

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

July 9, 2019

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 (*absent*)
Ken Francis
Steve Gibson
Boyd Hansen
Sara Urry

STAFF: Laurie Hellstrom Bill Cobabe
Tyson Jackson Ryon Hadley
Debbie Minert

VISITORS: Ann Arrington Lorin Gardner
Carol O. Pont Joanne Russell
Mae Ferguson Devere McKay
George Bateman Don T. Malan
Larry Jensen Joyce Jones
Bruce Jones Stanley Weeks
John Reynolds Louann Rees
Julie Farr Kerry Humphreys
Mike Humphreys Charlotte Christopher
John Sutton Claron Haglund
Vevedern Wolverton Florence Stowe
Jenice Jones Don Mendenhall
Janeent Parry Morris Parry
Ambree Burggraaf Marilyn Rees
Kim Morris Toby Mileski
Lynn Havasi Alayne Sutherland
Brad Sutherland Tom Van_____

Dave Adamson William Sneddon
Mark Green Steve Jaques
Ramah Jaques John Morris
Chad Winward Heather Winward
Brad Jones Jennifer Jones
Glen Ames Adam Poll
Justin Urry Debbie Minert
Marsha Bates Aubry Bennion
Scott Andersen Marcia Andersen

Jon Greenhalgh
Rachael Moser
Tifini Corbin
Jill Nicholson
Christopher Batrick

Catherine Graham
Craig Mock
Deborah Price
Wade Larson

Pledge of allegiance: Leonard Call

Opening Prayer, Reading or Expression of Thought: Leonard Call

Declaration of Conflicts of Interest:

None were given.

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

None were given.

Consent:

Motion was made by CM Gibson to approve the minutes of June 11, 2019 (open & closed). 2nd by CM Francis. Voting aye: CM Francis, CM Gibson, CM Hansen and CM Urry. 4-0

Motion was made by CM Gibson to approve the bills of Pleasant View City. 2nd by CM Urry. Voting aye: CM Francis, CM Gibson, CM Hansen and CM Urry. 4-0

1. Present the American Spirit Honoree Award to Youth City Council Member Amber Burggraaf. (Presenter: John Reynolds)

Christopher Batrick and John Reynolds presented a \$300 award and plaque to Amber Burggraaf from the American Spirit Honoree Award for Youth City Councils.

2. 2700 North Reconstruction Project Presentation. (Presenters: Aubry Bennion, Public Involvement Manager & Dave Adamson, UDOT Project Manager)

Dave Adamson and Aubry Bennion gave a presentation on UDOT's 2700 N Reconstruction Project.

3. Discussion and action to approve Final Subdivision for Fox Meadow Phase 5A Subdivision, a 20 lot subdivision located at approximately 2750 N 675 W.

Applicant: Bruce Parker. (Presenter: Bill Cobabe)

Bill Cobabe: we all know where this is at. This is from Tri-terra West. This is a combination of months and years. I want to point attention to a required escrow needed to be added as a condition.

Motion was made by CM Gibson to approve Final Subdivision for Fox Meadow Phase 5A Subdivision, a 20 lot subdivision, located at approximately 2750 N 675 W with the conditions stated. 2nd by CM Francis. Voting aye: CM Francis, CM Gibson, CM Hansen and CM Urry. 4-0

4. Public Hearing – Discussion and possible action to consider a proposed zone change from A-5 to RE-20 for parcels 16-012-0017, 16-009-0020, 16-009-0067, and 16-012-0027 for a total of 28.02 acres of property located at approximately north of 4300 N and 500 W. (Presenter: Bill Cobabe).

Bill Cobabe: showed the map of the area. I don't think this needs a lengthy introduction. The applicants are bringing this for the Christofferson. The property is currently a field. The proposal is A-5 to RE-20. I point out a lot of public interest. You

have several emails and I have got phone calls and expressed concerns. I received a text message from Emily and Christian Hall before this meeting and they asked that I express their concerns and they are against this zone change. As staff we looked for any written record that would provide guidance regarding vesting or entitlements that would be associated with any prior agreements on any understanding or zone change but what we have been provided by the applicant is in the staff report but anything specific regarding the number of lots or a particular zone agreement that the city was a party to we could not find anything like that. That is both good and bad. The good news is that we have the opportunity to decide for ourselves at this time without any kind of burden what may or may not have been promised in the past and make that decision right now. But if we found something it may have helped guide us with a decision. The question being asked is whether this is an appropriate zone for this property at this time. This doesn't preclude a change in the future. Mayor Call: we will go into a public hearing and let the applicant go first and limit each person to two minutes. You all have that right. Keep this civil. We are trying to avoid saying the same thing over and over. Either raise your hand if you agree and respect what is being said.

Motion was made by CM Francis to open the public hearing to consider a proposed zone change from A-5 to RE-20 for parcels 16-012-0017, 16-009-0020, 16-009-0067, and 16-012-0027 for a total of 28.02 acres of property located at approximately north of 4300 N and 500 W. 2nd by CM Urry. Voting aye: CM Francis, CM Gibson, CM Hansen and CM Urry. 4-0

Don Mendenhall: I want to say how much I appreciate Pleasant View because a lot of cities don't open up for a second public hearing so this is a wonderful opportunity. This makes me better as a developer and representative of the family to let me know what is going on and the concerns. I have spent hours getting through and understanding every concern. I'll pose a couple of questions, the same given to the planning commission. In what ways has Mount Majestic, the subdivision to the east, and Alder Creek subdivision, negatively affected you? This will help us to know what we need to do differently and maybe improve as we go forward. The other question is, if you currently live in Pleasant View on a half-acre lot, why should someone else not be afforded the same privilege? We went through the list of the petition and wanted to know where these people came from and what their thoughts were and I found that 85% to 90% live on half acre lots or less. The other thing that I ask, we are on a rezone, we are asking to bring engineering, begin testing soil, and everything involved, wet lands but we are asking to begin that stage after we get through a zone change. So what I ask tonight and I have noticed that a lot of opposition is things we want the studies we need to know those things and those things help us and you as a city council in the future and we are not going to approve something in the future that negatively affects water issues or these other concerns. Would you oppose this development if we could retain the integrity of Wadman Nature Park? We will be able to see that as we spend money on engineering in the future. And I want to point out that Wadman Nature Park is already in the RE-20 zone and they retained that current condition. I have a copy of this from 1977, a plan done by Great Basin Engineering the city ran a pipe line though the property so we know that at some point there was conversation with the Chirstofferson's. Another interesting point about this is the wetland issues that we see. There was a lot more wetlands here in what Wadman did. Any questions?

Marilyn Rees: I also want to say thank you. In no way are we trying to take away the beauty of Pleasant View. I have lived here for ten years. I have family that has lived here for twenty to twenty-five years. So we know what kind of community it is. That is what we are trying to retain. We want to keep the same feel the same subdivisions that we are seeing. As far as the Christoffersons they have asked me to represent them and they want me to let you all know that they in good faith back in the day wanted to work hard with the city and that is why that water pipe is ran right where it is because they matched it up to that plat. But we know there was something that happened you can definitely see that the water pipe ran right though there for the people for the culinary water.

Don Mendenhall: no farmer would allow any easement on their farm ground without some sort of communication or agreement. We don't know what that is or am I asking you to make a decision based on hypotheticals.

CM Francis: I have a question about that. I have a form that can be found on-line and I looked at it today and it looks like it has been changed but there was a comment in there that said it was currently zoned as agriculture and Pleasant View City has agreed to change it but yet there is nothing in writing and there is no agreement so why would you put something like that in there? Marilyn Rees: that was me. The reason why is we had met with the city prior to us listing the property. CM Francis: when was that? Marilyn Rees: in September. CM Francis: by "City" who did you met with? Marilyn Rees: Mr. Cobabe. And we had met with him and the Christofferson family, and myself. We had presented the information that we had and we all came out of there thinking that is exactly what was said that we would be able to get it rezoned for the half acre. Ken Francis: I am glad to see that you changed that. Marilyn Rees: yes. Ken Francis: that certainly doesn't hold us accountable to anyone. Marilyn Rees: right. Don Mendenhall: the notice clause, we are fouldable just like anyone else. Ken Francis: so it was a mistake. Marilyn Rees: yes. As far as the Christoffersons they just want to say thanks for spending time.

Louann Rees: look at the map. You don't see ½ acre lots on this other side. I believe it was a couple of years ago, Toby was Mayor, and we all come down here for the change in the Master Plan and it was determined at that time. I live on 900 W, and the land behind me was rezoned and we were not thrill with it and we all have horses and different animal and now there are going to be ½ acre lots behind me, they are not up to me yet. I believe it was a Calute Home's development. The line for the RE-20 that would make sense was to go on 4300 N up to Wadman Park and that would be left 5 acre plus. I don't understand why we are asking for a rezone on that land. I have a couple of questions? When we say that everyone in Pleasant View is entitled an ½ lot, how many ½ acre lots are for sale? Deer Crest is not sold out. The one behind me is not sold out. There is a ton of them that are not sold out. The people that are on an acre or more and have animals would like to preserve some of this land. I realize that we don't own it but I can't tell you how many meetings I have come to over this Christofferson property on a rezone. I think at some point we need to draw a pretty hard line and leave the property how it is. What about us that have lived here for a long time and bought our land because we wanted open land? So I would ask the city council not to rezone this and not give a variance for it. Thank you.

Mayor Call: by show of hands how many want to talk. We will stick with the 2 minute rule.

Glen Ames: I live here on 750 W then tried to move to Mountain Green and it was hard to find a lot that wasn't going to slide onto HWY 84. We came back to Pleasant

View and found a beautiful property with amazing neighbors and awesome people. I had a stream and I grew up with a stream with wonderful memories. This ½ acre subdivision to the east diverted water that used to go to that stream. I didn't live here back then but all I have known is the trickle that we have right now. I can't speak to traffic because I have a conflict of interest with my employer on traffic. I can't speak to my neighbors because of a monster house that went up in my back yard. I don't care about views any longer because that is gone. I can't tell people what to do with their property but I speak for the water. This is a recharge zone. The more streets you have the more roof tops you have and curb and gutter the less water you have because the water is not able to get into the ground. I am a hydraulic engineer. We need this recharge area on this bench. It is kind of flat and that is where the water goes into the ground. I worry with the high density, and which relatively ½ acre lots is high density in a recharge zone, that we are going to hurt the water. I can't tell people what to do with their land but you can help. Maybe 1 acre or 2 acres but ½ acre is extreme in a recharge area and we need water to soak in. Thank you.

Mae Ferguson: I have been on the city council and I have dealt with the Christoferrsons at one time when they wanted to do their land. I have no objections for people doing with their land what they want to but I have concerns with water, sewer and all kinds of things that have not been taken care of to the point that it can be accepted. My vote is not to accept this until things have been taken care of. I have lived on a 1/2 acre and that land needs to be preserved to some extent to make it more livable and fit in with the environment that is up there now. That is my thought.

Julie Farr: Thank you for an amazing Founder's Day celebration and the moving of the pioneer cabin and wonderful things that are taking place and trying to solve gravel truck problem. Thank you to Bill Cobabe and staff in preparation of this meeting. I have requested numerous documents and I have been given them promptly and courteously everything I have asked for and I appreciate that. I am going to address the study that was done in March 2016. Pleasant View paid nearly \$30K for this study. I took it to a Dr. of Geology. He actually said that Pleasant View should be commended for the foresight to get a study that is so comprehensive and complete. This study is what we used for the Master Plan and the development that we have now based on a zone on that property. As I went through the planning commission's notes I noticed maybe one sentence maybe two that deals with this study and the problems that the study pinpoints. Number one - it talks about severe constraints. This is what the study said - it would be impossible in severe constraints areas it could be unsafe and more expensive to implement service. We have three areas that are in severe constraints. One of them is ground water. In the planning commission's notes it mentions the well recharge area, it said nothing about ground water recharge. This is what is said and it is a severe constraint here - ground water recharge occurs when there is enough water present to move through the soil development in groundwater recharge areas such as those that exist in this area create impermeable surfaces that may result in less water filtrating into the ground. And this can reduce our water throughout the city. It talks about soil. I had a member of this council said they weren't really concerned about soil and geology and that kind of surprised me because in the study they are really concerned about it. In soil section it talks about - it is in an alluvial fan and it is prone to flooding and landslides. It goes on and say - this is not a good area to build. It talks about geology. The geology has to do with the alluvial fan it said - it indicates potential

hazardous conditions to development numerous buildings constructed on an alluvial fans as along the Wasatch Front have been destroyed or damaged by debris and floods. It goes on and says - if you are downhill from that you are not immune. All of us at least many of us remember what happened in North Ogden a number of years back. It talks about other constraints and issues this is not good property to change the zoning. It's zoned A-5. The Dr. of Geology said any areas with constraints will still have these constraints after development. They won't go away. It would seem prudent to not develop or change the zoning on any area with severe constraints not to mention avoiding additional constraints that is compounded by development. So development isn't going to solve these issues it actually compounds the issues. All or part of the area in question is severely constrained due to geology, soils, and water source. To ignore this study and rezone the area for development would suggest that the city is willing to accept the risk, not only to area of development, but also to existing development down slope from the proposed area. We paid \$30k for an amazing study pinpointing our general and master plan and why it is what it is. So why look at changing something that scientifically been proven to be the best option. It does not make sense particularly when we have other areas in the city that are zoned RE-20 that are not filled. So why are we taking our précises resource area where the ground water comes down and we would develop that before the rest of Pleasant View is developed out. It just does not make sense. I might also add that in the planning commission's notes, Bill stated and I asked him if this was true, said that in a drought year there would not be a problem with these 34 new homes and he stated the problem would be downstream. How many of you live downstream? Stand up. How many of you are against the zone change? Please stand up. The citizens in Pleasant View are asking you to be accountable for a study that has been done. That was done thoroughly that gave you wonderful information that you went ahead a created a master and general plan that benefited and helped the health safety and wellbeing of the citizens. We ask why would we chose to change that zone. Thank you.

Bruce Jones: we live on the corner of 900 W and 4300 N. I lived on a five acre lot. I am going to give a different point of view. The city has to run. You guys are the ones that run it and you have to rely on taxes. I happen to pick up my tax notice. Let me read a couple of things on a five acre lot. They choose one acre to be the building site that is called the primary property and then the other four acres are termed non-primary property. I paid seventy dollars to Pleasant View on my non-primary property thanks for the deal but does it run the city? I think the zoning goes to the west boundary of Pleasant View with this 5 acre zone? I got mixed emotions because I know there are people here that want more space and I know there are people here that don't want them to have more space. I like to suggest to you from an economic stand point. I may be wrong but I think if there are eight lots on a 5 acre parcel, paying full rate of tax, you will be able to run the city a whole lot easier and provide more services and repair more roads and it goes on and on. I know that it is an emotion thing when people say they want this open space but I think it is your job to decide how you run the city with a good balance sheet. The \$70 that I pay you on my four acres on my non-primary property is not going to get you very far. So that is really the only thought that I had particularly if you are thinking about going west with this zone. You got a lot a good commercial property down on Hwy 89 and 2700 North. People are going to want to build there and people on the hill will have place to spend their money if they don't have that we are not

going to get the kind of commercial development that you want out there. That is all I have to say.

John Sutton: I live on 350 W adjacent to the fire station and Wadman Park. I am mainly concerned about the nighttime glare from 34 houses. Wadman Park provides an opportunity to see a relatively dark sky. How many street lights? It's not a high crime area. We are raising a generation of school children that have really never seen a clear dark sky at night and Wadman Park provides that opportunity. It is like living in a house with dirty windows and you never look outside where you live so the nighttime glare from the 34 house subdivision is going to diminish that opportunity. When the new fire station was built, there was a concern with a brightly lit public building and thanks to Chief Dave Wade he worked that problem and the outside lighting is almost zero when the staff are not working. If there are homes to go in, we should at least impose what is now traditionally dark sky lighting requirements. The street lights should be fully shielded which means no light escaping the horizontal and I would like to see all residential requirements that the illuminated foot print stays within the property boundary. I think the cost of those fixtures are the same cost of as the current fixtures. I understand the Pleasant View City is in the process of changing over to new street lighting with those requirements. On new construction it is a no brainer and those are my concerns.

Dennis Farr: I reside at 4275 N 500 W. Many of my concerns and many of those that are here in regard to the extensive study that was already done on this property and the multiply times the city had to address the request for a down zoning on this property. Let me read the definition of what a RE-20 allows on half-acre lots: residences, churches, libraries, museums, art galleries, public schools, private schools, public parks, public buildings, nurseries, green houses, provided the sale of goods is limited to materials produced on the premises, farm devoted to hatching, raising, slaughtering, dressing and marketing on a commercial scale of chickens, turkeys and other fowl. Those are some of the possibilities under the RE-20 zone. Also signs are allowed subject to the sign regulations of the city. Now addressing a point that was made earlier here today, I have taken all the notes and information provide by Mr. Cobabe and I am grateful for having access to that. I deal in real estate for a living and I took the time to look and roughly 80% of the existing vacant land remaining in Pleasant View is RE-20 or smaller already, approximately 10% is zoned commercial and industrial and 10% zoned for these 5 acre lots. Most if not all are located north of 4300 N in these areas where we have great concerns over water and geological issues. My question to you and everyone is simple - help me understand the urgency, particularly under the light that we still have 80% of our vacant land zoned and committed for smaller lots, the urgency and motive behind this zoning. We the citizens have already paid \$30K for the study and experts to do the study in order to establish or maintain a master plan recommending low density housing or limited development on this particular property. I just wonder what can be gained by putting 30 plus more homes in this area that has already been deemed questionable and of great concerned on this issues regarding the welfare of this city's wellbeing and safety and productivity of this city especially when there are geological concerns with wetlands and impact on water recharge areas. If you chose to pass this change of zone tonight I would like to see each one of you go on record and explain the reason and motive especially when there is already so many vacant lands zoned RE-20. Thank you.

Robert Christofferson Jr: I think we are misrepresenting my family. My family goes back in Pleasant View since the 1800's. They owned that land since the 1800's. My father was born there in 1920 in the upper part of that piece. We have been a part of that land for a long time. I want you to know that we go up there every 4th of July and look at the fireworks over the valley and we did it this year. I go up there for hot dog roasts. My father has a grove up there for us. We love that ground so I'm not saying we are in here for an instant buck when we have been up there for a hundred years. That land is important to us. I just want the people to know that that ground will be well taken care of and make sure that it won't be a detriment to the city in any way. I can't guarantee that a deer or two won't go through there. My father always had a saying, and I want the people of Pleasant View to know that we have had this discussion since the 1970's. Over 50 years we have been working on that and I have documentation for that clear back from Mayor Healy in the 1970's and I think 50 years is long enough. My father was the one the instigated this half-acre lots 50 years ago and he had a map drawn up that I think you have seen by Great Basin. He donated a right-of-way for a pipe line to come through the property. He donated a right of way for the 4300 N to come through the property. He worked with Pleasant View City off and on for a long time. The way he felt about that land was that it should be half-acre lots. He always wanted that half-acre lots and that is what my family wants because that is what he wanted. I will close with my father's favorite statement 'it's a lot better to raise people than to raise rocks' and that is how he felt about it. We want something quality and it will be quality if it is allowable. Thanks

Alayne Sutherland: I live at 560 W Alder Creek Court. This is my dilemma here. We paid premium price for our lot. First of all, we got a landscape architect because there was a natural spring that came through the lot which they built a fountain and a stream bed. We put the expense of maintaining the creek and making it look beautiful which we love. We understand that this could totally impact the amount of water flow and that has been discussed. First of all we paid a premium but second the fountain there has zero water there now. My husband said that they capped off the water. That is nice that no one told us and that they had the ability to cap that off whoever they are, I don't know but it is capped off and that is no good. I told him to tear it out or put in a pipe or something. I was kind of upset about that but this is my experience I am on a half-acre lot and I would not do that again. People come in and they build as big a house as they can on these half-acre lots and they are leaving these little strips of land around the home and it is annoying and it causes trouble with your neighbors. If you have restrictions on the size of the house to go with the lot I can understand that better. If you are going to sit there with a half-acre lot with these homes that have 10' around them, just think what kind of strain that will be on the lot with the water and all of these things and also the traffic. 4300 N has become crazy. Yes, the gravel trucks are a total annoyance. They are going up and down when they are not supposed to be. You are adding to more traffic. When we first moved here the road was blocked off and there was no traffic or noise. Now there is traffic and noise. I am a street down from 4300 N so I am listening to it. I don't want any more traffic. If you have half-acre lots in there you have more traffic. That is all I have to say. Thank you.

Devere McKay: I live at 500 W 4220 N. I have to say that I am here to express my deep opposition to this zoning proposal change. I have to agree with the other people who expressed their concerns with the different things that are going to impact us in the

area. I would also like to add I have lived here over 45 years. I'm not a realtor so I am not interested in making money off of selling land. There is no compelling reason to change the land's zoning ordinance. It has been there a long time for a purpose. It is nice to have an agriculture designation when you don't want to pay extra taxes but there is no need to change that either. If you don't live on 500 W you have no idea the impact that traffic causes up here. We have been living up here with the problem of those heavy trucks coming down that road for years. The idea that keeps coming out of the council is that we are working on a solution on this thing. This solution has been working for years. This zoning change is only going cause more problems for everything up and especially for the people on 500 W. Unless you are here no one is concerned about it. But this something that will impact us tremendously in our way of living. I agree with these people that expressed their reasons that this is not a good idea and I am one of those that opposes any changes in the zoning. Thank you.

Carol Pont: I live at 395 W 4200 N. I moved here in 1975 from California. Are we buying water for some people here in Pleasant View now because we don't have enough culinary water? The second question I have is Pineview Water. I was fortunate enough not to know anybody when I moved here and so I called Pineview on why my water wasn't on. I had fertilized and I had threaten to sue them. I had Brother Larson come up and he walked over my property and told me what had happened when Wadman built Majestic Heights. Wadman went ahead and put in an extra water value for Pineview Water and nobody paid it and so they turned it off. I went around in my neighborhood letting people to know why they didn't have water and turned it on. That is just one problem. You have half-acre lots, are they going to use culinary water to water? Or are they going to use Pineview? If it is Pineview, who is going to pay for Pineview to put in another place to store the water and pump it up there? Or can they do that? The second thing. When Mr. Christofferson talked about the water rights, when we moved here we didn't realize that my husband's family lived here in 1850 and had the water rights to Alder Creek and others. I talked to Mac Wade who lived at the top of 900 W and they gave up those rights when they moved to Idaho. So we as people living here in Pleasant View are we going to end up having to pay. When I moved here I paid \$20 to \$25 for all my utilities which is now over \$80 for the same services that I was receiving in 1975. What is going to happen to all our utilities if they get these lots?

Chad Winward: I live one half block east of the nature park. I am grateful for that. I have walked that park hundreds of times since it has been built in daylight and at night time. My comment is from Mr. Sutton's comments on the light pollution. If you stood in the middle of that park on a moonless night you would know exactly what he is talking about. We made a lot of selling points on that park including the peace and tranquility, the preservation of the natural habitat, all the trees and shrubs there, and the wild life. Having walked that park so many time and especially the west boundary of it, there is a major egress and ingress for wildlife and I am wondering how much more can we block off the boundaries and hope to preserve the things that have made this park special? If we decide to put in higher density all along the west boundary, are we in effect making all the selling points of this park that they are no longer important? I hope you will consider that when you decide whether or not to allow this rezone. Thank you.

Catherine Graham: I live at 4530 N 900 W. I am just west of this property and just one property between me. We are not asking that the Christoffersons can't build on that

property. They can build like I can and put one home per 5 acres. That means that they can put basically five homes there on the way it is. Studies have been mentioned and I won't go into that. One of my concerns is that there are very few lots that have zoning that allows for agriculture. I have cattle. What is going to happen when we have people start complaining about cattle, the noises and the smell? You are putting these half acre lots with \$600K - \$700K homes over there by my cows and a bull and they can be quite noisy and smelly at times. They are there and that is my right too to have them there so changing this, not just downsizing the lot, is taking agriculture away. That is one of the reasons I moved here 29 years ago was to have that and preserve that for me and my family to have cattle or what I want to have up there and we are getting less and less land available for that. That is all I have to say along with what everyone else has already mentioned .

Craig Mock: I live adjacent from the fire station. I can testify that the traffic has increased drastically just from the road on 4300 N. I put up trees to try to mitigate the damages and I have noticed that the Farr's have also. If you live there you have a little more compassion on the type of traffic that goes on. There is something bigger going on. We are talking about nature, the hydrological and geological effects that we don't know anything about. I would like to ask the Christoffersons or their representative – are you willing to pay for all the engineering and any costs of mitigation to prevent any damage to Wadman Park? Will you go on record say that you are willing to pay for all those mitigation? Don Mendenhall: sure. The city requests all that from us. We want to know it. The whole city is in an alluvial fan. This is not the time to start the study. We are not doing a study if we don't get the rezone. That is the next step. Craig Mock: Pleasant View, are you will to pay for and to see some of the mitigation that has been happening with the road and the developments? I propose that those be tied into the cost of this study. Thank you.

Larry Jensen: I live at 4258 N 500 W. I moved here in 1974 it was a great place. Everything was happy. I wanted a place to have some land but eventually my job took me to California for thirty years but I kept my house. My wife and I made it back here and we are happy that we did. But now I am not very happy. What are you going to do about the increase in traffic? What about the roads? Already the road on 500 W is broken up from the trucks. One of my neighbors took a picture of that road and a couple of days later, I don't know if it was someone from the city, but they just looked at it and I made a smart comment that if those 34 homes go in there it is going to get a lot more cracks in the road. I don't know if the developer is going to make a change to this road with more cars a day. That is the first thing we have to look at if you decide to go ahead and have these home built because the traffic is unbelievable. I thought people in California drive fast but it seems like Utah people drive really fast and especially in Pleasant View. They come around the corner of 500 W, it says 25mph-30mph and some are doing 45mph & 50mph and even the trucks. I don't see too many police officers trying to get the people to slow down. It is very dangerous for me to go out in my front yard and work. The noise is horrendous. I think that is one of our biggest problems if you go ahead and pass this ordinance for more cars the roads. It is going to take a lot of improvements to get those taken care of. Thanks you.

Joann Russell: I understand that this meeting is to rezone the property for 35 homes possibly half-acres and possibly 5 acres. I haven't heard mentioned, secondary water? Have there been any application from the people who are wanting to develop this land if

secondary water is available? Do you know of any? Mayor Call: not at this stage of the development process. They would have to prove that if this goes through. Joann Russell: I think the whole thing is premature. I think that should be sent back and come up with a plan that includes secondary water and that includes the acreage that is in the Master Plan. I hope that you people that sit in power will do your homework because the people of Pleasant View deserves that. I thank you for doing that for us.

Adam Poll : I live at 4444 N 400 W. My property is adjacent to the property we are talking about. I have a couple of things. Number one: when we built our home here and before we even bought the property we looked at the General Plan. The Plan said that we would be up against an A-5. Our lot is over an acre. It would have been a different decision if it would have been half-acre lots. I also grew up in Mountain Green. My family is land rich and cash poor because we have never been allowed to do this same thing. Let's be real. It is about the money. That is what it always comes down to. We will get more money out of half-acre lots than 5 acre lots. That is the reality of things but is that what is better for the City? Is that better for the community? I don't think so. It is better keeping the Plan and have integrity in the Plan that was put in place. Thanks.

Deborah Price: I live at 4235 N 425 W. I lived there for about 1.5 years. I researched Pleasant View for years before I made the decision to move up here. One of the reasons I wanted to move up here was because of the integrity of the area because of the Wadman Park because of the easy access to the mountains because of the nature that I found here. I have a letter here that I would like to submit to you guys from my neighbor Della who has lived here for a very long time. I asked her to express her feelings in regards to the changes that have already taken place and how they have already impacted the area in a negative way and the changes that will impact us. I am a real estate agent for 25 years and when I put remarks and I say something that I deem it to be true and I make sure that it is true and I do my research. These two agents are telling us that it was a mistake that it was not intentional. If you put in your remarks that it is half-acre lots you better have done your homework to confirm that because you put it in writing and that is what they did before it was approved. They put it in writing that it was half-acre lots. Mr. Christofferson says that he is going to have impact on this land after it is sold. He will not. We would like to see them get their land sold if that is what they want to do but we would also like to keep the integrity of the area and stick to the Master Plan. For him to say that he will be able to keep track of the land after it is sold, I have been doing real state for 25 years, and you don't have any say once it is sold. The other gentleman that is on 5 acres, it is my understanding and he is talking about taxes and this is not affecting him. There are other ways to get taxes out of the area like another gentleman mentioned the 80% of land that is zoned for smaller lots. The other thing is I ask you to really do your research on what the impact is going to be because once it is changed it is done. Thank you.

Toby Mileski: I got a few thought but I believe we have water. There is a traffic issue but no one failed to mention what will happen when we connect 4300 N to North Ogden and 4300 down to Hwy 89 and how traffic is going to increase. The property is for sell. They could always get together and buy it and keep it however they want. I would like to go back to that map there and that water line. I believe there is a recorded easement. Is there Bill? Bill Cobabe: I far as I am aware. Yes. Toby Mileski: so I am remembering about 2013 or maybe 2012 or 2014 seeing that map and Mr.

Christoferson coming into the city council. I don't remember the agenda item or if it was just a discussion but I do remember that and I think Fred at the time, I maybe asked him why they were doing RE-20 there and it was because they put a water line down through the center of it. The question is, if the City can't find any documents or the Christoferrson don't have the exact document, my question to the City would be what financial payment was made for the purpose of that easement because that would certainly tell the tale if whether or not they are entitled to RE-20 or they are not. Also a good change that if that water line had not been put in for the benefit for Pleasant View a lot of these people who are living on some of these lots now would not have been able to develop. I think that was done in 1977 at the time of the construction of the water line is probably the reason that map exists today. I would like you to think about that. Have a good afternoon and you have a hard decision. Good luck with it.

Julie Farr: Mayor, I have an answer. Easement are made all the time that are mutually beneficial. This easement was beneficial to the Christofferson family. If you look in your packet of information they were given two water hook ups. And for land that is A-5 on 4300 N that was a very valuable exchange that the City worked out, they worked out with the Water Conservancy District, so to say that they did that and did not receive any compensation is false. Look in your packet for that document. Thank you.

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

Mayor Call: we are out of the public hearing. Are there any questions or comments from the council?

CM Francis: I have some comments. We have heard a lot from the public and I am so grateful, like the mayor said earlier, about everyone that is concerned about this and for coming out and making comments. I do have some concerns about changing something that, for 50 years, has been the standard. There is a reason why it has stayed the same for 50 years in my mind. Looking at the geological experts, looking at the hydrological experts, I also have concerns about the, yes we are in an alluvial plain, most of Pleasant View is, but I also think there is a concept of saturation and we need to be very careful as we grow the City. We need to look at the places that we want to have more density of homes and I don't think it is going to be at the top of our alluvial plain - that is my concern. That is one of the issues I have been dealing with in my head. It says here in FEMA that the risk of over development in alluvial plains is that the flood risk changes over time with density and I think that is the issue we are looking at here - is how dense do we want to make that hillside? And guarantees that the land is going to be taken care of. I agree with whoever said that once land is sold you can't guarantee it and once it is not in your power to guarantee. I don't know how you can guarantee that the flood plains won't be altered. So I error on the side of caution. That is my concerns.

CM Gibson: to be quite honest I have been the most conflicted with this decision than any others I have been involved with. As of last week, I knew this was coming and I tried to gather information as good as I could and from the staff report and I talked to several mayors and members of the planning commission on what they decided and what they thought. I am for the property owners, if I am going to build a garage in my back yard, Pleasant View is not going to tell me what I can't do with my property and I

have come to the conclusion that it is 5 acres for a reason I don't have the information at this time to make that zone change. It really comes down to zoning is a big thing in the City and our forefathers did zone this for the reasons that have been stated. I don't understand all of where we get the water. I talked to Tyson many times on how in the world could we have that much water pumping through our system and where in the world does it come from? I don't know that. I don't how we can get that much flow yearly? It is amazing to me. I know that it is of value and so many other things like the park. There are house on the east side of the park and I am not necessarily concerns with the park. Ken Francis: I am. CM Gibson: I am. There are deer there. I have deer in my back yard that I will give you and I live by the golf course. It is a tough thing and as a developer you want to have that. I just, at this point can't see changing the zone with the information we have. Hold the applause. It is good for one side but bad for the other side. One is losing and one is winning and that is where I am conflicted. I own a half-acre lot and I wish that I could have closed the door in Pleasant View when I move in 26 years ago. And some of you won't be here if I would have closed the doors. Some of you have been here 40 and 50 years and they wished they could have closed the doors. We need to have roof tops. Mr. Jones talks about the taxes. We get very little tax on property. Weber County, the School District get the major of the taxes. We need sales tax to help run our city. We need some things. In my opinion the zone is there for a reason and I don't have enough on the other side to tip it. Once it is changed the change is gone

Mayor Call: I will give the applicant another chance to talk.

Don Mendenhall: the only comments I have, we are not here to go back and forth and deny what experts say. We all want the same thing. I am excited about this development because I can actually see my family living up there on a half-acre lot and I can see Wadman Nature Park as an amenity that I would enjoy walking. What people don't understand is you talk about keeping it a 5 acres lots and that is not feasible for an owner to run a lot, run a road over a 1,000 feet. No one can do that and make a lot. They can't afford to do that and build a house. There comes a point where something we know growth happens everywhere. We want to retain those trees. Show me another land that that has those trees on there. That is because of the Christoffersons. This is some of the most desirable lots because of the people calling and asking for lots. We say there are still hurdles and we are still here we trying to figure this out together. We are all in agreement. We are not going to develop this if we don't have the water, if we don't have the pressure, if we don't have resolution to the things that they brought up. Tonight is the rezone and we have talked to the Christoffersons and they are going to have their name on this development. We are going record certain deed restrictions that will bless and benefit Pleasant View and any owner will have to abide by certain restrictions in order to live there. They won't be able to build a certain home. An interesting question posed to me is what do we have in writing? We have a temporary easement restriction. So I said, what does that mean? My understanding of the temporary easement is it specifically mentions the Christofferson's rights. I don't know if you read that last paragraph. This is one of the things that we have recorded. It says the easement will be in effect until the grantor or grantor estate or their heirs desire to develop or subdivide the grantors property consistent to the adjacent property to the east for housing demands of half acre or less. That wording is in the recorded easement that the City acknowledged in 2005 and it looks like it was recorded in 2006.

There are two things to take from that. First we are not saying to have to choose half-acres. What we are saying is the Christofferson are in control of that easement. They did it for the blessing of Pleasant View. Before any decisions are made, even if we need more time, I would recommend we table it and come back again after you get consultation with this because that is kind of important thing to understand what that temporary easement means. I want to ask what other questions you have that I could answer?

CM Hansen: one of the biggest concerns that I hear is if it is rezoned RE-20 and you do your surveys and you do your water diligence and you do everything else and it doesn't come to fruition then that property is open to whatever. I think that is kind of what the concerns are. It is like going out and buying tires but you haven't bought the car yet so you are kind of stuck right there to figure out which way to go.

Don Mendenhall: if you can't get the approvals from engineering water all this all comes back to you guys as the city council as the judicial body. You get to say, no I am not satisfied.

CM Francis: we, as a council, just recently said there will be no use of culinary water in the City of Pleasant View for the use of landscaping. That is a given.

Don Mendenhall: if that is the case it automatically vetoes any development up there and we are good with that.

CM Hansen: but does meet all the zone change? What it does is restrict liability at that point. If someone comes in and uses less water and puts in a harvesting facility those are concerns they have and we have.

Don Mendenhall: one of the things that I thought was interesting is the things that they mentioned that were available on an RE-20 zone are pretty much available on any of your residential zones, anything you can build a house on. You can't control an assisted living center from coming in. What we are saying, if it comes back, the city council is always in control. We are trying to say yes the zoning can sit there but if the city council never approves the use of water up in that area no one will ever build there. You have to have several things in place there. You need to have Pineview or North Ogden Irrigation for secondary. You have to have Pleasant View City all in agreement. It is not us making that judgement call as we progress, it is you guys.

CM Gibson: have you made any inquiries into Pineview? What did they say?

Don Mendenhall: we have actually had surprisingly good conversations with Pineview and so let me go back to my notes here. I talked to quite a few people. The whole goal on the rezone was not to get into this because there will be people that will say no they said this or yes they said that. This is not what we are here for but I will share with you what Pineview said to us. So first Pineview talked to us and sent us to North Ogden Irrigation and we bounced around and we went and talked to Charlotte and I have an email from Charlotte Dean and I talked to her for a while and I jumped around all over the place just to understand who even provided. I went to Bona Vista. I got a good education on water. The first question we even asked we didn't even want to bring it before you honestly without knowing this was even feasible. Is there water shares available from North Ogden Irrigation. We were able to talk and we found shares and that comforted us to at least bring it before you and know that we are not wasting our time.

CM Gibson: does North Ogden Irrigation service that area at all or is it all Pineview?

CM Urry: it is Pineview.

Don Mendenhall: North Ogden Irrigation sells to Pineview. So they actually transfer their water into Pineview reservoir. This was a really good education because I had no idea. I don't want you to jump and make decision if there is any doubt of mind .

Mayor Call: this is what would come much later in the process however you asked the question and did you get your answer.

CM Urry: interesting that you should bring that up if you look at our city ordinances all of this should be done at the time of zone application submittal. The engineering and all these things you are talking about. So before you actually bring it before the city council and the planning commission all those things should have been taken care of at the time of zone application.

Don Mendenhall: no way. That is hundreds and thousands of dollars.

CM Urry: I understand that. I am just going by what the Pleasant View City Ordinance actually states. With those concerns and the things of the unknown I echo a lot of the sentiments that were shared about the major concerns on the hillside and of the things that we really don't know of how the impact will happen to the residents of the City. I feel and it is my responsibility as member of the council to make decisions that would benefit the people who live here now. Not to offend or take away from anybody who are trying to develop their property that is not the job but I think the decision is what is in the best interest of the City as good policy.

Don Mendenhall: taking some time to dive in together even if that is with us we could get some answer to some questions. We want to see these studies in depth.

CM Francis: personally I don't think we need any more time. I have made a decision on this as a council member. I don't think it needs to be tabled personally. I am ready to take a vote.

Mayor Call: let me speak to that. I do think it needs to be tabled and I will tell you why. They raised a legal issue and I would like to get our attorney's opinion on it concerning the temporary easement agreement. While I'm sure you didn't mean it as a veal threat none the less it came across that way to me. I would like your attorney to talk to our attorney about that.

Bill Cobabe: Mayor, I am sorry to interrupt, it was pointed out to me, the City is named as a party in that but the City is not a signatory to that so it is not clear how binding that temporary easement is on the City because nowhere in the city or nowhere in the notes was the City in approval of or a party to it.

Mayor Call: I understand and I agree. However, like I said, we need some clarification from legal I believe. The council can go ahead and do whatever they wish here. They can take a vote now or they can table it. I don't get to vote. My recommendation is to reach out to our attorney to reach out to their attorney and see what this is.

Motion was made by CM Francis to reject the proposal of the planning commission on making this zoning change. 2nd by CM Urry.

Mayor Call: any further comments?

CM Gibson: I am with you Mayor. I want to make sure that we are above board with everything and I have not read that. I know that it has been discussed but I don't know. Bill what do you think?

Bill Cobabe: I am not an attorney. I am not sure how binding this agreement is on the City at all .

CM Gibson: I have talked to Tyson a little bit about our water lines that go through there. Is there a threat that they could cancel that easement? What is our legal standing with the water line?

Bill Cobabe: with regards to that I can speak to that. We have a prescriptive easement at the very least. This is a temporary easement that has been recorded against the property that for whatever reason the property owner would rescind that, we would still have a prescriptive easement based on use and right of access because at one point we have put the water line in and that has not be contested or fought for 49 years now so that easement will remain in place and should remain in place. Now in regards to the temporary easement that was recorded in 2006, again, I am not clear on what that binds the City to if anything. We were not a signatory party to that and nowhere does the mayor's signature appear here or a council vote. Apparently it was discussed in a city council meeting but the minutes were not clear as to there was no motion made it was just a discussion of.

CM Gibson: we do have an easement for the water line.

Bill Cobabe: it was granted by the property owners in favor of the city for the construction and access to the water line on the property .

CM Gibson: that is a benefit to any property owner to have a water line through their property. Is there any other zone other than five? What is the zone due west?

Bill Cobabe: it is A-5.

CM Francis: it is A-5 and it is my motion to reject the change from A-5.

CM Gibson: Mayor, what do you want to gain from the legal thing?

CM Hansen: the paragraph right before that actually contradicts the other one.

Marilyn Rees: excuse me, I got to say something because there was some questions about what happened. If I could speak in behalf of the Christoffersons it is very clear when they were approached by the City that they asked them to go get and bring in a water line across the Christofferson' s land. I can tell the story what happened is Robert Christofferson was concerned that if down the road they wanted to develop would this pipeline would be in the way. The City said we can do half-acre lots and they were told to go ahead and get with Great Basin and it printed up and the City ran the pipe right through the middle of 500 W because the where told they wanted to bring 500 W up so that that pipe matches that plat and that is exactly why they did that and put that line through their property the way they did is to match the plat so if you take that plat and walk the land every manhole is exactly where it is on that plat so they were advised by the city to go get a plat done first, go get all the engineering done which they did and the City agreed to run the pipe so that it would continue from 500 W up through their property so that is why the line is where it is. There is no reason in the world why the City would run the line the way they did if that plat had not been done .

Mayor Call: when was this line put in?

CM Urry: 1967. 1970.

Mayor Call: so why is the temporary easement dated 2005?

CM Urry: Laurie can address that.

Laurie Hellstrom: it was for a turnaround for Mt. Majestic Subdivision that they needed to get for their subdivision. It was between Mt. Majestic and the Christoffersons.

CM Urry: it is not an issue between the City and the property owner.

Mayor Call: this temporary easement has nothing to do with the water line.

CM Urry: no. It has nothing to do with the City.

Mayor Call: okay. I will call for the vote. CM Francis will you repeat the motion.

CM Francis: my motion is to reject the planning commission's recommendation to change the zoning. We will leave the zoning as is.

CM Urry: and I seconded that motion.

Voting aye: CM Francis, CM Gibson, CM Hansen and CM Urry. 4-0

5. Discussion and possible action on approving Change Order 4 (Reconciliation) for the Multi-Sports Complex Irrigation and Field Surface Project with Ormond Construction in the amount of \$-80,334.50 (This is a credit and will finalize the contract.) (Presenter Dana Shuler, with Jones and Associates)

Motion was made by CM Gibson to approve the Change Order 4 (Reconciliation) for the Multi-Sports Complex Irrigation and Field Surface Project with Ormond Construction in the amount of \$-80,334.50. 2nd by CM Francis. Voting aye: CM Francis, CM Gibson, CM Hansen and CM Urry. 4-0

6. Discussion and possible action to consider granting Final Acceptance for Harris Hills Phase 2 Subdivision and end the guarantee Period. (Presenter: Bill Cobabe)

Motion was made by CM Urry to grant final acceptance for Harris Hills Phase 2 Subdivision and end the guarantee Period. 2nd by CM Hansen. Voting aye: CM Francis, CM Gibson, CM Hansen and CM Urry. 4-0

7. Set a date and time for a city council work session.

Motion was made by CM Gibson to table this item. 2nd by CM Francis. Voting aye: CM Francis, CM Gibson, CM Hansen and CM Urry. 4-0

8. Closed Meeting.

No closed meeting.

9. Discussion and possible action from the closed meeting.

No closed meeting.

Other Business:

Ryon Hadley: June's statistics: 784 calls, 125 traffic citations, 3 custody arrests. We arrested two individuals in a stolen car with drugs tonight. The police is working with the FBI on a case from Los Angeles and property was seized in Pleasant View.

Mayor Call: I thank everyone. Founder's Day was a success.

CM Gibson: there are so many people involved in Founder's Day and a lot of pride that all come together. We should have let the flag go first in the parade.

Bill Cobabe: our staff is the best and professional people working for us. We met today with Randy Sant on our RDA area. More information to follow and a contract with him for service. We are tired of being held hostage by Farr West. Jay Palmer is retiring at the end of August. We are currently working to fill that position while Jay is still here. We will have a 1000 W street improvement discussion coming in the future.

CM Hansen: I would love to see stop signs on 3200 N. Ryon Hadley: that could be a location for a radar speed sign. I agree that the road should be striped.

CM Urry: I echo the Founder's Day success. Just a reminder about the Food Truck Giddy Up coming up.

Adjournment: 8:33 PM