey: you need to feel comfortable and two week will not kill anything. This is not based on an applicant. I want to give a shoutout to CM Urry, Jill Hunt and Dana Shuler for their help on this. CM Gibson: I just feel that it is rushed.

Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

4. Public Hearing. Discussion and possible action to consider amending the A-5 Zone Ordinance, Ordinance 2021-9. (Presenter: Jill Hunt)

Motion was made by CM Arrington to go into a public hearing to consider amending the A-5 Zone Ordinance. 2nd by CM Urry. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

Jill Hunt: the change is under the section 'lot coverage'. This is in a sensitive area and we need to be careful on how much is covered. Currently the limit is 10%. This change will give us options to give options. CM Marriott: how did some get over this amount of impervious surfaces? Jill Hunt: some we don't know how. Jill Hunt showed the site plan. As you see it is already over the 10%. CM Urry: switch something out. Jill Hunt: we would work with the resident and they would work with the city and they would take out something, in this case the tennis court, and decrease the amount of impervious surface and then be closer to being in compliance. CM Marriott: where did the 10% come from? Is this in the water shed area? Jill Hunt: we would work with them to reduce the amount of coverage and allow more water to go back into the ground. CM Marriott: all water goes back into the ground. CM Gibson: so, one residence with a 5-acre lot, I don't know about the 10%, but they are allowed up to ¼ acre of grass and some have more. I agree with CM Marriott. The whole area is a recharge area. That is why we should look at clusters. CM Urry: I like this idea. CM Gibson: I hate to take out the tennis court. Jill Hunt: there is a lot of asphalt with this. CM Gibson: avoid the asphalt. Jill Hunt: looking at pavers. Mayor Pro-tem Bailey: 10% is the number since it is in Pole Patch. Amy Mabey: as staff we can research the 10%. CM Gibson: as things affect the water shed, why 10%. Jill Hunt: this example they have 16%-18% without the tennis court. CM Urry: without the trade they are way over the 20%. CM Gibson: we need to protect the water. David Park: that is my lot. I have a 1927 pipe organ from Fox Theater that I want to move to my home and want a music room. It is 3,000 sq.ft.. In 2017 there was 12% to 13% coverage prior to the 2nd shop and not be aware of the ordinance it was granted. The city has been nothing but courteous and helpful with this project. I am stuck and can't build. The option is to take out the tennis court. Give up 5000 sq.ft. and add 3,000 sq.ft. and take the impervious surface amount down to 12%. Chad Winward: I support David Park to allow him to fulfill his dream and he will share with others. I thank all that have been involved and I hope you approve this tonight. Derek Draper: is it possible to address the 10% by adding a detention pond and put in drains? Dana Shuler: the property is in a water shed. There are regulations against that and diverting in certain soils. The 10% is also for soil erosion and wildlife. Mayor Pro-tem Bailey: any comments? No other comments made.

Motion was made by CM Gibson to end the closed meeting. 2nd by CM Marriott. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

Motion was made by CM Gibson to approve Ordinance 2021-9 as recommended by staff and see where the 10% came from and address that in a future meeting. 2nd by CM Urry. Roll call vote. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

5. Discussion and possible action to award the Pleasant View Drive Water Transfers and Storm Drain Spot Repair Project. (Presenter: Dana Shuler)

Dana Shuler: this is to clean-up the water system to 1100 W and Hwy 89. This went out to bid with three bidders. There is a transfer of 38 water services. We tried to

transfer 3 services to Bona Vista but those need to be worked on. We gave them some flexibility on the start time but there are liquidated damages if they go over. CM Gibson: it seems like a lot of money to hook into a pipe. Dana Shuler: there is a lot of clean up work and storm drain repairs also. CM Marriott: it seems like we are getting beat up on the price. Dana Shuler: all three are good contractors.

Motion was made by CM Bailey to approve the award of the Pleasant View Drive Water Transfers and Storm Drain Spot Repair Project to Leon Poulsen in the amount of \$343,511. 2nd by CM Urry. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

6. Discussion and possible action to consider approval of Amendment 1 to the Development Agreement for the Rulon White Business Park Subdivision.

(Presenter: Dana Shuler)

Dana Shuler: this is the joint development agreement. Some changes were made to the city's project and we need to change the development agreement. The change was at the intersection is was going to be concrete and now it will be asphalt which saved \$120k.

Motion was made by CM Arrington to approve the Amendment 1 to the Development Agreement for the Rulon White Business Park Subdivision. 2nd by CM Marriott. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

7. Discussion and possible action to consider approving a Long-Term Storm Water Management Agreement with Arnold Machinery. (Presenter: Jill Hunt)

Jill Hunt: the quality of the storm water will be with them. They are in charge of maintenance and it will be recorded on the lot. Dana Shuler: this is a low impact regulation. If the property owner fails to report to the city it gives the city authority to maintain and charge the property.

Motion was made by CM Urry to approve the Long-Term Storm Water Management Agreement with Arnold Machinery. 2nd by CM Bailey. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

8. Discussion and possible action to approve a lease purchase agreement for two Police Fleet Vehicles with Zions Bank Public Finance, Resolution 2021-H.

(Presenter: Ryon Hadley)

Ryon Hadley: this is for two police vehicles. The lease is with Zions and there is a resolution. The vehicles are for the two new employees.

Motion was made by CM Gibson to approve the lease purchase agreement for two Police Fleet Vehicles with Zions Bank Public Finance, Resolution 2021-H. 2nd by CM Arrington. Roll call vote. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

9. Closed Meeting.

No closed meeting.

10. Discussion and possible action from the closed meetings.

No closed meeting.

Other Business:

Ryon Hadley: we are staying busy. Our 12th officer started last week. Officer Smith. We promoted Officer Done to Sergeant.

Amy Mabey: we have our new phone system.

CM Bailey: our Jones and Associates did the engineering on the Veterans Monument at no charge and a visual rendering. Thank you Dana Shuler.

CM Arrington: we are continuing Fiber RFP interviews. We will be approaching the city council on where to put the pickleball courts.

CM Urry: I thank all that were involved in work on the MUW ordinance.

Adjournment: 8:06 P.M.