

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

November 14, 2023

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

MAYOR:

Leonard Call

COUNCILMEMBERS:

Ann Arrington
Steve Gibson
David Marriott
Philip Nelsen
Sara Urry

STAFF:

Amy Mabey
Laurie Hellstrom
Tyson Jackson
Ryon Hadley

VISITORS:

Elaine Pitcher	Paul Pitcher
Scott Hammer	Alexis Hammer
Scott Cope	

1. Introduction.

a. Pledge of Allegiance and Opening Prayer, Reading or Expression of Thought
(Councilmember Phil Nelsen).

b. Declaration of Conflicts of Interest

None given.

c. Public Comments/Questions for the Mayor & Council (limited to 3 minutes)

None given.

2. Consent Items.

a. Minutes of October 24, 2023 (1 open and 3 closed meetings) and November 4, 2023.

b. Bills of Pleasant View City.

Motion was made by CM Arrington to approve the consent items (minutes of October 24, 2023 (open and 3 closed meetings) and November 4, 2023 and the Bills of Pleasant View City).
2nd by CM Nelsen. Voting Aye: CM Arrington, CM Gibson, CM Marriott, CM Nelsen and CM Urry. 5-0

3. Water Leak Adjustment Request. Discussion and possible consideration regarding a petition from Alexis Hammer, 4903 Pole Patch Drive, for use of the water bill adjustment policy as outlined in City Code § 13.12.100. (Presenter: Tyson Jackson)

Tyson Jackson: they had a leak in the summer for 5 to 6 months. I had meeting with them to help with the leak and there were other issues. A month later there was another leak. The leak

credit was mentioned but we have not given it outside the policy for HOA's. Pole Patch is different because they have meters. If we did give a credit it would be to the HOA and not to an individual in the HOA. They petitioned the HOA and asked if we could do something. Pole Patch wants to keep their 5-year credit for their overall system for fires, etc. Pole Patch is different in that they have individual meters with a master meter from us. CM Nelsen: I read the code and the water superintendent can grant. Are you the one? Tyson Jackson: I am over them. In house we are denying the request because it is outside the normal use of this policy. CM Nelsen: so they are appealing to us? Tyson Jackson: Yes. Mayor Call: what is the amount? Tyson Jackson: with the adjustment factor we have some part in the usage because we can see the usage if it is one of our meters. If it is one of our meters we can flag it and staff will help identify the leak and let the homeowner know. If we put in the factor we are not dealing with the individual but the HOA if they choose to move forward. Mayor Call: the HOA is not willing to appeal? Tyson Jackson: no. CM Nelsen: what is the range of the cost? Tyson Jackson: their bill is approximately \$7K. We would have to figure the monthly usage which we don't have. If the council was not interested in this appeal we didn't want to go to a lot of work to figure a number we don't have. Mayor Call: legally I don't know how we can. We have an agreement with Pole Patch and they have an agreement with the homeowner. Their fight should be with the HOA. Scott Hammer: we addressed this with the HOA and as an entity they can file for the credit. This is for an individual and they want to reserve it for the HOA. The second leak happened at the split for the water to the horses. Mayor Call: I am not sure how to resolve this. CM Nelsen: what is the city rate? What is the cost to the city? Mayor Call: that is hard to calculate. We have a base rate and a cost over that. Tyson Jackson: there are operating costs. There are pieces that are needed to figure and we don't feel it should be extended to them. CM Nelsen: I don't see that it can't be. Mayor Call: it is not right that the HOA can hold a resident hostage. Tyson Jackson: it is not an option in other HOA's. Mayor Call: amend the policy? Tyson Jackson: the ultimate goal is to raise the fees and take that over. CM Nelsen: maybe Pole Patch has an exception to the 1 in 5-year policy. Tyson Jackson: that is tough. There are 87 units in the White Barn and they would want the same for the same reason. CM Urry: Pole Patch uses culinary for irrigation which is different. Tyson Jackson: also Pole Patch has summer usage rates and could throw off their averages. We identified the leak in May but don't know when the meter leak started. CM Gibson: there is not enough information. We need to do something but I feel the HOA has to have something for the first line of help and not our due diligence. I want to see their policy and what they are willing to do. I need facts. Table this. The majority of this goes back to the HOA. The roads are private until there are repairs and then they want the city to take them. CM Arrington: what is the stand? CM Nelsen: I don't see anything to prevent us from helping. CM Gibson: he is not our customer. Our contract is with Pole Patch. CM Nelsen: the petitioner is a resident. White Barn is not individually metered. CM Urry: why not work it out with the HOA? Mayor Call: get more information. Do we have a contract with Pole Patch to provide water? Tyson Jackson: the adjustment factor needs to be adjusted from .25.

Motion was made by CM Gibson to table this until we have something in writing and hear from the HOA on what they think and a contract. 2nd by CM Arrington. Voting Aye: CM Arrington, CM Gibson, CM Marriott, CM Nelsen and CM Urry. 5-0

4. Pickleball Courts – Demo & Grading Package Award. Discussion and possible consideration to award the Pickleball Courts Demolition and Grading Package to E.K. Bailey in the amount of \$127,829.90. (Presenter: Amy Mabey)

Amy Mabey: this is to award for the grading and excavation. The lowest bidder is willing to contribute in-kind to the project. And we will further bid out after the ground settles. CM Gibson: what is the amount of the in-kind? Amy Mabey: we counted towards the grant up to \$90K. We are not adding the alternative because we don't have the funds.

Motion was made by CM Gibson to approve the first phase and award the grading bid to EK Bailey in the amount of \$127,829.90. 2nd by CM Urry. Voting Aye: CM Arrington, CM Gibson, CM Marriott, CM Nelsen and CM Urry. 5-0

5. Sunpro Site Plan and 2550 N Road Dedication. Discussion and possible consideration to grant final acceptance to Sunpro Site Plan and 2550 N Road Dedication, in accordance with the adopted cost-sharing and escrow agreement and subject to reimbursements being released to the city as outlined in said agreement. (Presenter: Amy Mabey)

Amy Mabey: the road is ready for final. There was a cost sharing agreement and escrow needs to be reimbursed to the city to get back. They plan on starting construction in December or January.

Motion was made by CM Urry to grant final acceptance to Sunpro Site Plan and 2550 N Road Dedication subject to escrow funds. 2nd by CM Nelsen. Voting Aye: CM Arrington, CM Gibson, CM Marriott, CM Nelsen and CM Urry. 5-0

6. Recertification of the Pleasant View City Justice Court. Discussion and possible consideration to recertify the Pleasant View City Justice Court, Resolution 2023-M. (Presenter: Amy Mabey)

Amy Mabey: this is a resolution to recertify the court. We do need to replace the Utah flag and it is size specific.

Motion was made by CM Arrington to approve Resolution 2023-M. 2nd by CM Nelsen. Voting Aye: CM Arrington, CM Gibson, CM Marriott, CM Nelsen and CM Urry. 5-0

7. Amend the Consolidated Fee Schedule. Discussion and possible consideration to amend the Consolidated Fee Schedule to include a note for bidding document fees not collected by the city but rather a city contractor for city projects, Resolution 2023-N. (Presenter: Amy Mabey)

Amy Mabey: this is a cleanup item. Jones & Associates charges a fee in order to get bid documents and to acknowledge the existence of that fee in our Consolidated Fee Schedule.

Motion was made by CM Arrington to approve Resolution 2023-N. 2nd by CM Urry. Voting Aye: CM Arrington, CM Gibson, CM Marriott, CM Nelsen and CM Urry. 5-0

8. Business License Ordinance Amendment. Discussion and possible consideration to amend the Business License Ordinance to include delinquent utility accounts to list reasons for business license suspensions, revocation or refusal to renew, Ordinance 2023-16. (Presenter: Laurie Hellstrom)

Laurie Hellstrom: we are proposing a change to the business license ordinance to include a clause that if a business is not in good standing or is delinquent on their utility bill that we can withhold their business license or revoke a business license. If a homeowner or business is delinquent on their utility bill, we simply turn off their water until payment is made. But there are businesses on the west side of HWY 89 that are not on Pleasant View City water and we can't shut them off and Bona Vista Water will not shut them off for us so they just keep operating a business and not paying their utility bill. If we send them to collections, the collection company takes 30%. We would like to be able to use the business license as leverage.

Motion was made by CM Urry to amend Ordinance 2023-16 as stated. 2nd by CM Gibson. Voting Aye: CM Arrington, CM Gibson, CM Marriott, CM Nelsen and CM Urry. 5-0

9. Public Hearing – Amend Budget. Discussion and possible consideration to amend the 2023-2024 fiscal year budget. Resolution 2023-O. (Presenter: Laurie Hellstrom)

Motion was made by CM Gibson to go into a public hearing to consider amending the budget. 2nd by CM Urry. Voting Aye: CM Arrington, CM Gibson, CM Marriott, CM Nelsen and CM Urry. 5-0

Laurie Hellstrom reviewed the resolution. Mayor Call: any comments from the public? None were given.

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

Motion was made by CM Urry to amend the budget as stated in Resolution 2023-O. 2nd by CM Arrington. Roll call vote. Voting Aye: CM Arrington, CM Gibson, CM Marriott, CM Nelsen and CM Urry. 5-0

10. Storm Drain Easement-Amendment. Discussion and possible action to approve an amended Storm Drain Easement relative to a new soda shop development at 883 W Pleasant View Drive. (Presenter: Tyson Jackson)

Tyson Jackson: this is a cleanup item. One easement was based on a previous plan. It is currently installed and in the right spot and it is where we want it.

Motion was made by CM Gibson to approve the Storm Drain Easement as stated. 2nd by CM Arrington. Voting Aye: CM Arrington, CM Gibson, CM Marriott, CM Nelsen and CM Urry. 5-0

11. Change Order – Veterans Monument. Discussion and possible action to approve a change order with Earthworks for Veteran Monument pavers in the amount of \$4,500. (Presenter: Tyson Jackson)

Tyson Jackson: as requested this the price to set the pavers and border in the northeast corner along the walk. CM Gibson: it seems too high. CM Nelsen: let's get it done.

Motion was made by CM Gibson to approve the change order with Earthworks for Veteran Monument pavers in the amount of \$4,500. 2nd by CM Nelsen. Voting Aye: CM Gibson, CM Marriott, CM Nelsen and CM Urry. Voting Nay: CM Arrington (4-1)

12. Closed Meeting. Consideration for a closed meeting pursuant to one or more of the provisions of the Utah Open and Public Meetings Law, Utah Code § 52-4-205(1).

Motion was made by CM Nelsen to go into a closed meeting to discuss the competency and character of an individual. 2nd by CM Arrington. Roll call vote. Voting Aye: CM Arrington, CM Gibson, CM Marriott, CM Nelsen and CM Urry. 5-0

Mayor Call signed a sworn statement affirming the reason for the closed meeting.

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

13. Other Business.

Tyson Jackson: we are ready for the decking and inspections. 800 W is paved. The last of the cul-de-sac is done and the water is turned in.

Ryon Hadley: we are starting to issue parking notices. We had two DUI with meth.

Amy Mabey: we had a meeting with the Heritage Committee and looking for a smaller city center building. They are not looking for city funding but city land. They are looking for some type of city component to keep it long-term. Looking at funding from the State of Utah or RAMP.

CM Nelsen: we have no cell service at home.

CM Arrington: I'll set up a meeting tomorrow with the camera guy. Can we keep pickleball up as long as possible? Mayor Call: we take down with the snow. Amy Mabey: the reason is

from the damage to the court caused by shovels. CM Arrington: I have letter on violations for Jessie.

CM Urry: the Tri-City Exchange will be doing vouchers for meals. The Santa Event is moved to the 16th. RAMP is due January 12th.

Mayor Call: the Heritage Committee should not compete against the city for RAMP.

CM Marriott: we are setting up meeting with Amy and Tyson for some efficiency training. We need to recognize new and existing businesses. CM Nelsen: could have an open house for those on 2700 N and visit them.

CM Gibson: will work on the concrete plaster.

14. Adjournment. 8:06 P.M.