

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

August 14, 2018

The public meeting was held in the city office at 520 West Elberta Dr. in Pleasant View, Utah, commencing at 6:00 P.M.

MAYOR: Leonard Call

COUNCILMEMBERS: Jerry Burns
David Chugg (*absent*)
Steve Gibson
Boyd Hansen
Sara Urry

STAFF: Laurie Hellstrom Bill Cobabe
Tyson Jackson Ryon Hadley
Jay Palmer

VISITORS: Lorrin Gardner Darin Palmer
Jason Watterson Randy Wilson

Pledge of Allegiance: Steve Gibson

Opening Prayer, Reading or Expression of Thought: Steve Gibson

Declaration of Conflicts of Interest:

None

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

None

Consent:

Motion was made by CM Gibson to approve the consent items (minutes of July 10, 2018 and the bills of Pleasant View City. 2nd by CM Burns. Voting aye: CM Burns, CM Gibson, CM Hansen & CM Urry. 4-0

1. Public Hearing. Discussion and possible action to consider an amendment to the City's Subdivision Ordinance (Title 17), changing subsection 17.18.020(7) "Half Streets" to allow for the construction of half streets in certain circumstances. (Presenter: Bill Cobabe)

Bill Cobabe: the planning commission held a public hearing August 21, 2018. The recommendation was to deny the request 6-1. Their minutes are in the packet. There is not much more to add. The question is, if engineering can be overcome, are half streets a good idea or not. The planning commission decided it is not in the best interest. The city council has the option to vote on this or is there any value in using this tool.

Motion was made by CM Urry to go into a public hearing to consider an amendment to the City's Subdivision Ordinance (Title 17), changing subsection 17.18.020(7) "Half Streets" to allow for the construction of half streets in certain circumstances. 2nd by CM Burns. Voting aye: CM Burns, CM Gibson, CM Hansen & CM Urry. 4-0

Mayor Call: are there any comments from the public? Randy Wilson: I am not a developer. I live in the community and I purchased a long narrow piece of land (ID#16-032-0050). I don't want to do anything greedy but I want one lot and then two other lots from the land. I understand that this would be something the city would consider and I understand this has not been presented to the city more than three times in the last 20 years. I won't put in utilities under that side. I contacted an engineer and they said it's been done before. I am not asking for a personal exception but I want to do something with my land. I am part of the community and I love Pleasant View. All the land has been bought up except above 4300 N. I know it is an exemption and for future reference I think it could be a good thing. I am asking for a solution not an exemption. I enjoy Pleasant View as many others do. I will look for solutions and I don't see this as a huge thing. I'll answer any questions or do you need more time? I had time to speak to some of you and asked to table this and let's get it right. I would like to answer questions or do research. Mayor Call asked for any questions from the council. None were given. Randy Wilson: can we table this and wait? CM Gibson: we need to tell Randy Wilson what a public hearing is. It is for the public to talk and hear input. It is not a debate. Randy Wilson: it is not a big project.

Motion was made by CM Gibson to close the public. 2nd by CM Urry. Voting aye: CM Burns, CM Gibson, CM Hansen & CM Urry. 4-0

Mayor Call: the concept of a half road which I believe is short of what can be put there. The issue raised by Bill Cobabe is do we want to allow it if engineering could be worked out? Lorin Gardner: I reached out to the engineering association and compiled the information. Some cities do not allow it and several that do can make it happen. If it goes forward you need to make the engineering work. 26' of pavement is required for fire trucks and it needs a turnaround and it could be done with a temporary offset. CM Urry: what are the disadvantages? Lorin Gardner: drainage off the other half. Not see a lot of regulations and it is just not a complete road and they are currently here. CM Urry: the integrity of the road could be compromised. Lorin Gardner: a paver comes down and does the full width and a cold joint matches up at point. Utilities would go into the lot but what goes in on the other side or what do and how patch will reduce the integrity. CM Urry: it is a loss to the city. Mayor Call: and we maintain it. CM Gibson: my street on 325 W is a half street, it doesn't have curb and gutter. Can there be something between worked out? A full road eats up the property. Is Pleasant Meadows a 26' road? Bill Cobabe: we have a mechanism for PRUD which allows flexibility but the minimum requirement is 10 acres with a maximum density and other restrictions. CM Gibson: there are odd and difficult properties. CM Urry: why not have a PRUD? Bill Cobabe: those are private roads. CM Urry: my concern is the north property owner. There is no legal document and they would have to develop in a certain way. If there was a legal agreement and the property owners need to work together. I like CM Gibson idea to have it look more like a complete road. Mayor Call: a half street vs a partial street is covered in the staff report. Bill Cobabe: we already bind properties with streets and we limit what they can do on property. CM Urry: the other property owner doesn't have a say? Bill Cobabe: only half of the work is done on the road. Laurie Hellstrom: the property owner to the north could develop without having that proposed half road. Bill Cobabe: he (Randy Wilson) could build now with one lot and later go in with the other property owner and develop more. CM Urry: 4300 N is coming. Bill Cobabe: it will be paved to 500 W. Mayor Call: it is years out. CM Urry:

someday it will develop. I like the idea of a complete but smaller road. CM Burns: do we want to move forward if it meets the requirements to allow it as a tool with enough protection and not to create a negative impact? Bill Cobabe: do we want a 60' road and full street? CM Urry: it's a cost saving to the developer but how solid would it be to say you can do this but you can't? Mayor Call: we set parameters and if a property falls under those parameters they can have it but we won't adjust the parameters for them. Maybe there are a few places that have similar issues. Bill Cobabe: I can't think of any anywhere else that could fall under this. Mayor Call: in some circumstances this is allowed and could be considered. CM Urry: what about snow removal? Jay Palmer: it is hard and hard to turn around. It would create a hardship. CM Gibson: I don't want to have nothing on one side and hope the property owner on the other side will develop. If we have sidewalks on one side and not on the other side we will get complaints and we will have to go back and put them in. We should follow the planning commission's recommendation. I would like to have a mechanism for small variances. Bill Cobabe: we can't grant variances to subdivision ordinances and public work standards. CM Hansen: we need to table this. We don't understand it completely. Jay Palmer: if there is a temporary turnaround it needs to be asphalted. CM Hansen: it should not be temporary. Bill Cobabe: if we allow narrow road cross sections why not in other places. CM Gibson: if it sits long enough the city will have to pour it again. CM Hansen: Deer Crest paid for a whole road. CM Gibson: it is a main road. CM Urry: what if someone parks on the half road with the snow plows out? CM Gibson: my mind is not changed on the half road. Mayor Call: I think CM Chugg wants to weigh in on this.

Motion was made by CM Hansen to table this item. 2nd by CM Burns. Voting aye: CM Hansen and CM Burns. Voting nay: CM Urry and CM Gibson. Mayor Call voted aye to break the tie. 3-2

Mayor Call: get your questions and ideas and concerns to Bill Cobabe for the next time.

2. Discussion and possible action on allowing water slides at Barker Park. (Presenter: Bill Cobabe)

Bill Cobabe: the agenda should have said 'Discussion and possible action to decide on proper park usage.' I don't have an agenda. I will get what you what you want. I did the research and it is in front of you. Only 1 of 11 allows water slides explicitly. CM Burns: how many cities are there in Utah? Bill Cobabe: 250. These are the only ones that replied to my inquiry. Bill Cobabe reviewed his table list. CM Urry: are there any current regulations? Bill Cobabe: no, but we would like clarity. Mayor Call: there are three options – prohibit waterslides, allow them with regulations, or leave things as they are. CM Urry: the representatives from the Trust are here – do you look at all these cities and what is in place? Jason Watterson with the Utah Local Governments Trust: there are cities that are actively managing their risk and there are cities that are hanging out there and not really regulating risk. If you own property you have risk. For instance, the insurance that you personally have is not for you but for the other guy. For inflatables we have strongly recommended using a reputable company that is insured and give the city a certificate of insurance naming the city. Risk needs to be managed. We see crazy things happen.

Motion was made by CM Gibson to leave it be and not over regulate. There will be waterslide usage two to three times a year plus the possibility use for Founders Day. It

affects only one park and we have local people putting it on and it has not been an issue.

Motion dies for lack of a second.

CM Urry: we need some type of rules. I love the waterslide with guidance. What rules and what will we allow and what will we prohibit. We paid some money for the slide. CM Burns: that is vague. Laurie Hellstrom: we paid Butters Construction \$500. CM Hansen: if we own some of the material do we have more liability? Jason Watterson: there is risk in everything we do. We need to determine our appetite for risk. If you want to have waterslides have some reasonable controls like transferring risk to others, have them use their own equipment, have them submit a certificate of insurance and list the city as an additional insured and put on layers of protection. If you own risk put reasonable controls on it. CM Gibson: what about our pickleball courts, etc.? Jason Watterson: some have more risk than others. Government immunity is limited by having it to be a government function. We have not been able to make the case that sewer collection is a government function. If there is negligence that leads to injury there is no government immunity. There is risk with a playground and it is your duty to have fall material etc. for the playground to reduce the risk. You will lose a case if you are found negligent. We want to limit risk with risk management. My job is to help keep you out of trouble. Whatever the risk put on controls to adequately manage the risk. You can: not allow the activity, transfer the risk, bring in a contractor, control the activity and require insurance. What if someone brings dish soap or other chemicals to the slide? There could be allergic responses or chemical responses. It could kill the lawn, etc. Put responsible controls in place. The cities that are active in risk management are the ones that have been sued a few times. CM Hansen: if the city owns the water slide it should be overseen by city employees. Tyson Jackson: what is the difference with snow ramps and waterslides? CM Hansen: but we haven't leased the property to them for the snow slides. Jason Watterson: if you got a hill, kids will slide and if they get hurt you could probably defend it but for example what if there was a disk golf target and a kid breaks a finger on it. Were we negligent? If so we could pay out on that one. CM Gibson: we heard enough. Darin Palmer: there needs to be rules in place and the city should be able to respond to requests on what the regulations are. At the end of the day put some risk management into it and be able to say here are the rules. Risk without regulations is not a great idea. CM Hansen: if there is a good thing someone can find something bad to do with it and with the quantity of attorneys around us, and ultimately all the citizens, will have to pay out if we are negligent. We need to save money by being prudent. CM Burns: I think we have talked enough. CM Burns: I like option 2, allow waterslides but not ultra conservative and at no cost. Mayor Call: if we allow we need to go back and develop a policy before this is passed and give direction. Bill Cobabe: I have different policies from a few other cities in the packet.

Motion was made by CM Urry to meet with the Trust and figure out a good policy and guidelines.

CM Burns: I was making a motion and was stopped. Mayor Call: I would like to establish a committee and reach out to the Trust on all aspects of risk not just this one. You have talked about a lot and we need to get a handle on this. This one could be the first priority.

Motion was made by CM Burns to allow waterslides and review projects similar to bounce house and activities with appropriate guidelines and risk management. 2nd by

CM Hansen. Voting aye: CM Burns, CM Hansen & CM Urry. Voting nay: CM Gibson. 3-1

Mayor Call: there is a scheduled waterslide event tomorrow that I gave the ok to.

3. Discussion and possible action to approve the purchase of two public works pickup trucks, two utility pickup trucks, and a valve exerciser/vacuum. (Presenter: Tyson Jackson)

Tyson Jackson reviewed is staff report for the purchase of (3) 2018-F150 and (1) 2019-F250 (\$129,754.84 total cost). Mayor Call: is the meter reading vehicle one of the trucks? Tyson Jackson: yes. A car would only work for one use but that job is expanding and the truck could be pulled out and used in the fleet if needed. It is only a base model with a V6 motor. CM Hansen: are the old vehicles being scraped. Sell them on the State Public Auction. Tyson Jackson: we have borrowed North Ogden's valve and it has saved us time and it is safer to use around underground lines and equipment. This one is a Ditch Witch with cost of \$56,612.88.

Motion was made by CM Burns to approve the purchase of two public works pickup trucks, two utility pickup trucks, and a valve exerciser/vacuum. 2nd by CM Hansen. Voting aye: CM Burns, CM Gibson, CM Hansen & CM Urry. 4-0

4. Discussion6 and possible action to amend the Employment Agreement with Bill Cobabe, City Administrator. (Presenter: Mayor Call)

Mayor Call reviewed the amendment.

Motion was made by CM Urry to amend the Employment Agreement with Bill Cobabe, City Administrator. 2nd by CM Burns. Voting aye: CM Burns, CM Gibson, CM Hansen & CM Urry. 4-0

5. Closed Meeting for a discussion regarding security systems.

Motion was made by CM Hansen to go into a closed meeting to discuss security systems. 2nd by CM Urry. Voting aye: CM Burns, CM Gibson, CM Hansen & CM Urry. 4-0

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

Motion was made by CM Gibson to end the closed. 2nd by CM Burns. Voting aye: CM Burns, CM Gibson, CM Hansen & CM Urry. 4-0

6. Closed Meeting for a discussion regarding strategy session to discuss the purchase and exchange of real property.

Motion was made by CM Gibson to go into a closed meeting for a strategy session to discuss the purchase and exchange of real property. 2nd by CM Urry. Roll call vote. Voting aye: CM Burns, CM Gibson, CM Hansen & CM Urry. 4-0

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

Motion was made by CM Gibson to end the closed. 2nd by CM Hansen. Voting aye: CM Burns, CM Gibson, CM Hansen & CM Urry. 4-0

7. Discussion and possible action from the closed meeting.

Mayor Call: we have our marching orders from the closed meetings.

Other Business:

Ryon Hadley: there are a lot of drug arrests lately and stolen cars. The Strike Force is using a person to buy up drugs. Robbie Done help CM Gibson with Make a Wish donation. In July there were 779 calls and 120 traffic citations. UHP is helping patrol 2700 N. Mayor Call: has the bomb guy been charged with a federal charge? Ryon Hadley: they are still looking at it. Mayor Call: I am concerned that in the future all the signs were there but we failed to act.

Bill Cobabe: the League conference is September 12-14th. If available to go let me know. CM Gibson: I will go one day. Bill Cobabe: the Open House on zoning changes went well. There will be a public hearing this Thursday with the planning commission with no action at this time. CM Gibson: there were some negative aspects of that meeting. The planning commission members needed to be identified and see more organization and there was a lot of unclear thing in that meeting. CM Urry: I agree. It needed to be more organized.

CM Gibson: there are a lot of positive mosquitos and we have use more than twice the chemicals as last year. Out west there are 100 contacts per minute. Thanks to Robbie Done for the great help. Mayor Call: Robbie Done is good at community outreach.

Adjournment: 8:46 PM