

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

June 23, 2020

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

MAYOR: Leonard Call **Attendance method:** (via Zoom and office)

COUNCILMEMBERS:
Ann Arrington (via Zoom)
Kevin Bailey (via Zoom and office)
Steve Gibson (via Zoom)
David Marriott (via Zoom)
Sara Urry (via Zoom)

STAFF:
Bill Cobabe (via Zoom and office)
Tyson Jackson (via Zoom)
Laurie Hellstrom (via Zoom and office)
Ryon Hadley (via Zoom and office)
Heather Gale (via Zoom)
Jill Hunt (via Zoom)

VISITORS:
Leshia Spencer (via Zoom)
Dana Shuler (via Zoom)
Kandis Bennion (via Zoom)
Nik Bennion (via Zoom)

Pledge of Allegiance: Ann Arrington

Opening Prayer, Reading or Expression of Thought: Ann Arrington

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 Bailey to accept the consent items (Minutes of June 9, 2020 as corrected). 2nd by CM Arrington. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

Business:

1. Public Hearing – Discussion and possible action to consider a zone change from A-2 (agriculture) to RE-15 (residential) at approximately 3479 N 1000 W, parcel 17-062-0047. (Presenter: Jill Hunt)

Motion was made by CM Bailey to go into a public hearing to consider a zone change from A-2 (agriculture) to RE-15 (residential) at approximately 3479 N 1000 W, parcel 17-062-0047. 2nd by CM Urry. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

Jill Hunt: showed the area. We had a public hearing on the larger piece but we need to notice the smaller piece. It is currently A-2. The General Plan calls for 2/3 lots per acre which equals the RE-15/RE-20 zones. They are asking for an RE-15 zone. Jill Hunt showed an updated concept plan of the area. We will work with the city group and look at it closer during the subdivision process. We are only considering the rezone request. Mayor Call: are there any comments from the public? Bill Cobabe: there are no comments.

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

Motion was made by CM Urry to rezone the property (at approximately 3479 N 1000 W, parcel 17-062-0047) from A-2 (agriculture) to RE-15 (residential), Ordinance 2020-7. 2nd by CM Arrington. Roll call vote. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

2. Discussion and possible action to consider a request from Kandis Bennion to waive the ‘All Commercial Development – Accounts Receivable Deposit fro Site Plan/Conditional Uses in the amount of \$1,000 for a conditional use permit at 879 W Pleasant View Drive for a tumbling/preschool business. (Requester: Kandis Bennion)

Nick and Kandis Bennion requested fees to be waived. Nick Bennion explained his experience with the process of getting a business going at the Straw Market. The city council discussed the fees, actual cost and processes.

Motion was made by CM Gibson to waive the fees with the exception of the business license and as long as the fire department has deemed it appropriate for children to enter and be in in the building with the safety requirements fire extinguishers and all those different things that I'm sure the fire department has set for that. 2nd by CM Urry.

Discussion on the motion. CM Urry: I just like to ask staff to get together somehow make communicate better and streamline the process and less confusing so everybody is on the same page. CM Marriott: clarification on the motion. Are you waiving the fees of \$1,450? CM Gibson: I'm requiring that they have a business license with the appropriate safety things. I'm sure the fire marshal has already done that and have a certificate. I think we need to have a business license and inspection from the fire marshal. That is what the Bennion's need as far as I'm concerned. Laurie Hellstrom: are you waiving them to not go to planning commission for the proper conditional use process? CM Gibson: I don't think we need to go to planning commission for this particular thing. There are certain things that I believe the conditional use permit is appropriate for. I think if it wasn't built for that particular thing then that is appropriate thing to have in our check and balances. Mayor Call: I would make a suggestion to the motion based on the discussion and suggest that we go ahead and grant them temporary occupancy for the business while we reach out to our legal and see what we

can actually do and if not we'll send it through conditional use process but we'll absorb the fees. CM Gibson: I agree.

Motion was made by CM Gibson to amend my motion to have that part of that. 2nd by CM Urry.

Discussion. CM Marriott: what would happen in planning commission meeting? What are we going to have the attorney look at? See if we need a condition use? I don't want more work than is necessary. Mayor Call: submit the application and not collect the fee under that motion. Does that process end with the planning commission or city council? Jill Hunt: planning commission. CM Gibson: if we have to put it in the standard examiner for public hearing who pays? CM Bailey: I would like to see the cost first. CM Gibson: I don't Pleasant View residents pay for their fees. But do we have to pay for them? Bill Cobabe: we have to do it. CM Gibson: I say we don't need a conditional use and the residents don't have to pay for it. Jill Hunt: the \$200 is the noticing fee.

Motion was made by CM Gibson to waive the \$1,000 fee and look at the publishing fees of \$200 to \$400, they may need to be paid, and pay the \$40 business license fee and check with legal and see if it needs to be paid.

Bill Cobabe: we've already spent several hours on this as staff and we will continue to spend time on this in preparing a staff report for the planning commission. There is no question that it will go through. That's not a question. It just has to go through the particular hoops. If you guys want to change the code to allow for this kind of use (preschool or whatever) to go through as a permitted use in the future that's fine we can we can look at making that text change. That would require public hearings both at the planning commission and at the city council levels to change that but it is currently a conditional use and that's where we have to go with it.

Motion was made by CM Bailey that we waive the \$1,250 and have the Bennion's pay the \$200 fee plus their business license. 2nd by CM Arrington.

CM Arrington: I would like to have the conditional use code addressed in the next meeting whenever we can look at amending it.

CM Gibson: let my motion die. CM Urry: I'm okay with that.

Vote: Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

Mayor Call: we have laws of the state that are put on us and then we have our own laws and we kind of have to follow. The \$1,250 is kind of discretionary. I agree with CM Gibson we don't want the citizens Pleasant View bearing the burden of someone else's fees. I think we can learn from the process and we appreciate your attitude through this.

3. Discussion and possible action to consider awarding the Multi-Sports Complex Deceleration Lane Project bid to Staker Parson in the amount of \$134,899.25. (Presenter: Dana Shuler)

Dana Shuler: this is for a partial deceleration lane. We are stopping it a little short of the future road but all the lengths are based on where the future road intersection will be so this is a shortened version. We have four bidders and Staker Parson had the low bid at \$134,899.25. They're actually doing the street maintenance job right now so they will already be working in town. Our estimate came in at about \$110,000 and then we had to do some storm drain work in order to accommodate the new grading and the future parking lot and that was an additional like \$25 000. The funds will come from the storm

drain fund and the complex fund. We feel like we came in within budget and recommend award to Staker Parson. Mayor Call: we were granted a shorter lane by UDOT and it is due to expire and it needs to be done. We don't want this to go sky high because it expired.

Motion was made by CM Gibson to approve the award to Staker Parson for the Multi-Sports Complex Deceleration Land Project for \$134,899.25 as stated by Dana Shuler. 2nd by CM Bailey. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

4. Discussion and possible action to consider amending the Consolidated Fee Schedule for Central Weber Sewer Improvement District's impact fees, Resolution 2020-I. (Presenter: Laurie Hellstrom)

Motion was made by CM Gibson to amend the Consolidated Fee Schedule for Central Weber Sewer Improvement District's impact fees, Resolution 2020-I. 2nd by CM Arrington. Roll call vote. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

5. Discussion and possible action to create a formal audit committee. (Presenter: Laurie Hellstrom & Heather Gale)

Mayor Call: Laurie Hellstrom and Heather Gale are our presenters. Laurie Hellstrom: this is part of the Fraud-Risk-Assessment. Part of it was to create an audit committee. Heather Gale, Mayor Call, Bill Cobabe and I met last week to go over all the fraud assessment steps. In that process we determined that we should create an audit committee and create a charter. We're going to follow that charter for this year and we can keep reevaluating the charter as each year comes. This will be year number one. The first thing we'll be doing as a committee is meeting with our independent auditors to start the audit process. Mayor Call: one thing that came out of our meeting was the fraud hotline. One solution for the fraud hotline would be to use the state's hotline. I don't mind doing that. They'll just turn it back over to us as an audit committee. We need to have an audit committee in place in order for us to address and oversee fraud hotline complaints and investigate. I have a lot of experience with audit committees and have been on one for 15 years before I retired. They're really pretty simple. Anything that gets too complex or we find something that's very serious we can ask the state auditor's office to come in and investigate or we can actually go out and hire a CPA firm. CM Gibson: are the members of the committee administratively assigned. Mayor Call: yes. Are the committee members ok? Those were my suggestions. CM Gibson: I agree with the members you have there but is there any benefit to having somebody on the committee that's not part of the city? Somebody independent and not tied to everything? Mayor Call: we did have at the county, on the audit committee I served on, an outside CPA that was brought in. To be perfectly honest it really didn't do much or add. Anything we found we had it investigated by another CPA firm so there wasn't a conflict with him. CM Gibson: I just want to keep things open and honest as we can. I don't want to hire a CPA but someone that doesn't have a tie to the city, employed or elected. CM Marriott: I agree with CM Gibson but maybe a Pleasant View residents or someone else. We shouldn't be auditing our own stuff but have a little more third party. Mayor Call: the committee meets once a year unless there are any complaints or any concerns that we've identified. It's hard when you don't have an internal auditor. The audit committee will

investigate; however, it has to be reported to the government body. It's not something we just investigate administratively. I have a person in mind. I'll reach out to him. He's a CPA and a professor at Weber State. He has his doctorate and he teaches auditing and is a resident. His name is Jeff Davis. He does the fire station right now. CM Urry: I'd highly recommend Jeff for that. He would be great. Mayor Call: I will reach out to him as a volunteer.

Motion was made by CM Gibson to create a formal audit committee with member to include an independent Pleasant View resident. 2nd by CM Bailey. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

6. Presentation of the Fraud Risk Assessment for Pleasant View 2020.

(Presenter: Laurie Hellstrom & Heather Gale)

Laurie Hellstrom: this is a presentation. This is kind of a long. There are a lot of pages to this presentation. Basically this comes from the state auditor. They want the governing board members to be more interested in what we're doing as far as fraud detection and prevention so they have this questionnaire. We've gone through this questionnaire when we met with Bill Cobabe, Mayor Call, Heather Gale and I. We assessed ourselves and gave us the points. Attached are the policies that they're asking for. Some of them we have recently addressed like a Conflict of Interest and some of them are just in our ordinances like purchasing policy and others we've proved up on like Heather Gale completed at least 40 hours of training and I have my Bachelors. We've created a fraud hotline and a lot of things we're just formalizing. This is not really going to be audited but the auditors will make sure that we have presented it to you and then the state auditors will evaluate them once all the cities do these and they may come out and do an audit themselves to see how everybody has assessed themselves and if we are catching on to what they're trying to get everybody to do. So this is year one for all of us and all the cities around and special districts. Everything has been completed almost but there are just a few things. We've just added a formal audit committee so we can add another 20 points and the training is almost done. That will put us in the 'very low risk' for fraud according to them. Mayor Call: any questions about this? I know there's a lot of information. Read through it if you haven't already. It's a new law and a lot of the stuff attached is the policies and procedures and things we have in place. Did they ask for all attachments? Laurie Hellstrom: no. Just this questionnaire will be sent to them. Mayor Call: so like Laurie Hellstrom said we're in the very low risk. We actually scored very well. The only two areas are: we don't have a CPA as part of the management team and we don't have an internal audit function. It is very costly to have an internal audit function so we opted to go with a formal audit committee which at least gives us 20 out of the 40 points in that area but still it is enough to put us in the very low category it's almost perfect - actually pretty good. Thank you for all the work. It's kind of a pain. It's one of those things that I just scratched my head when they passed it. It's like they are really going to make everybody jump through all these hoops because quite frankly there are some small special districts that are run by one person. You know they're probably very high for fraud. Not that they're committing fraud, it's just that the fraud risk assessment would be very high. Everybody's got this shotgun approach that is typical for government. Are there any questions? Bill Cobabe: I just want to say for the record that this is in very large part due to the efforts of Laurie Hellstrom and Heather Gale to make sure that all

of our records keeping is up to date and according to standards and requirements and have attended trainings and are up to speed on all of that stuff and for bringing it back to make sure that the city is run properly. This was not a stretch for any of us to reach any of these requirements and the one requirement that we didn't get is kind of a ridiculous where they make you hire a CPA. I think that there should be a provision for cities under a certain population but they surely didn't ask me. I just want to say our staff is just really second to none when it comes to all of these things. I'm proud of them and the citizens of our city are well served by all of their efforts. Mayor Call: Absolutely.

7. Discussion and possible action to consider a division of land according to Utah Code Annotated §10-9a-103(65)(c)(v) for CSM/Regency located at approximately 2700 N 1400 W. (Presenter: Bill Cobabe).

Bill Cobabe: this is the Brill property on 2700 N. The city needs this property for the Rulon White Extension. They approached the city to do this division. This is being done by recording and follows the state statute. They are splitting it into two parcels for Regency and one parcel for Brill. Previously we worked with CSM and that was frustrating. Regency is local and easier to work with. CM Gibson: is the road area on Regency's parcel? Bill Cobabe: yes. Regency understands the road needs to be dedicated to the city. Mayor Call: we will have WACOG funds for this and we will be able to receive it in six months. CM Marriott: what are we approving? Bill Cobabe: the division of land.

Motion was made by CM Gibson to approve the division of land according to Utah Code Annotated §10-9a-103(65)(c)(v) for CSM/Regency located at approximately 2700 N 1400 W. 2nd by CM Marriott. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

CM Gibson: this is a huge benefit to us. Will we renew the expiring RDA? Bill Cobabe: it takes more than the city's action to renew.

8. Discussion and possible action to consider an Interlocal Agreement between Weber County and Pleasant View to administer the CARES Act Funding. (Presenter: Bill Cobabe)

Bill Cobabe: the presentation is in your packets. This is a work in progress. This is federal legislation to help care for the outfall from the Covid. Weber County sets the criteria. Mayor Call: the money not used will go back to the federal government.

Motion was made by CM Arrington to enter into an Interlocal Agreement with Weber County to administer the CARES Act Funding. 2nd by CM Bailey. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

9. Closed Meeting.

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

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

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

Motion was made by CM Bailey to go into the closed meeting to discuss the character and professional competence of an individual. 2nd by CM Arrington. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott & CM Urry. 5-0

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

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

10. Discussion and possible action from the closed meeting.

No actions from closed meetings.

Other Business:

Ryon Hadley: we have received great local support for our police. At the Chevron a car hit a person on a lawn mower and broke his back. The driver of the car was 5 1/2 times over the legal limit and she will be seriously charged but was released to a family member. There was also a seven year old in the car. The parking problem on 2550 N is receiving notices. There were 10 auto burglaries in one night. It is also happening in North Ogden and Harrisville. They break the windows and are looking for keys to steal the cars. This is happening between 4:00 and 5:00 in the morning. In May there were 721 calls, 60 citations, & 5 arrests. We are staying busy.

Tyson Jackson: the Serenity Subdivision's sewer manhole project will happen tomorrow to remove the sewer from back yards. The city council tour went well. We are working on the Iworq's tracking system. We are at the 30/40 year old meters change outs.

Bill Cobabe: there are some city website concerns with postings from the Heritage Committee on getting items approved. They are being sent to CM Marriott and they feel that is taking too long. Mayor Call: we have a process in place and it needs eyes on it. Heather Galle: they want it on the website immediately because of Founders Day. Bill Cobabe: the Covid numbers are increasing. This is Founder's Day weekend – Be careful.

CM Arrington: thank for the water tour. I got a lot of positive feedback on having something for Founder's Day. There is a lot of chatter about the car lot.

CM Urry: online use car lot language is coming. The planning department has a lot of zoning requests including the Christofferson's property where nothing has changed. Please do your homework. Founder's Day goose chase was fun. Follow the Flag for the veterans is Friday night. The fireworks sound track is ready. The fireworks will be bigger than in years past.

CM Marriott: thank you Tyson for the field trip. Is there a UDOT liaison for our city? I am not ready to share but I have some development ideas. Dana Shuler: it depends on what we are doing. Mayor Call: they are very specialized.

CM Gibson: we were told there could be a maximum 50 families at the movie in the park but I told Allison Christensen if more show up don't say no to them as long as they keep social distancing. I told a Dole Whip food truck to come.

Heather Gale: I need any newsletter items by this Friday.

Jill Hunt: the planning commission has a text change, Deer Crest # 5 and Hadley's, Christofferson's and B. Bailey's rezone and an AAA.

Adjournment: 8:40 P.M.