

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

November 19, 2019

The public meeting was held in the city office at 520 West Elberta Dr. in Pleasant View, Utah, commencing at 5:00 P.M.

MAYOR: Leonard Call (*absent*)

COUNCILMEMBERS: Jerry Burns
Ken Francis
Steve Gibson
Boyd Hansen
Sara Urry

STAFF: Laurie Hellstrom Bill Cobabe
Ryon Hadley Jill Hunt
Heather Gale Debbie Minert

VISITORS: Ann Arrington Dave Marriott
Carson Jones Bruce Jones
Lewis Weaver

Pledge of Allegiance: Bill Cobabe

Opening Prayer, Reading or Expression of Thought: Jerry Burns

Business:

1. Canvas the Municipal Election. (*Presenter Laurie Hellstrom*)

Laurie Hellstrom presented the canvas material and memo.

Motion was made by CM Hansen to declare nominated Ann Arrington, Sara B. Urry, David Marriott for the four-year city council seats and Kevin Bailey for the two-year city council seat. 2nd by CM Francis. Voting aye: CM Burns, CM Francis, CM Gibson, CM Hansen and CM Urry. 5-0

2. Discussion and possible action to grant final plat approval of the Heart of Pole Patch Phase 2, adding 8 additional lots in the Heart of Pole Patch subdivision, located at approximately 250 W 4450 N. Requester; Carson Jones. (*Presenter: Bill Cobabe*)

CM Burns: we hope to learn something about this application. Bill Cobabe: the information is in your staff report. This is highly unusual that staff finds themselves in. We don't like to have reports before you until they are complete and we feel confident in the quality of the submittal. We are recommending denial for the proposed application and there is no official application in our office at this current time. You see the salient points in the memo. It is sufficient to say we have no application and we have been working with the developer to meet the requirements. We are not at a point where staff feels comfortable to recommend approval of this so we are recommending denial as it currently stands. CM Burns: it was put on the agenda at a late moment because of the

recommendation of two city councilmembers. In doing so the purpose was not to create a precedent for applications. We appreciate the good work our staffs does. Our hope this evening is to make sure the applicant knew what we were expecting of him and that felt that we have dealt fair with him. CM Urry: with what Bill Cobabe has said and in talking with staff there is no application submitted so frankly there is no need to discuss this. Things have not been met. Ample time has been provided. Just meet the requirements of the code and then submit it and then we can approve based on the requirements being met. CM Francis: I agree. There is no application. We shouldn't discuss it and to not set a precedent. CM Urry: it is essential that the applicant understands what is required. Bill Cobabe: the preliminary plat was approved in March of this year so the developer had since that time to present an application for final plat to the city. We have been looking over preliminary final, just an odd term, just in anticipation of receiving an application. We have been spending our time and using resources to look over the proposed subdivision. There is not a lot of wiggle room for staff or the city council in these kinds of decisions. They either meet the parameters or not. If they meet the parameters they 'shall' be approved and on the other hand if a developer has not or can't meet the requirements of the code then it should be denied. This is unusual that we don't even have an application yet. We have been reviewing preliminary to a final plat because that is the next stage in the development process, final plat submission. CM Urry: the requirements for final plat have not been met? Bill Cobabe: correct. CM Gibson: is this handout from Jill Hunt? Bill Cobabe: yes. CM Gibson: regarding the comment on #1 'I just found out about this today...' and #3 'I just found out about his today...'. CM Urry: that was from Jim Flint his engineer. CM Gibson: what does that mean? Bill Cobabe: it's a little bit disingenuous for a developer to say that they just found out about something or there are certain requirements. CM Urry: it is Jim Flint's (Carson's engineer) questions with responses to them from Jill Hunt. Bill Cobabe: Jill's comments to the engineering is not a mystery to anybody. They are in the code and she cited them. The developer has done business in the city before. This is not new to anybody. CM Gibson: what is the application? A paper with attachments or packet? Do they keep handing in information until the packet is complete? Bill Cobabe: correct. CM Gibson: several years ago I asked staff to put together a check list for building a garage or etc. and I know a subdivision is a bigger task than building a garage. Is there a check list? Bill Cobabe: the short answerer, yes. There is a check list and it is attached to the application as they go out. I push back a little bit about check lists because sometimes developers feel that they did the check list and they don't have to check the code. The code is really the arbiter of what is required in our subdivision process. CM Gibson: there should be some kind of list. Bill Cobabe: you are right there is a list they need. CM Gibson: so what is missing? Bill Cobabe: final application and fees. There are five different things but these are significant things that need to be turned in. The application is number one on the list. CM Gibson: did he just find out about this? Is it our fault or is it Carson's fault - probably or their engineer's fault for not knowing these things? Bill Cobabe: I am not aware of a subdivision that goes in that doesn't at least require an application, fees paid and an escrow agreement for final plat. That is just across the board. Every city requires it. It is in state code as well as our code. CM Francis: I just want to reiterate that the application is incomplete and staff is not recommending approval and it is wise to follow staff's recommendation. Carson Jones: I like to thanks the council for offering this chance of a discussion tonight

along with staff. I know that this is not normal or how we do things in the city or any city. This discussion is a little more than meets the eye from the landowner and developer perspective than the perspective of staff is. My first comment is the preliminary plat that was submitted in February of this year. From February of this year to now we have been working on this and that comes from all sort of different reasons but the fact is it is difficult and it is cumbersome and it is hard to get these things through but in reality that is not when it started. Our original plat was August of 2013. So we have been working on this project over six years. And we have two lots developed. And that hasn't been a lack of effort on the developer's part. It hasn't been a stagnations on the city's part but there is a mix that I think that we should try to work with as a city so it is not so cut and dry and bound by ordinances that are important to a point but if that is so important that it stops the city from doing business then that is a problem. I want to go over the bullet points and the reasons for denial. I'll hit the five bullet points and make this fast. #1 the final application: it is my firm belief that we have filed this already. I can't find record of it. I asked staff if we needed to file this a number of weeks ago and I found out about this yesterday that this hasn't been filed yet. I have the application in the truck. I have the check in the truck. And I can't hand it in because I need the application signed by the property owner. We don't have an application right now. The property owner is in Colorado and I can't get the affidavit signed. It tried to hand it in yesterday, and admittedly, Bill did what he needed to do and tell me he couldn't accept it and I appreciate that. #2 the escrow agreement: it says that the city doesn't accept a letter of credit. In my experience we do quite a bit of work in the city. We have always had a project moving forward in Pleasant View for the last 60 years almost, 50 years anyways. We have been active participants in the the city for 50 years. We have Harris Hills 1 & 2 & 3 that is on a letter of credit guarantee, so to state that we don't have letter of credit guarantee is factually inaccurate. Jim's comment is true. We do them in Pleasant View in North Ogden, in Weber County, in Syracuse, it is standard business. #4 the off-site easement is something we will record with the plat, so we don't require the plat to have signatures on it before we come for approval but part of recording is getting the plat signed. In my opinion that is what #4 is. The easement and plat should record together. #5 we already have the Central Weber Sewer Improvement. So the only thing we are missing is the application which I have in my truck but no way to get it until the landowner gets back. I want to point out that in the last eight years we have done six projects in Pleasant View and three of them had to be instigated by legal action. So in my opinion we need to made this a little more amenable and give staff the tools they need so they don't have to be constrained by very boxed in set of ordinances that may or may not make sense at the time. Hope we can see the importance of this if you own land in Pleasant View too bad because it is just too hard and it is too expensive, too long and too cumbersome. CM Hansen: what is the time frame for her, Ann Dodgson, property owner to get back in town? Carson Jones: a week. She goes there for a week here for a week. CM Urry: what else needs to be done? Bill Cobabe: let me say I am grateful for Carson for pointing out that we work under a system of constraints also known as the code and we as staff apply the code as written. The things that are outstanding come from the code itself. I can't speak to what happened in the past with letters of credit or escrows all I know is that the code specifically requires an escrow. It is 115% required in the code and the state code actually requires 110% and that is our standard which state code supersede our code but still requires an escrow and an

escrow agreement. There are a number of other things. I know that Lorin has approved the plans for construction. A few other outstanding items including this utility easement that needs to be dedicated. We have the language for that it just needs to be signed by the property owner. CM Hansen: the worst things we need are an application with signature and escrow. The easement could be later. Bill Cobabe: we also need the fees. CM Urry: is there the adequate facilities? Bill Cobabe: that has been taken care of. The last thing, the will serve letter. I have seen an email that it is their intention to issue but it needs to be official and in writing on letter head. Again this is all tied to an application that we don't have yet. CM Gibson: Carson, I sense urgency here. Our next meeting is December 10th. Is there a problem getting everything done by then? Carson Jones: it is an issue with money and the problem we are having right now is the land owner needs money. We have a vehicle to make that happen tonight but actually we extended it down a couple of days because this wasn't ready. Money and getting money to cover their needs to the 10th and don't think we will. CM Urry: you don't think you will have this done by the 10th? Carson Jones: no we need a signature. CM Gibson: if she is really hard for money, Colorado is not that far away. CM Francis: without a signature the application is incomplete. CM Burns: we appreciate your comments Carson. In this meeting we cannot discuss the changing of our ordinance. I appreciate the Jones Family and the excellent work you have done in Pleasant View for generations. The other side of that you have been in Pleasant View long enough to know what the expectations are. It is not a surprise and it is not the first time you have gone down this road. We would be glad to approve just as soon as it is complete.

Motion was made by CM Francis to accept the recommendation of staff and deny final plat as stated and until further time there is an application. 2nd by CM Urry.

Discussion. CM Hansen: because we are not meeting again we shouldn't be holding someone up but the same token without a signature our hands are tied. Bill Cobabe: we could consider a special meeting when it is complete. We are heading into a holiday season and hate to mention it. We are not ready tonight.

Voting aye: CM Hansen, CM Francis, CM Urry, CM Burns. Voting nay: CM Gibson.
4-1.

Adjournment: 5:36 P.M.