

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

June 22, 2021

The public meeting was held at City Hall, 520 W Elberta Drive, Pleasant View, Utah and through ZOOM, commencing at 6:01 P.M.

MAYOR:

Leonard Call

COUNCILMEMBERS:

Ann Arrington

Kevin Bailey

Steve Gibson

David Marriott

Sara Urry

STAFF:

Amy Mabey

Laurie Hellstrom

Tyson Jackson

Ryon Hadley

Jill Hunt

Debbie Minert

VISITORS:

Jim Flint

Christy Bailey

Louann Rhees

Darci Mock

Marc Naylor

Cynthia Naylor

Jordan Craven

Coleen Ashcroft

Rulon Ashcroft

Pat Lowder

Danny Olson

Wendi Davis-Cox

Roy Harris

Casey Whiteley

Carson Jones

Tony Pitman

Derek Draper

Shane Lyon

Jerry Naylor

Hope Hogge

Heidi Bradley

Sherri Henrie

Michele Dean

Stuart Gibby

Gary Griffeth

Art Bingham

Justin Urry

Clint Lowder

Pledge of Allegiance: Steve Gibson

Opening Prayer, Reading or Expression of Thought: Steve Gibson

Declaration of Conflicts of Interest:

None were given.

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

Louann Rhees (900 W): I want to talk about the sustainable growth of the city. We have gone from 6,500 population to 11,000 population in a very short period. On

tonight's agenda there is an approval for 10 more homes behind by property and there is 23 more homes off of 1000 W. Do we have a master plan? Where are we going to get the water? Wells dry up. With a 15 to 20-year drought I am asking for data on how much water is being used by the citizens of Pleasant View. With more people there is more crime. Do we have enough police officers? Police, water and fire are my issues and are we growing Pleasant View in a responsible manner? Are there restrictions on water lawns with water?

Shane Lyon (1100 W): I brought up a concern on Facebook and got a response in three minutes – how awesome is that. And I got a call from Sergeant Clark within 45 minutes. I am just bringing the attention to speeders on 1100 W with many families and kids on that street. Can there be a 4-way stop at 3100 N?

Clint Lowder (1100 W): kids are clueless of the speeders on 1100 W. I would like to see some speed control.

Consent Items:

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

Business:

1. Recognition of the 2021 Founders Day Grand Marshals-Jerry and Cynthia Naylor and 2021 Founders Day Honorary Grand Marshal-Rulon Ashcroft. (Presenters: Steve Gibson & Sara Urry)

Jerry and Cynthia Naylor and Rulon Ashcroft were honored this year as the 2021 Founders Day Grand Marshals and the 2021 Founders Day Honorary Grand Marshal.

2. Discussion and possible action regarding a one-year progress review of an action that granted an exemption to the Home Occupation conditions to allow a person other than a bona fide residents of the premises and conducted outside the primary structure on the premises for contractor business at 3400 N 1000 W tabled from May 25, 2021. Requested by Darci Mock. (Presenter: Laurie Hellstrom)

Mayor Call: This item was tabled from May 25, 2021. I wasn't in attendance. Thanks for Kevin for filling in. I've been somewhat brought up to speed. It was my understanding that you gave them a month to come back with a plan or whatever to address the items that are outside the issue. Laurie you're the presenter. Laurie Hellstrom: all of you have received the staff report. I did forward it to the Mocks so they also have it. We've had some correspondence going back and forth and I did cc'd all of you on those correspondence. Staff recommendations are still the same. We are recommending approval to the one issue where there's the only one person who is a bona fide resident of this premise shall be employed on the premise. We've issued a lot of business businesses like that and we're recommending she can she can have the one office person if she would like to but we are recommending denial of all these other issues: item 'b' that will not physically change the dwelling issue, item 'c' that the business is conducted wholly within the primary structure and item 'f' that will not generate vehicular traffic and not create a demand from municipal services. Those are the reasons for denial. Is it has changed the physical characteristic of the home. It

does look industrial and in the staff report we actually pulled the different zones and what we would allow for open storage in those zones. In a CP-1, it's a conditional use permit in a CP-2 and a CP-3 it's a permitted use. In a C-2 it's not even listed so it's not even allowed and that's your whole area down along 2700 N. In an MCM which is a mixed commercial manufacturing open storage is not allowed. Then you also have it in the MCM as a conditional use if the open storage is part of the principal use. In those areas if they were to come in and want a business and it had open storage we now would require them to have a masonry wall around their open storage not just a fence of any sort but it would be a masonry wall. We've had several complaints. We received eight complaints and seven of them are different people and one had two complaints. As I said in the emails we do not give out names of complainers. There is increased traffic on that street with all their vehicles going in and out with the employees and their vehicles. It's different than what a regular residential would be. We also noticed that their municipal water usage is a lot more than what a regular home would be. If we do grant this, we gave you a list of different contractors in the city and we have a little map that we dotted where they live, so if these guys get them there's no reason why somebody else would not want to come in and ask for the same exemption and we could have open storage throughout the city. So those are the reasons for denial from the staff. I don't know if you have any questions for me but that's just kind of where we are at. Mayor Call: Okay. So was this information presented at the original meeting that Laurie covered? Laurie Hellstrom: No. We decided we would do a staff report on the staff's reasons. Mayor Call: All right. Questions for Laurie before I turn it over to? CM Bailey: Can you define staff? Laurie Hellstrom: Yes. This actually came from me, Jill in planning and zoning and Debbie in business licensing. CM Bailey: Okay. Thank you. CM Marriott: Laurie the map here, are those home businesses but construction related? Laurie Hellstrom: Yes. We gave you a list, which Debbie printed out the list of businesses that we currently have, and then we actually put them on the map of where they would be in the city. They have business licenses but they do not have open storage, but if this is allowed, this is a possibility of where you may have open storage. Mayor Call: All right. Darci. Darci Mock: I do have a PowerPoint presentation to show pictures and other items as well. So to start with our lot you can see there in red where our lot is located. Our lot itself is two acres and it's a deep lot if you look at it compared to even the subdivision lots. It's significantly larger in nature itself as well as the lots that are right next to it. It's even wider than the standard lot right there. That lot with it being two acres if we were just using it for just manicured land, which it was when we moved in would be two acres of water that would be used which was originally pasture that was fully watered. In 2000 I went back and looked at the history of what it has been sold and kind of the turnover with it. It's been sold in 2001, 2006, 2008, 2013, 2013-14, we purchased it in 2016. We purchased it and when we purchased it within a week after we purchased it we had multiple neighbors come over and say, "oh please tell me you're not just going to sell this again, please tell me you're going to do something with this yard because it's a nightmare". With that as well we've also increased the property value with it to the point that what used to be one of the lowest on the street, now it is one of the highest. *Darci on a PowerPoint presentation shows the council pictures of the property* That's what it looks like to start. That's what the pool area looked like. That's what it looks like now. That's what the front view looked like. That's what the front view looks like now. It didn't happen overnight by any

means. We remodeled the full inside of it. I believe that the reason that it had been flipped so many times is because it was a non-functioning house. We gutted the whole interior. We pulled out all the asbestos. We put everything in that was. There's not a light in that house that is not low. It's all energy-saving. Then the next thing that we started doing last year when we tore the whole yard up, which is where the complaints started, was initially like I said the whole lot was completely all watered. We took all of that and dug out all the sprinklers and re-piped everything. So only the green and the red lines there are now watered. It's a huge water reduction. We do have a pool that we fill this year and we did have a water leak because a lot of this was done at the end of the season last year and we did have a water leak that happened last month that did increase our water usage, but overall our water usage is significantly less than what it was. My point was showing these things is showing that it's a work in progress but it's by nature of the lot it's a work in progress. We're not just flipping it over. We're trying to find a way to make that useful. If you drive up and down 1000 those lots aren't used and manicured the whole way back. If we're looking at how that code is written that it's with the residential feel of the neighborhood, this is along the lines of the residential feel of the neighborhood. The front yard and backyard are manicured to a point and back behind that is a shop area. It's something that they're working on in the backyard. Our business setup is now that we were working in our backyard, our business setup is that we've got a few trucks that we park there at night and our guys come before 7 a.m. and they park in our backyard. Not in the front. They park in the backyard and then they take the trucks. They load them with the equipment that they need for the day and they leave and then when they're done with the day they return. They're not using the equipment on site. It's not a work environment there it's a staging and leaving and coming back and getting in their vehicles and going again. We do store materials but you'll see in a minute what our plan is for that but the work is done off-site. If the equipment is being used, that equipment is being used to further landscape our lot to be able to make it more eco-friendly, as well as more user-friendly so it is more sustainable as well. We don't have any utilities at all that are being used back there with regards to the business. There's no water usage. In fact we have a spigot out there that was used by our pasture for our goats and it wasn't until last week that they realized that wasn't secondary water. They're not using any of that water. There's no need for it. So we're not using any utilities. There's a light that we have out there. That light is solar so there's no draw even on power for it. As for vehicular traffic, how the code is written, it says home occupation shall not generate vehicular traffic not commonly associated with the zone in which it's located. Traffic commonly associated with 1000 West - I made an observation during the same time that the hour that my crew left and the hours that they were returning. 3 out of 10 vehicles were a similar setup as the trucks that were leaving and the trucks that were coming back and that was within a two-hour period. I can get the exact numbers but proportionally it's three out of ten. We're not interrupting traffic. All personal vehicles arrive before 7am and they leave just one at a time. Within the last two weeks we've taken data on when they're leaving and when they're returning. Only a third of the time have they ever had to wait for one vehicle to even get onto the road. We're not impeding traffic because I wanted to make sure if this is a problem. I wanted to make sure that we're not making it worse. We're not having people booked up behind us. It's like I said, just one out of three times do they even have to wait for another vehicle. With swimming lessons you can have up to 40 students a week which

is typically more than once they're coming a week. We're generating significantly less traffic than that. If I have six total guys that show up at once on one day, two per vehicle, I have six guys that come in before seven a.m. and then they're leaving two at a time because they don't all get back at the same time. They don't all leave at the same time because they take different times to just put their truck together and it's typically by 7:15 to 7:30 in the morning that they're leaving. As for the residential feel, the home occupation shall, will not physically change the dwelling to the extent that it would alter the residential character of the dwelling. The dwelling is defined as our home. We have not changed our home. We did have a permit to have an addition put on of which that permit has expired, which we're not going to be putting that addition on. But that was for an addition for a garage with some rooms above it. That doesn't change the nature, even with that, which we're not doing, we're not. We haven't changed the nature of the dwelling itself. The next portion of that same part says alter the residential character of the dwelling or the residential atmosphere of the neighborhood in which it's located, furthermore it shall not disrupt the peace and quiet, including radio and television reception of the neighborhood. So with the complaints that have come, when we did have the addition, the complaints, with how the complaints were presented, they were all tied to the addition, not to the business itself. The weeds - there were weeds out there but as I drove up and down 1000 W there's nine properties with weeds higher than 18 inches tall. We don't have the weeds anymore so it's kind of a mute point at that but there's also other properties that have that. As for equipment in the backyard, there's 12 properties on 1000 W with similar types of equipment, a skid steer or a mini excavator that's visible from the street view and that's in the middle of the day not even when they're out being used. So there's 12 properties with a similar type that are not housed in a garage. As for material and open storage there's seven properties on 1000 W with materials visible from the street and stored on their property as well. As for noise the equipment that we use is not being used on our site. I requested the dates that the complaints came in because I have the dates of when we had construction happening and when we had landscaping happening because we did tear the whole yard up. We had people there working on landscaping and I'm extremely grateful that we did right now because I don't want to be using that water that we would have been using right now. I think that as much as they complained at that point I'm extremely grateful that we did that. So with the noise, we don't have that, we've got more noise coming from the pickleball courts every day than we do anything else. I'm not in here begging for a sound barrier from the pickleball courts, as much as my husband who's here would love me to be doing that. We're not asking that. We're just asking to be able to run our business. That isn't any different than what's happening up and down 1000 W. *Darci shows a video to the council*. This is going up and down 1000 W. As we drive up 1000 W you can identify where all of this is but you can see even in front of me there's a truck with a trailer on it. That's what drives up and down that street. We've got equipment over on our left. We've got buildings. I'm not asking to be able to do something that's not being done on that street. When we moved here we moved out of an area that was very similar to Jacob's Mill which is very attractive to a lot of people. We moved here because of this view right here. As we drive up my dad even pointed it out the first time he came to visit, he said "you've got the American dream street", I said what are you talking about dad that doesn't make any sense, he said like "no you drive up that street and you know people on that street they own their own business. They're

working hard. It's like you can see it just by the nature of what's out there". That's the residential character of the street and all of you know as you drive up and down 1000 W that's what it is. I've got a letter from one neighbor saying that he hasn't complained about any noise. I said, "do we make any noise" and both of them said "no we don't". I've got another neighbor here as well that's on my other side. If we want to get into the nitty-gritty, do you ever hear this? But we're not changing any of that. I believe that we're accentuating that feel. I mean, what is the purpose of what we have on that street with deep lots then by nature with those deep lots it's attractive to people with a certain mindset and with a certain desire of how to utilize that. My guess is it's not to mow it unless some of you guys know somebody that really likes to mow. So that's my request is that we can run it like I said. The trucks with trailers throughout the day, that's the atmosphere of 1000 W. Equipment in the backyard. The property's not just the lawn it's storing something. The property is shop or storage equipment. That's what it is up and down 1000 W and it's too much of a lot to water. *Darci shows another picture of the property to the council*. So what we've done within the last year while we didn't put the shop up we did address the things that were making the complaints. We've gotten rid of the weeds in the front. We have leveled out the area that when we did dig the pit for the addition, that's been leveled out. We fully landscaped and controlled the water issues in the front yard and in the backyard. If you look at the green line there, since we were here last month we've planted a privacy hedge fence that will grow up to 15 feet tall along the green line. We've also put up temporary blocks of screen along the yellow and what we're proposing is that by June 2022, that in the red area there will have a shop and by June 2023, that if we still need base with the shop, if we're not able to store all of our equipment and material in the shop, by 2023 we have a masonry wall along the yellow. So that's our proposal. The shop will be something in this manner and the masonry wall will be of that, so that's our request is that with where we are right now that knowing where and what we've done with the property and where we're going with the property and how the code's written is that we can request to be able to continue to run our business. We're not wanting to be there forever. We're wanting to grow and expand, but anybody that has random business knows that you don't do that overnight, you've got to be able to gain capital and then things like Covid would come and it throws your whole world around because steel prices just went crazy. So my request is to let me continue to be a member of the community and not have to move. That's where it comes right now is because when I've been looking at different locations I'm looking at what used to be two thousand dollars to rent is five thousand dollars now to rent. So if I can stay here I can be productive in the community. I can continue to donate a lot of money to different, to the elementaries and the junior highs and the sports programs, and I can continue when a tree falls on my neighbor's yard and their house that I can go over with my equipment and take it off of them for no problem. Then if we have a huge windstorm I've got a dump trailer that we can throw everything in and get it taken care of. That's what I'm asking. I'm not asking for a whole lot of things that are different going on up and down the street. Mayor Call: Okay, thank you. Counsel? *Art Bingham, from the audience, stands up and approaches the podium* Mayor Call: who are you? Darci Mock: he's my neighbor. Art Bingham: my name's Art Bingham. I live next door to Darci and Ryan. So the complaint box is always full of complaints. Very rarely do you get the good things people are doing. Then you guys unfortunately hear all the complaints and then you try to make decisions off of only hearing the complaints.

I've been here literally four thousand fifteen days. That's how long I've lived in Pleasant View. I've spent my time, not all my time, but getting to know my neighbors and being up and down the street and being part of our community and feeling like you need to contribute if you want to get something back you have to give something out or put something out. Darcy and Ryan are amazing neighbors. They're amazing people and I hate the concept of like we're going to point at you because I have three fingers pointing back at me. That's what my mom always said don't point at anybody because you got three fingers pointing right back at you. I hate the idea of somehow our happiness is affected on how her property looks. Whether we agree with it or disagree with it. How somehow that's going to affect my happiness level. Number one the noise is pretty intense at my house because I have seven kids and so I don't know if you make any noise or not because we got enough noise at my own place but I love the idea that she can run her business, operate her business. Not all my neighbors are here tonight but I live next door. Our properties connect in the back and I have no complaints. And I know a lot of my neighbors and I haven't had, I've, sometimes you'll hear complaints from somebody else but they won't go directly to the person. I have not heard complaints from our neighbors that are living right around Darcy and Ryan. So I just felt like I needed to stand up and like, be in their corner somewhat that I feel like it's, that we need to value the people way more than we value what something looks like and how we feel something is operating because the people are way more important and that's what makes a good community. And when we treat people like people we'll all be better off for it. Did you guys have any questions for me? Mayor Call: no. Thank you. CM Bailey: I will just piggyback off what you said. I spent yesterday afternoon walking up and down the street knocking on doors and talking to neighbors. Zero complaints. Now they may just saying that because of who I was. I just wanted to, I mean it's not the neighbors that complain. Is it a competitor? I don't know. Is it someone way down the road or way up on the hill driving down? I don't know who's complaining and we don't know. Darci Mock: whoever is complaining has the same type of business. CM Bailey: that's been made obvious, yeah. Hyrum Jones: can I make a comment? I don't know if you can hear me or not. Mayor Call: first I'm going to take CM Urry's comment. She's been waiting. CM Urry: I appreciate your presentation. I appreciate your well thought out message and the things that you've gone through for you now to explain and to inform us of what's going on. It feels very personal because this is your business. It feels like a very personal issue. I guess the way that the law is written in the way the ordinances are written and what Laurie presented it's true. If we allow you, everywhere within an RE-20 zone gets to have what you get to have because of the state law and the way that the law works is everything has to be equal under the law. So we don't grant exceptions. We don't grant things like that. My concern is not maybe everybody would go to quite lengths as you, maybe to take care of your property. So then again I have to think about what would I like next to my house? Because I live in an RE-20. The way that the language is written is it's not just for Darci Mock. It's for everyone who lives in a residential zone. So then we would have to change the ordinance to allow industrial businesses within a residential zone. Darci Mock: It's not an industrial business. CM Urry: okay, a construction business, a storage business, what have you. So we would have to define that for anyone. It can't be just your street. We don't spot zone. It can't be 1000 W. It can't be site selective because everything has to be equitable under the law. That's what I'm trying to get at. It's not just you but it's

everything. Darci Mock: But, but- CM Urry: Hang on. Darci Mock: Okay, sorry. CM Urry: -because everything within is against the zone. It's not specific to you because if we value you and not someone else then things are not being treated fairly or equitably and then we're in a lot of trouble because government is here to protect the individual as well as the masses. When the city council or when the general plan was created, everybody got together and said we want this to be our construction area and we want this to be our industrial area. We want this to be a residential area to protect from different uses. So now we start encroaching and allowing certain uses within residential areas. We start to get into trouble because maybe people on your street are fine with it, but would I be okay with that next to my house? No. To be really honest with you. Would it be okay with somebody else? But I would have to allow it because if you get it- Darci Mock: but it is allowed. CM Urry: well then let's take care of it. Let's start moving forward and enforcing our laws. That's how I feel because I don't think everywhere in a half-acre zone, an RE-20, should be allowed to have that because pretty soon overnight your residential field will change. CM Bailey: So for argument's sake, she's a A-2 zone. CM Urry: That's RE-20 isn't it? CM Bailey: No. It's A-2 and she could have- Darci Mock: I'm A-2. It's listed on it if you go back it's on there. It shows A-2 on the back of it. Mayor Call: go ahead Kevin. CM Bailey: even if it's RE-20. She can have hogs in her backyard. You wouldn't want that next to you either but that's legal, right? She can have a pen full of hogs. Mayor Call: If she's in an A-2- CM Bailey: If she's RE-20 she could still have large animals right? There's been horses there forever, just saying. CM Urry: but that's what they're- Mayor Call: it's Kevin's turn to talk. CM Bailey: I'm just saying if we, we're trying to pull a camel through the eye of a needle here over a stupid ordinance that was written by a human being, in error I believe for several reasons and I'll try to explain. First the ordinance is lacking in that it should say, not in the, it needs to say the business needs to be run in the residence itself, but on the lot. I mean we have businesses that people do work out back, right, in their backyard, in their shop. Mayor Call: Swimming lessons. CM Bailey: Swimming lessons. Like that's not in the house. Yeah, there's, I mean it's flawed. All I'm saying is that you don't have to be a rocket scientist to drive up and down 1000 W and see non-conforming nuisance lots. One of which is not the Mocks. Has it been that way? Yes. It has been a mess. Have they worked their butts off to fix it and make it right? Yes. I think it's immoral and absurd to think that we would punish, I'll use the word punish, I didn't want to, punish one of the few women-owned businesses in Pleasant View because of an ordinance that I think is flawed. And do we need to fix the ordinance? Yes. Is that Darci Mock's fault? Absolutely not. In the communication back and forth with the council and Darci there's been, the accusation was that well there's too many, there's too many exemptions being granted. I don't care if there's 10 exemptions if they all make sense and it's legit. So what if there's one or two, versus a whole bunch. Some of these are like, they smell of being manufactured like the water thing. She had a water leak and she's got a pool, but it wasn't her pool that caused the water to go up. It's like somebody's got an agenda. Somebody doesn't like her business for some reason and it's just unethical. It's wrong people. It's wrong to do it. Where it's not American. Art Bingham: okay Kevin I'm going to add to that- Mayor Call: excuse me, I think CM Urry had the next. CM Urry: No, go ahead. Art Bingham: If you target one business and say, okay we don't believe this is correct you have to go, just like you're saying Sarah, like you have to go and force everywhere. The neighbors, the city around the Mocks as

far as I can see they don't care. Like we don't care if she's operating. CM Urry: but other people in other zones that are equal to that might care and so that's what I'm talking about. Maybe 1000 W necessarily wouldn't care, but other areas would. We don't spot zone. It's not just unique to 1000 W. Everybody gets it if she does. Mayor Call: No. That's not true. CM Marriott: If we follow the law, if your kids go out to a lemonade stand and I show up and say hey where's your business license for the lemonade stand, and then I can call the police, have it removed. If we're following the law to a T. That could be done, right? Mayor Call: Our law allows that if you're seeking something outside, you bring it to the city council, just like it's been done, to ask for an exemption to it. CM Urry: I guess my question- Mayor Call: and that doesn't have to be universal. It has to be what the nature of the business is, what they're asking for, what they're doing. It's the process just like we're doing here today. That's the process. It's not just throw it open to the city. CM Urry: I guess my question is, why would you deny somebody else, that would be my question. If you allow it there why would you say no somewhere else if it's the same zone? Mayor Call: It depends on what they were asking for. That's why that's come before the city council. CM Urry: That's my question. CM Gibson: Mayor, I have some comments. CM Marriott: Mayor we had a comment on their first... Laurie Hellstrom: It's not a public hearing. CM Marriott: okay. I really appreciate your presentation. That helped me to see what you're thinking about, what you've been doing and we know we gave you a permission permit for a year to do this work. I struggle with the way our ordinance is written right now, because there are several, I think the lot size specifically has a lot to do with what could be done on the property and that's why 1000 W which is primarily one acre plus lots all the way up and down, and there are many businesses on 1000 W. Some of them legitimate and some of them not. I agree with Kevin that we need to make some changes there. I'm not sure how that ordinance should be written and how you can write it to make it RE-20 versus A-2. I mean the lot size has a lot to do with that right. If we went to a normal RE-20 area or an RE-15, it just wouldn't be conducive to do any type of work that you're talking about or any type of business. There's no way that it could happen on those. I guess we would have to discuss those. But I agree with Sarah as well. I don't want to say that hey you know we've granted to you and that we would grant it to anybody in Pleasant View on an RE-20 lot. So I struggle with that because I think business is important to our city. I think home-based businesses are important and we got to figure out some way to make that happen. That being said we had some restrictions and some things we asked for you to do and I don't think those have been met. I know you've tried really hard in the last month, but we had a year and a month to do a lot of the things that you said you were going to do. I have seen a lot of progress. I know you have grand plans for the place. I know all the owners of those properties and I've seen what they've done with your property. I've seen what's happened over the years and I think you're trying to do the right things there. I do struggle with this going forward because, a lot of that hasn't been met, and so that's where I am at right now. But I do lean towards allowing it but I struggle with that because the law of the ordinance and the staff and then what they've gone through, that's not meeting it so... CM Arrington: can I make a point on that? Mayor Call: just a moment. Steve? CM Gibson: I've struggled with this honestly, because I said this last time we go back a year and we made that exemption. And I wish we would have never made it to begin with, but we did so we're down this road a little bit. I echo everything Kevin said. Honestly, I have to go a little bit on his side with

this just because, you know, what would I want if I were there? I have to speak as a city council person. I have to speak and represent a fifth of the city. What do they want? We do have to walk that line. It's just what CM Marriott said. We don't want businesses in all of the city in residential areas but the two-acre lot, I've been to your backyard, you know you've got a nice shop back there. I don't care what you're doing it. You could do whatever you want in it I guess. But you have a nice big shop and I envy that shop, but you know I don't care. I'm not pointing you out and I hate that I feel like we're picking on your business because of a couple things. I just can't in good conscience pull the rug out today. I don't think that that's fair. I really would like to see what things can go because I have a couple businesses as well and dollars have to go through in order to do stuff, to build a shop and they're expensive. Lumbers is out of sight right now so I get it. I just still struggle so much. Again I appreciate the things that CM Bailey said. I'm just a pendulum swinging back and forth on what do I do you know. I'm kind of landing on the side of CM Bailey with this just because I want to see success. I would hope that you could come back in six months and say we have got a wonderful building, we've been able to do this, and we're moving it out and we've made all these wonderful things and we're being a success and we're still loving being a resident of Pleasant View, thank you for working with me. That's what I hope that we can do because that's what I would want if I were in the same position. But we do have to make sure that it's fair and equitable for everybody. That's the struggle. That really is the stupid struggle and you go up and down, and so then we start hammering all the people on 1000 W. What kind of a war are we going to have with that? I don't know. Darci Mock: I appreciate that. I didn't want to, I definitely am not the "woe is me" approach. It's not something that I ever like to present or anything like that. I'm sorry if I'm going to get teary-eyed here, but covid was real to me. I have an auto-immune condition that made me have to quit a teaching job for 18 years that I was very good at to run this business. I was on chemo prior to covid and we, it had been about five years that we had to work through different things to finally find that chemo worked. To be able to have it so I could be functional and not stand up here, right here, and pass out. When covid hit, I couldn't be on chemo and they had to pull that. When they pulled that they took something that was costing me about a hundred bucks a month and the only other option I had was a plasma therapy exchange that is twenty-five hundred dollars a month out of pocket after insurance. My husband works on base and he works for our insurance and my plasma exchange. Our business is what's keeping us going but that's, that plasma therapy right now. That's what's keeping me from falling over right now. So yeah, we did have something that came up and made it so we couldn't build the shop but we did address the things that were making people complain. We addressed the issues in the front. We got our water under control. That wasn't a complaint of anybody but we realized it was not a thing that we wanted to continue, so we did tear up our whole entire yard. We took something that looked like an oasis to us and turned it into a dirt field so we could get a better eco-friendly yard. So yeah, we don't have the building up like we were supposed to but we have addressed the things that were causing the complaints. We do have a plan in place if I get here next year. You grant it to me for a year and if I get here next June and I don't have that shop up, I don't care what sob story I give, I shouldn't be granted that at that point, but I do think that we've addressed the complaints. So I'm asking for a year to be able to get that shop up in place because even with that I'm not, I still have to pay my plasma therapy

exchange. I still have that so I will. We've got a plan to put that shop back there. With even the last week we have that screen up so you can't see anything if you're up at Pleasant View Park. You can't see our backyard anymore. You can't see that. I've got a picture of it here. We can look at as well but you can't see that, but I do have a plan in place. I know that there's other things on the agenda so, are there any other questions?

CM Arrington: Yes. Thank you Darci. I appreciate all the work that's gone into that presentation. We asked you last time, it was our recommendation that you came back and tell us what you were going to do to become compliant on these four items. I appreciate the efforts you've done to do that. I owned my own business for years. My sister is a business owner herself and I want you to succeed, but I also am representing Pleasant View citizens too. So I just want you to know, it's not personal, like I really want your business to succeed. I came and did a site visit. Thank you for showing me around the place. I appreciated that. I'll be honest. I don't feel like you represented what the site looks like with the construction, the pieces and stuff. We didn't see that in your presentation. To me it does feel very industrial and whether that matches 1000 W, I think you're right about 1000 W, but the ordinance wasn't written for 1000 W. It was written for Pleasant View. I have to represent Pleasant View and a lot like all these council members are saying this is a very tough decision. There's decisions that are black and white and there's decisions that are just all shades of gray but I'm wondering, I don't want to lead you down a rabbit hole that says if you do this and this, then maybe you'll be compliant in a year and maybe it'll be okay. But if you come back in a year and we go, no that's still not going to meet it, for me I'd rather see you instead of putting your money into a shop and building a shop and a fence and all these things that we're talking about to try and make you compliant, I'd rather see you put that money into, like a rental where you know. My sister runs a lot of the same business you do and she doesn't do that in her backyard in Pleasant View. She has to rent somewhere. As many of these other residents have to that have been listed in our staff report. They have the same types of businesses and they can't run them out of their backyards either. So for me, again not personal, it's just about, we need to make sure neighborhoods feel like neighborhoods in all of Pleasant View. So I don't want to pull the rug out from under you and for me, I like to give you some time to find a place to relocate the construction equipment and supplies and all that stuff. So that's where I'm coming from. Mayor Call: Okay, anybody else? CM Urry: So what would that look like? CM Bailey: I'll go out on a limb, one more time.

CM Bailey: I'll make a motion that we approve the exemptions that have been outlined and grant Darci Mock her business license for an additional year and have her, I hate to bring this back every single year, like every single year, that's not fair to her and her family, but if I had my way I'd just grant her a business license, but this was her idea. So I'll make a motion that we grant her business license with the set exemptions for an additional year, at which time we'll review whether or not she's got her shop built and make a decision then. 2nd by CM Gibson:

Mayor Call: Discussion? CM Urry: just a suggestion and to go along with CM Arrington, instead of reviewing to extend the license, maybe refocus it on finding a place to rent instead of putting more money into your, you know making yourself compliant, because it's very costly rather than investing into a place where you can rent to store offsite. Allowing the exemption, you know the exceptions that the staff has recommended with having your office in your home and things like that, but to find a

place where you can store your business at another site. CM Marriott: Mayor, I'd call it a vote on the first to the second... CM Bailey: let me remind CM Urry that it's not our place to tell her how to run her business. CM Urry: No, that was just my recommendation. Mayor Call: I just, I have one concern with the motion that I'll express then I'll call the vote. That concern is I want to make sure I understand the motion exactly. You expressed something and I have the same concern. It is, you know we say come back in a year and she comes back in the year and the building is built. Do we go through this whole same process again? Darci Mock: I'm willing to take that risk. CM Marriott: but the concern I have is are we going to kick it down the road and at what point, I mean, Darci has mentioned this before, at some point she hopes her business grows enough that she can be off-site and at what point does she decide to do that, and how big will the business grow. I think there's a lot of questions there that I struggle with. Darci Mock: Can I respond to that? Mayor Call: I have to call for the vote.

Voting aye: CM Gibson and CM Bailey. Voting nay: CM Urry, CM Arrington and CM Marriott. Mayor Call: so as I understand that we had two ayes and three nays? Motion defeated.

Motion was made by CM Arrington: I'd like to motion that we grant her approval to have someone come into the home the first, hang on let me do this right, a person, a bona fide resident can be in the home, employed to help with the office work, and that we give them six months to find a place to rent to move their business, relocate. CM Marriott: can we change that motion to a year? CM Arrington: Sure. Mayor Call: Okay so, okay I have a motion on the floor, do I have a second? CM Marriott: Sorry I just think we should amend that motion. CM Arrington: Okay let me restate the motion then. I make a motion that we approve the exemption to allow a person into the home to help with the home occupation, the business part of it, and then I would make the motion that we have them relocate this business in a year's time. Mayor Call: The entire business? CM Arrington: No. Just the backyard construction, type business and keeping the person in the house to help with the business portion. CM Bailey: So they'll be able to still run their business from where it's at? CM Arrington: Yeah, the office work and all that can be run from the home. Darci Mock: To clarify then, it would be allowing one of the exemptions versus four of the exemptions? CM Arrington: Exactly. Darci Mock: can I make a point? Mayor Call: go ahead. Darci Mock: Okay. I'm fine to take the risk of building a shop and then being denied next year. I'm perfectly fine with that, because one way or the other I want a shop back there, because even if I don't have people coming in and out I want some place that I can actually go back and do my work that is secluded, that the different things that I own can be put in there. I'm perfectly fine with taking that risk and having that be there. That's not a problem for me if we come back next year and say no you can't run it. _____ You know you can't have your guys come here and exchange vehicles or anything like that. I'm perfectly fine with that. CM Arrington: With that motion that we've made, that would fit within that too. CM Urry: yes. You could reapply for a business license. CM Arrington: she could go ahead and build that because we've given her a year anyway, and so with the motion that as it's made, that would still be fine. Darci Mock: And then I could present an option to be able to run anything at that point, but it wouldn't be assumed that it would be granted. CM Arrington: Right. CM Urry: I think, reapply for business at that time is that correct? Amy Mabey: To reapply for the exemptions I think? CM Urry: Yes, okay. Mayor Call: Okay. CM Marriott: I'll second the motion mayor.

Mayor Call: I have a motion to second, any further discussion? CM Gibson: I do have a comment, Mayor. Mayor Call: Okay, go ahead CM Gibson. CM Gibson: is the question the actual operation of the business or is it the look? As CM Arrington talked about, it looks like a construction zone. What are we fighting against? Because I don't think anybody's brought up the exchange of vehicles. I don't think that's been a problem. To me it's the look of a construction zone versus a residential area. That's where I have a struggle. I mean we're concerned with a look and we're not concerned, you know, if they were jackhammering or doing something in the back or causing some grief or something. That's a construction on site. I really think you made that comment yourself, it looks like a construction site or zone. I don't know exactly what your words were but, is that fair? CM Arrington: Yeah. Mayor Call: it looks industrial. CM Arrington: but also we do have skid loaders and it's not just the look, it's noise. CM Gibson: but we do have that in other places. I just think it's unfair a little bit. I appreciate what you're saying there. I mean, I'm going to vote against that motion just to put it out there because I just don't think it's fair. If we're looking at a look and we give her a time, especially since covid, that's a year out of everybody's life. For a year and a half of everybody's life that didn't exist in the world. Everybody was home. Things were shut down and I just think that's unfair. Honestly, to put that limitation on this business and to force her to get something because we've already been down that a little bit. So if she builds it she says out of her own mouth, if she builds that and we deny it, if it still looks like an industrial construction zone, she said herself, she'll move. Anyway, I just wanted to clarify that's really the issue, is how it looks. Is that right? CM Marriott: Yeah. Mayor, I have a comment again. Mayor Call: go ahead. CM Marriott: so, looks to me are very important because it adds value to somebody else's property. Your look devalues the person next door, right? I think there's a lot to that and people don't just want to move in or be close to someone like that. I think you're working on that part of it but what I do think is that the motion that's standing right now allows you to prove to us and for you to come back. It may not be granted. I don't know that will be, but I think it accomplishes what everybody's talking about. CM Gibson: I think it accomplishes that too and allows her to make the changes. CM Urry: well, and it offers mercy to something that CM Gibson mentioned before. We put you in a position in granting that and so it offers mercy into something that you even proposed yourself that in a year. So with CM Arrington's motion I think that that accomplishes both hands. It forces you to reapply, but it also allows you to work on the things that you desire to work on. CM Arrington: But I also think that we need to see her in nine months, because if we're saying in a year if it's not compliant that we're going to pull it, then next time if it is a year then we are going to pull the rug out from under her. I would like to have at least that three-month window for her to come back in and see us. CM Urry: So we're not missing what? CM Arrington: See what I'm saying? Mayor Call: Come in to council? CM Arrington: So yeah, come into the council. Mayor Call: Report on her progress? CM Arrington: Yeah. I'd like to see that in nine months instead of a year. If in a year's time we're sending her to find a rental, you know what I'm saying on that? CM Marriott: I mean that's up to her I think right? That's going to be a year from the date here. If she wants to make that known to us prior to that time that she's met all those and apply for it, if not then she has to be compliant at that date. CM Urry: I think it's fair to you to have an expectation. Does that make sense? So that there's no false pretenses. CM Bailey: I think I have a comment when she's done. CM Urry: I'm sorry. Mayor Call: go

ahead CM Bailey. CM Bailey: one parting shot then I'll shut up. If looks are important we got a problem on 1000 W and it's not the Mocks. Mayor Call: That's true. CM Bailey: it's not Mocks if looks are important then there's like six homes we should just demolish. CM Marriott: there are six homes that need to be addressed. CM Urry: No. CM Arrington: I agree. CM Bailey: so she's not the problem. If we are talking about aesthetics, what it looks like, that's the issue. This is like, immoral people, this is wrong. We are here to represent the people that elected us and this is wrong. What we're doing tonight is wrong, sorry. Mayor Call: okay. We have a motion and a second to that motion. Would you like to restate that CM Arrington? Make sure it's- CM Arrington: You want me to restate it? Darci Mock: third time's the charm. Mayor Call: you kind of added a nine-month twist. CM Arrington: well okay. You're right. I'd like to make a motion that we approve the exemption to have one person working in the home to help with the business and to keep the business functioning from inside the home and then I'd like to give the business, I'd like to deny the other ones, and give them one year to find a relocation place. CM Bailey: or reapply? CM Arrington: Yeah. They can come and reapply with the idea though that we are relocating, unless they can show us something otherwise that changes our mind. CM Marriott: That sounds okay. I'm seconding it again. Voting aye: CM Arrington, CM Marriott and CM Urry. Voting nay: CM Gibson and CM Bailey. 3-2

CM Bailey: I just don't think that's right. It just doesn't feel right. CM Marriott: I think it's pretty merciful. Art Bingham: and tell all those other six families they're going to have to relocate as well. You can't target just her. You have to go to everyone and enforce the same law. What you're going to do to her, do to everybody. Mayor Call: so in nine months, maybe reach out to us and see where you're at. We're done with this item.

3. Discussion and possible action to approve Harris Hills Phase 5 preliminary subdivision for 10 lots located on 1075 W between 4200 N and 4300 N. Requestor Carson Jones. (Presenter: Jill Hunt)

Jill Hunt gave a presentation. This is for 10 lots. It will connect 1075 W to 4300 N. there is a protection area for the well. Carson Jones: there is a source protection area to the west. Jill Hunt: on 4300 N the road is 40' curb and gutter one side of the road. CM Arrington: I didn't think we could do ½ streets? Jill Hunt: the road is a regular size width of road but not the full width of 4300 N. Mayor Call: the road is wide enough to qualify as a full road. CM Urry: what does that do to the integrity of the road? CM Bailey: what are the redlines? Jill Hunt: there are minor details on the plans. CM Marriott: do we have drawings of the protection zone? Tyson Jackson: explained the protection zones.

Motion was made by CM Bailey to approve Harris Hills Phase 5 preliminary subdivision for 10 lots located on 1075 W between 4200 N and 4300 N. 2nd by CM Gibson. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

4. Public Hearing - Discussion and possible action to consider a rezone request from RE-20 to RE-15 on property located at 344 W Pleasant View Drive, parcel #17-058-0011, Ordinance 2021-5. Requester: Dixon. (Presenter: Jill Hunt)

Jill Hunt: this is on Pleasant View Drive west of Lomond View Nursery.

Motion was made by CM Bailey to go into a public hearing to consider a rezone request from RE-20 to RE-15 on property located at 344 W Pleasant View Drive, parcel #17-058-0011. 2nd by CM Urry. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0.

Jill Hunt: this meets the general plan. Legislatively this is up to you. This is not spot zoning. Their intent is to subdivide. Staff recommends but this is up to you guys. RE-20 surrounds this parcel. Mayor Call: the general plan allows 2-3 units per acre. CM Arrington: I am still confused with the site plan. Jill Hunt showed the site plan. Mayor Call: how is this not spot zoning? I am concerned with the driveway on Pleasant View Drive. CM Arrington: since everything is RE-20 surrounding it I vote no RE-15. CM Urry: I was at the planning commission and the planning commission chair and vice chair also expressed some of the same reservations and voted against the rezone because you know again this is just the rezone but they had some serious concerns. Mayor Call: comments from the public? None were given.

Motion was made by CM Bailey to close the public hearing. 2nd by CM Gibson. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0.

Motion was made by CM Arrington to deny the request for the rezone request from RE-20 to RE-15 on property located at 344 W Pleasant View Drive, parcel #17-058-0011. 2nd by CM Urry. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0.

5. Discussion and possible action to approve Pleasant View Landing final subdivision for 23 lots located approximately 3350 N Casey Lane. Requestor RW Custom. (Presenter: Jill Hunt)

Jill Hunt: This is for final. They want to record. Their escrow is legitimate. The only condition before we record is getting an easement for the utility line to the north or pull the line to the southside of the canal. One parcel also needs the taxes to be paid. Mayor Call: I have a couple of concerns. They're asking for a final, and there are some problems with the property that we've been trying to work out, but I think we have a solution. On the plot where they're talking about dedicating the remainder of parcel b, which is where a temporary turnaround is. I would make the suggestion that we do not do that. Our standards say that this should be contained within the subdivision and maintained by the developer. I would give them twelve months to pave it. That way people in the subdivision wouldn't be landlocked. I'm saying we can approve, but I would not recommend the turnabout be dedicated to the city. CM Gibson: will that then function as a turnaround? It doesn't feel like a good area. Mayor Call: Yes. It does meet the requirements. CM Bailey: right now the planned temporary turnaround is on parcel B. What you're saying is we would give final approval for their subdivision and give them one year to work out the details? Mayor Call: Yes. CM Urry: Do we just omit the dedication to the city? Mayor Call: Then RW Construction and the landowners can work it out. If we have it ties our hands. We can't and don't want to hold up Pleasant View Landing. I believe this allows RW Construction flexibility and we still get our temporary turnaround, but if it lasts beyond a year it will be required to be paved. Stuart Gibby: I'd be willing to work with RW Construction to grant an easement as long as we can work out the details you've already delineated. Jill Hunt: we can't record until we get the easement. Mayor Call: they'll either need to pull it back or get the easement. Stuart Gibby: RW Construction is willing to move forward and I as the landowner am

willing to grant that easement provided. I think we're willing to accept the stipulation that this happens within twelve months. CM Marriott: does this road need to be on a drawing somewhere? I've not seen it in the master plan. Mayor Call: This isn't necessarily something that needs to be in the master plan but it's required in order to not landlock anyone.

Motion was made by CM Bailey to approve Pleasant View Landing as outlined conditioned on RW Construction working out the details of the temporary turnaround as discussed and acquire easement or pull back the improvement in not agree and one year to pave the turnaround and not dedicate back to Pleasant View City. 2nd by CM Marriott. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

6. Public Hearing - Discussion and possible action to consider a text change to the MUW (Mixed Use West) Zone regarding a verbiage change to expand the location of the MUW area. (Ordinance 2021-6) (Presenter: Jill Hunt)

Motion was made by CM Bailey to go into a public hearing to consider a text change to the MUW (Mixed Use West) Zone regarding a verbiage change to expand the location of the MUW area. 2nd by CM Arrington. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

Jill Hunt: So this was brought to me, to look at possible changes to the zone. The idea is to open some possibilities on the Fleming property. As development tries to come through, we're trying to look at all options. So the corrections for the changes that are being proposed, would be to change the verbiage from just having everything from 89 to our west border, north of 2700 N, be allowed to be the mixed-use west, but also to change it to allow the parcels we've listed in the packets to that ordinance. The idea is to open that parcel up to some possible development that might come through. We did have a resident make a comment, and it's a valid comment. There was a concern of previous development along HWY 89, where it was proposed mixed use and ended up being high density the whole way through. Mayor Call: I'm wondering, is it possible, since we're making a text change to this zone, that in the same ordinance we specify that a development agreement is required? I believe Tony's the one that made it and he's here if he wants to comment, but it is a public hearing. I agree, the city's been burnt and every developer I've talked to about this zone is "you will not get this zone unless it's tied to development agreements", because they come in with a commercial plan, and residential, and they built the residential and we've got many examples of where we got vacant ground that's supposed to have commercial. I don't know if we want to send this back and have something added or approve it like this is, and bring it back again? Jill Hunt: I think that would be a great idea. Mayor Call: If we're going to apply this zone, we need to make sure this zone is applied the way we want it applied. CM Urry: I agree that we table this and talk about the text changes, including the development agreement, and specify that commercial must be in, then reduce the percentages of what's allowed on the property for the high density and what that looks like. Mayor Call: Steve had a comment. CM Gibson: I echo one hundred percent agreement with that mayor. We've been burned, and that's why we changed it to begin with. To go backwards, it just doesn't feel right, and I don't want to be burned again. We want commercial development, we want mixed use stuff in some areas, but if we change and open up again we're going to have a station again. So mayor, I agree one hundred

percent. Mayor Call: any members of the public that wish to make a statement? *A man in the audience raises two thumbs* Mayor Call: he's good with what we talked about. Anybody else? If not I'd entertain a motion to close the public hearing.

Motion was made by CM Marriott to close the public hearing. 2nd by CM Urry. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

Motion was made by CM Urry to table to allow staff some time to draft the verbiage and language including a development agreement that specifies commercial first and you know how that would be developed with development agreement and housing development. 2nd by CM Gibson. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

7. Presentation on Fiber-Optics and possible action to consider pursuing an interlocal agreement and setting Open House dates for the public. (Presenters: Casey Whiteley, Gary Griffeth)

Casey Whiteley and Gary Griffeth gave a power point on fiber. Amy Mabey: I appreciate resident's participation. CM Arrington: I would ask city council to approve to gout out to RFQ's and create an interlocal agreement to look at.

Motion was made by CM Arrington to pursue RFQ regarding fiber and interlocal agreement. 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 consider amending the Consolidated Fee Schedule for fee increases in Garbage, Recycling and Sewer, Resolution 2021-E. (Presenter: Laurie Hellstrom)

Laurie Hellstrom presented the information which is written into the resolution. Mayor Call: they are enterprise funds and they should be self-supporting.

Motion was made by CM Urry to amending the Consolidated Fee Schedule for fee increases in Garbage, Recycling and Sewer, Resolution 2021-E. 2nd by CM Marriott. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

9. Discussion and possible action to approve renew Insurance Coverage with the Utah Local Governments Trust with a term of July 1, 2021 to July 1, 2022 for General Liability Insurance, Property Insurance, and Auto Physical Damage Insurance. (Presenter: Laurie Hellstrom)

Motion was made by CM Gibson to renew Insurance Coverage with the Utah Local Governments Trust with a term of July 1, 2021 to July 1, 2022 for General Liability Insurance, Property Insurance, and Auto Physical Damage Insurance. 2nd by CM Arrington. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

10. Annual discussion with the Pleasant View City Audit Committee.

Laurie Hellstrom: the reason I put this on the agenda is because we did the fraud assessment last year that the state auditors wanted us to do so we created this audit committee charter. In the charter we're supposed to meet with the city council once a year. This is the last meeting in this year so we're meeting with you just to see if there are any concerns or we meet as a committee do you want us to address anything particularly. You can also bring things up to us later. It's also a check the box. Mayor

Call: you don't have to wait for a special meeting if you know of any fraud or suspect any fraud or have any problems with any our laws regulations or separation of duties or any of that kind of stuff. We always want to be on the up and up. Again it does check boxes but the boxes are a good reason to be checked. If no concerns or questions we'll move on to the next item. I feel very confident in how things are being handled. I hope I never find anything different.

11. Presentation of the Fraud Risk Assessment for Pleasant View fiscal year 2020-2021. (Presenters: Laurie Hellstrom & Heather Gale)

Laurie Hellstrom presented the Fraud Risk Assessment for 2020-2021 fiscal year.

Motion was made by CM Gibson to approve the Fraud Risk Assessment for Pleasant View fiscal year 2020-2021 as presented. 2nd by CM Bailey. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

12. Discussion and possible action to consider approving a contract with Gage Arnold for Prosecuting Services. (Presenter: Mayor Call)

Motion was made by CM Gibson to approve the contract with Gage Arnold for Prosecuting Services. 2nd by CM Bailey. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

13. Discussion and possible action to consider approving the purchase of (2) CV 515 Dump Truck in the amount of \$190,000. (Presenter: Tyson Jackson)

Motion was made by CM Gibson to approve the purchase of (2) CV 515 Dump Truck in the amount of \$190,000. 2nd by CM Bailey. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

14. Discussion and possible action for a \$10,000 funding agreement extending for a period of three total years with the North Ogden Canal Company for City Storm Water Utility outlays. (Presenter: Mayor Call)

Mayor Call: Myself and CM Gibson have had several meetings with the canal company. If you remember they came in with a new contract almost a year ago asking us to contribute \$15k and sign a new contract. A long-term contract. We wanted to find out what we get for our \$15k. I and CM Gibson liked the idea of having a set time frame with a set amount but not changing or redoing our existing contract that was signed in 1977. I think it keeps us in the driver's seat. This would be for a maximum of three years unless you vote to change that, but we're proposing three years at \$10k and we would insist on them providing, especially if they ever want to renew this document, what they're doing, what they're maintaining and what is our money going to now. I realize they have an entire canal to maintain and not just in Pleasant View. We have talked about will this \$10k be used just in Pleasant View? Where will it be used? Will \$10k be used each year? They said they might put in \$50k this year and they might save up for three years until they get \$30k and do a \$30k project. I don't know that we necessarily care as long as we see something for our money. So they're going to come again in three years and ask for an extension and to keep going but we didn't want to enter into a long-term contract that would obligate the city and basically void our current contract so that's kind of where we're at.

CM Gibson: Thank you for that comment mayor. I just want to say this is part of our infrastructure. We spend \$50k a year to camera and clean out our sewer system. Over three years all the sewer system at \$150k and kept up to good shape. So I think this \$10k can be paid and kind of put to bed for three years and just let them do it and not have this year after year struggle. It just makes sense. We are utilizing it and dumping water in. This year they're going to benefit from it because we're out of water. From '77 we have not given them very much money and so I just think it's a good compromise. It's something that they can agree on and I say we just go forward.

CM Urry: I like the comments that Mayor Call added with them providing documentation and just a little bit of accountability so that we have something to answer to. I would like to know, do our guys still have to perform maintenance with this if we're giving them the money? Is the maintenance on them, because in the 1977 agreement which states that we have to perform maintenance on certain outlets and so does that stay the same?

Amy Maybe: The '77 agreement is a little bit vague so it doesn't necessarily require us to do maintenance. Tyson and his crew have been very generous in doing maintenance. so I think that's something that's absolutely up to the city.

Mayor Call: It depends on the emergency, and if we need to jump on it.

CM Gibson: It is part of our storm water, I mean if we have stuff backed up or sediment and we have a flooding situation our guys are going to be on it. The canal company's going to be on it too, but we're the first line. You know and I know that several hundred-year storms have come every couple years now and you know it's all hands-on deck. I think that's a good relationship that we have and I don't want to rock that boat. That's another reason you know, Tyson is a huge part of this and I think he feels good about what we've talked about.

Mayor Call: Tyson was involved, and you know we want to make sure that any work we do, we document it, and they acknowledge that we are doing work. I think from here on out the intent, we really did have a good discussion with the canal company, is for both of us to do a little bit better job at documenting.

Amy Maybe: They admitted that there's been maintenance that has been deferred because they maybe didn't manage things quite as well as they should have. So the intent right now is they really want to kind of get on this and I think part of it is being a drier year. They did explain that the projects fluctuate. They can't just do it like a five-year plan and say okay we're going to do x and x because they don't know how much water flow is going to happen so the types of projects they complete for maintenance depended on basically the water flow.

CM Marriott: They did a huge project right along the golf course because the muskrats have made swiss cheese. They could shut the canal off and do that and then have it dry out and make that so there's not a flooding issue. I know that's the canal company's thing. Does anyone else have a comment, or I'll make a motion?

CM Arrington: I just want to make a quick comment. I think it's a fiscally responsible thing to do. I think it benefits both us and them. I'd like the motion to have something in there where we do have some accountability to them and they have some accountability to us. Let's make that formal if we can.

CM Gibson: As the mayor said, they need to save money too. They have user fees and they have these things, so I don't know if I necessarily need to have an

accountability of where this \$10k was spent. I just think that we need to make that accountability so it's being done, so that we don't have problems down the road.

CM Urry: To show us how the projects are going?

CM Gibson: To show us what projects are being done and maybe just a little report on what they've done, because we can see that.

CM Urry: Something to show the residents, a written report or something like that, would you be comfortable with that?

CM Gibson: I think we need to be a good steward. They need to be good stewards of the money that the taxpayers are spending. Again, I don't know if I really want to have an accountability of it other than we just don't want the money just to be used somewhere else.

CM Bailey: Can that accountability be written right into the funding agreement? I mean it doesn't need to necessarily be a formal report but just a mention of some accountability.

CM Marriott: I would think they would want to do something like I mentioned because they're going to come back in three years and we're going to say what have you done?

CM Gibson: There's going to have to be something that they're going to have to show.

Amy Maybe: We can absolutely request that, I don't think that that's an issue.

CM Gibson: I think we can request that and I think they would gladly do that in addition. You know this really is us really completing our requirement to have our infrastructure, and we have access to that canal for the next three years unencumbered really. We are going to need some stuff down the road with Skyline and we're going to have to utilize that, so having a good positive relationship with the company is much better than having this fight that we've had year after year. I want to make the motion that we approve the \$10k funding for the three-year period with the North Ogden Irrigation Canal Company, and I would like them to be good stewards of that money. I just don't know how to put on conditions, but I don't want to put a condition on necessarily. We could have Mike Humphreys come and do a presentation or something at the beginning of the year.

CM Arrington: I think you're right. I think they'll want to do something, they'll want to come to us.

CM Gibson: They want to be good partners with the city. I'll do that with maybe a little report on the canal's condition.

Amy Maybe: I think we can request that annual report.

CM Gibson: But I don't want to put a stipulation on where the money spent or an accountability necessarily of the money, just what they're doing and kind of just generally that condition. I think Tyson has been a very a good part of that already, I think he knows exactly what's going on and he knows where our water is going out into the city and brought into the canal from the city.

CM Urry: I like what the mayor just said, kind of the condition of how the canal's going, some of the projects they've worked on, because that's worked in the accountability rather than, you've got to show us what you've got and what you've spent the money on. I like that.

CM Gibson: Okay, I'll stand by my motion.

Motion was made by CM Gibson to extend the funding agreement with North Ogden Canal Company for three more years. 2nd by CM Bailey. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

15. Closed Meeting.

Motion was made by CM Marriott to go into a closed meeting to discuss pending litigation. 2nd by CM Bailey. Roll call vote. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

Minutes of the closed meeting are protected records and are filed separately.

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

16. Discussion and possible action from the closed meeting. None were given.

Adjournment: 10:15 P.M.