

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

August 13, 2019

The public meeting was held in the city office at 520 West Elberta Dr. in Pleasant View, Utah, commencing at 5:05 P.M.

MAYOR: Leonard Call

COUNCILMEMBERS: Jerry Burns
Ken Francis (*absent*)
Steve Gibson
Boyd Hansen
Sara Urry

STAFF: Laurie Hellstrom Bill Cobabe
Tyson Jackson Ryon Hadley

VISITORS: Dana Shuler Alan Ferrin
Joe Chambers Kent Butters
Wynn Phillips Brett Cragun
John Hendrickson Donald Wells
Conrad Ferrin Philip Coy
Tony Pitman George Bateman
Mac McKay Dave Marriott
Ann Arrington Larry Jensen
CR Christopher Chuck Leonhardt
Julie Farr Brent Bailey
Aaron Erickson Gordon Hyer
LeAnn Hyer Tom Mendenhall
Kris Mendenhall Ernest Nylander
Carole Nylander L Bonderson
Russell George

Declaration of Conflicts of Interest:

None were given.

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

John Hendrickson (507 W 3900 N). We live on a corner with all the trucks going by in the middle of the night. We took it upon ourselves and called UDOT and not seen any trucks after that. We have not seen any police. Why not enforce law? You need to do a better job on the city's website.

Tony Pitman: thank you for a quick and good job fixing the water break at the church on Sunday. As a Stake we thank you.

Consent:

Motion was made by CM Gibson to accept the consent items (minutes of July 9, 2019 and the bills of Pleasant View City). 2nd by CM Burns. Voting aye: CM Burns, CM Gibson, CM Hansen and CM Urry. 4-0

Business:

1. Workshop:

a. Discuss the 1000 West Street Improvement Project

b. Discuss the Multi-Sports Complex Parking Lot Project. (Presenter: Dana Shuler with Jones and Associates)

1a. Bill Cobabe: we had some interest from folks on 1000 W looking for a little help from the city on working on their street along with drainage issues and edge of road work. Staff did a quick concept. Mayor Call: when this was first presented to me and I saw the \$346K. I asked questions. It is not in the budget. What about all the other areas? Do we have a plan and the answer is no. We need a plan and a funding plan. The council along with Don Well, Conrad Ferrin Brett Cragun discussed the problems in the area at their homes. After discussion it was decided to have a workshop on this and come up with a plan.

1b. Dana Shuler reviewed the handout on the parking lot surface costs. We are moving the temporary driveway to the north and in part eliminate some UDOT's concerns and we only have to build 2/3rd of a deceleration lane. The surface alternates are concrete or asphalt millings. We are still working with UDOT for a permit for this temporary driveway. We need to decide on the surface. CM Gibson: I don't want to do anything right now. I have parked on gravel/dirt. Mayor Call: we need to prioritize. We need the deceleration permit. Dana Shuler: if we get one contractor we get a better cost. Bill Cobabe: we can't leave it as is and where it is at because of safety concerns. UDOT requires a deceleration lane. CM Gibson: phase it as we can afford it. We can use the tailing even though they are dirty. Mayor Call: we will get back with staff with a plan and phasing.

2. Discussion and possible action on approving street light description with intent to issue Request for Proposals. (Presenter: Bill Cobabe)

Bill Cobabe: a street light description was put together of what we want without pictures because of different vendors. It is in compliance with dark sky. The life span is about 20 years to 50 years. We see a savings at 25 years. Dana Shuler: there is a big savings in O&M. We are just selecting what we want now. Lighting will be approximately every 400' spacing. CM Gibson: we are lacking in lighting in the city. What is the cost? Mayor Call: we are just approving the standard tonight.

Motion was made by CM Hansen to approve the street light description with intent to issue Request for Proposals. 2nd by CM Gibson. Voting aye: CM Burns, CM Gibson, CM Hansen and CM Urry. 4-0

3. Discussion and possible action on approving Change Order 3 for the Multi-Sports Complex Restroom Project with Toro Construction in the amount of \$1,627.16. (Presenter: Dana Shuler with Jones and Associates)

Dana Shuler: this final out the restroom project. The change is for misc. items.

Motion was made by CM Burns to approve Change Order 3 for the Multi-Sports Complex Restroom Project with Toro Construction in the amount of \$1,627.16. 2nd by CM Gibson. Voting aye: CM Burns, CM Gibson, CM Hansen and CM Urry. 4-0

4. Discussion and possible action on approving surplusting of Parcel No. 190870011 (now-abandoned Evergreen Detention Pond property, 0.60 acres). (Presenter: Bill Cobabe)

Motion was made by CM Hansen to table discussion and possible action on approving surplusting of Parcel No. 190870011 (now-abandoned Evergreen Detention Pond property, 0.60 acres).. 2nd by CM Urry. Voting aye: CM Burns, CM Gibson, CM Hansen and CM Urry. 4-0

5. Discussion and possible action to granting an exemption to the Home Occupation conditions to allow a person other than a bona fide residents of the premises to operate a residential energy rating and consulting business at 523 W 4300 N. (Requester: Gordon Hyer)

Motion was made by CM Hansen to approve an exemption to the Home Occupation conditions to allow a person other than a bona fide residents of the premises to operate a residential energy rating and consulting business at 523 W 4300 N. 2nd by CM Burns. Voting aye: CM Burns, CM Gibson, CM Hansen and CM Urry. 4-0

6. Discussion and possible action to consider a conditional use permit application for temporary extended operations for Towers Sand and Gravel, LLC – Butters. (Presenter: Bill Cobabe)

Bill Cobabe: this is the lengthy staff report. I wanted to make sure you had the idea of conversations that went on. I got a text message from Ryon Hadley, our Police Chief, a couple of weeks ago asking about trucks running at night. That was the first time I heard that there were going to be trucks traveling through our neighborhoods after hours. Our code allows for regular hours from 6am to 6pm, Monday thru Saturday with reduced time frame on Saturday. There is no allowance for running after hours except in the case of a short-term contractual obligation or a short need to run after hours. So there is a prevision for after hours. When the Chief alerted me, I thought it must be a fluke, and thought for sure that they would have let the city know if it was a long-term commitment or obligation. The next morning the Mayor was in my office and I got a phone call from Mr. Chambers, legal counsel for Towers Sand and Gravel. He let us know that they had a contract with UDOT to provide gravel and sand and other products to a job site in Layton and this obligation was to be ongoing in the overnight hours potentially for the next two years off and on. This was a surprise to me. Mr. Chambers asked why our police officers where pulling over the gravel trucks for running late. We were not issuing citations. The contract is an oral contract as stated by Mr. Chambers which is as binding in Utah as a written contract. This conditional use permit (C.U.P.) is interested because it is for a job that doesn't exist anymore. The next item on the agenda is to codes regarding haul routes and gravel trucks in our neighborhoods. The code being what it is requires C.U.P. and one was never sought by the applicant or the owners of the business. That is where it stands right now. The we didn't charge a fee to the applicant for this application. All the communication between

staff and applicant is in the staff report. The applicant is here and has legal counsel with him.

Mayor Call: let me ask a couple of questions and get some clarification. One, concerned with the wording of C.U.P. for this. I understand the intent for this in the ordinance and I am not sure that was the best terminology to use. Let me clarify that. As I have studied that I believe the intent that it was put into the ordinance was to allow the city to work with the gravel pit to identify and address anything that was outside the normal operating parameters. So when they have a project such as this one no one is surprised by it. Frankly we were surprised by it. The citizens were surprised by it. If we are going to have this in our community. This is not my first gravel pit meeting. I have been to one in 2000, 2001, 2002 2003 and every year I was on the council. It has been an ongoing thing and it will be an ongoing thing even after we get the road out. It may just be residents on that end of the community instead of this end of the community for a while. It was designed to initiate a conversation with Towers when they will be operating outside normal hours and we need to know what those conditions are and maybe that is why it was called a C.U.P. I don't know why maybe we need to change it to a 'truck haul permit' or an 'exception permit'. I don't know what we need to call it but a C.U.P. is typically used more in zoning than in excavating and truck routes ordinances.

CM Urry: why issue a C.U.P. without a job?

Bill Cobabe: the applicant is here. I was noticed by email from their counsel that the contract was terminated.

Mayor Call: as a city and as a community we don't want to be surprised. We understand that we need to work with you. That has been litigated to pieces. We understand the legal obligation to work with you. I think even these poor residents understand the legal obligations because it has been rehashed over and over again. We don't like surprises. We could have worked with our residents to have informed them what was happening and why it was going to happen. Unfortunately UDOT has two major projects. They are redoing SR-89 and I-15 both in Davis County and they are doing them all at night. I understand that because they have thousands and thousands of commuters on those roads. It doesn't mean that something can't be worked out with everyone involved - contractors, subcontractors and concerns of residents so we don't have all these residents contacting UDOT directly because they are not getting what they want from the city and that is what happened here I believe. We only contacted UDOT to ask for the contract.

Bill Cobabe: they never responded back from an email sent.

Mayor Call: we didn't get anything in response. I know there are many residents that have contacted UDOT directly and I don't know exactly what has gone on there but that is immaterial and that is something for you guys to work out. A couple of things: a C.U.P in this sense is not a traditional C.U.P. and not meant to give you cart-blanc to do whatever you want under that condition. It is meant, in the purpose of the ordinance, to address a project and exceptions to what the ordinance says for a particular project and not from this project forward forever and ever. That benefits both of us. I believe that we can continue to work together to mitigate and solve some of these problems -- and we are not paying attention so I don't know why I am --- I think it is important for you to hear what I am saying so I will wait --- I believe that it is important to address these projects as they come up to help mitigate so you don't have all the residents in this

community calling UDOT or whoever your contractor is and causing you problems and we can't control that as a city. There is nothing I can do about that. We understand our legal obligations but we don't control the residents. They are upset and they have every right to be upset because this was a surprise to them. Whatever we are going to call this permit I think it benefits both of us, the city and you, to come in and have these exceptions known and let's examine the contract and see what we can do and notify, and this can be done in a matter of days, notify these residents on what is going to happen, what the expectations are, what we legally have to allow and what is going to take place in front of their house so they are not surprised and so we are not surprised. The first call I got I had no idea what they were talking about. Our police officers didn't know. They thought someone was hauling when they shouldn't be hauling so they weren't informed either. It is beneficial to all, the city, the business and the residents, to approach this in a very logical and fair manner so that everybody can do their business and be informed. We are working hard and spending a lot of money to get that route built. Just so the residents know I will give a brief update. The land acquisitions will hopefully be done, if we don't get to much push back, by the end of this year. We got a grant for \$250K from WACOG to push out our grading package so that we can put that RFP together and examine what that will entail and get that out so next year we can start grading. It will not require a fully built four lane road to have the gravel truck go out there. It will benefit them greatly and obviously benefit every one of you. So the permit before us, Mr. Chambers would you like to tell us what you have in mind?

Joe Chambers: Let me give you some back ground if I can. I was actually surprised to get called back into this matter. I left this in 2009/2011. In 1998 I was retained by the Butters and we had a number of issues with regards to the gravel pit most importantly whether they had a prior non-conforming use. Some of the citizen here hired Bruce Baird who is a top notch land use attorney and he filed an action and your Board of Adjustment heard this action. It was one of the more sophisticated Board of Adjustment that I sat before. It had Tim Healey, Mr. Blackburn and at least four of the five members where attorneys. Over the course of two full evenings, nine hours, we presented evidence back and forth on that issue and the Board of Adjustment determined that the gravel pit was a prior non-conforming use. That is probably a premise you have to start with regarding the gravel pit. When we started litigation with the city there was an ordinance passed by the city prohibiting our trucks on the roads and Judge Michael Glassman issued an injunction against the city and probably the wisest thing I heard him say from the bench was this problem is a problem that will not be solved by just Butters' back it is going to take a community to solve it. Butters will be part of the solution, meaning that we will bear a portion of the cost. Basically that injunction prohibited the city from dealing with that. I then filed a petition to remove or disconnect from Pleasant View City the gravel pit and your city attorney, Richard Jones, and I went head to head. Some properties on 2700 North were having the same issues which involved the Mackleys, Bert Smith and some of the other property owners in that area. Judge Jones went ahead and allowed the disconnection so I thought that was the solution to disconnect. We then got into litigation with your attorney, Jody Burnett, who does a lot of work with the League of Cities. In the course of that we were challenging several provisions in the ordinance that were different standard from the Division of Gas and Mining probably the important issue is that you have a 2:1 slope in your ordinance and asked your former Mayor what the health and safety reason was for that slope he

thought that it looked better. DOGM allows a default 1:1 slope and if you hire an engineer and it can be safely done at a steeper slope. We hired engineers and we can do it at a .9:1 slope safely up there. The 2:1 slope vs a 1:1 slope locked in \$300 million worth of gravel. It was a significant regulatory taking in my mind. That issue was all headed up to the Supreme Court and Jody Burnett proposed a stand down. The stand down was basically the city would go back and take a look at its safety ordinance. I think Jody Burnett intentionally had you put it under safety code because there were stronger police powers than there are in zoning but the extent that it places on our prior non-conforming use is still a problem. With that in mind we got an agreement if the city would go back and change that ordinance to basically conform with DOGM regulations and that never happened. I disappeared because for about eight years, 2011 to 2019, Butters have been hauling at night out of that pit as they required and the prior administration was allowing it. Mr. Gibson I don't know you at all but you mentioned that you were on the city council for six years. I can't believe, I am not trying to take your testimonies, but I can't believe that we were hauling at night for city jobs so when this job came along... With the change of administration, Mr. Cobabe takes a very strong position that the ordinance is what the ordinance is. He has not been party to all this history. The contract that we have now is oral and when I say that the contract was terminated due to the phone calls with UDOT. UDOT put pressure on the general contractor, the general contractor put pressure on Whitakers who they subbed the job to. Our contract was with Whitaker Construction and Whitaker said until you can get a C.U.P. we have been told by UDOT that we need to put the contract on hold. Mayor, to our surprise is that we are required to do because for the past eight years the prior administration hasn't. I have talked to Mr. Cobabe and I am very cognizant of this problem on the city residents. My wife has fibromyalgia and if she doesn't get good sleep her health condition goes down. I don't mean to diminish any of the citizens' concerns here. I understand that. First of all the gravel pit can't move their resources. They are where they are and as the people develop around the gravel pit. There has never been a designated commercial route that was planned for. I went ahead and put together the C.U.P. By nature a C.U.P. is designed to first go to the planning commission for recommendation and then to the city council but your ordinance has it going directly to you. This issues that I was asked to address, I addressed the safety issues because it was in the safety code I addressed all the safety issues from the four sections it asked us to do. So we are asking for a C.U.P. to haul. The UDOT project is unfortunately doing their work at night for the citizen's benefit. They are not providing a staging area where we can haul material to during the day time and then reload it up in a truck to the work site. The work site is very constrained and doesn't have enough places to put the materials so that option is off the table. On my way here tonight I went to the old haul way by Randy Marriott's property up to the canal and then over to the gravel pit. I ran into an employee of Mr. Marriott who told me that I was trespassing on Randy Marriott's property. I explained who I was and the purpose that I want to see how the road way was and if it could possibly be used as an alternative. I am trying to find solutions and not just create problems. The reason we didn't use that route, and the citizens may not be aware, but in the construction of the tracks train Butters' pit has materials that is not lime stone and is very favorable for rail road beds and they entered into a long-term contract for the materials but not the hauling. During the middle of the contract Randy Marriott started charging a toll for every truck because it was to his

financial advantage and he exacted it from the people that was hauling it. Fortunately we didn't enter into a contract to haul because we saw the possibility that would happen. I have actually filed a condemnation action against Mr. Marriott to condemn that road way. He then hired Bruce Baird. We had it appraised and the appraisal came in at \$15K. They came back with an appraisal for \$½ million and if you lose the condemnation action you have to pay the \$½ million. We couldn't take the risk on that litigation. With that being said I'll submit it to you for questions.

CM Gibson: I am so glad that you brought up the Marriott's road. Is that road still a viable road if there wasn't a dollar amount?

Joe Chambers: In the past the city got access to cross with no cost to us. If you come up to the gate he owns between the canal and down to the gate. It could be made into a viable road if we could get permission to cross it.

CM Gibson: how many load per night?

Kevin Butters: it was quite a few. That is why people were noticing.

Joe Chambers: 12 trucks every hour

Kevin Buttes: so 144 trucks

Joe Chambers: I was surprise that they could load them up that fast.

CM Gibson: is there any way that we could talk to Mr. Marriott or plead on his sense of anything. Is that even an options?

Bill Cobabe: I have limited experience with Mr. Marriott. My experience is that he is a very shroud business owner. He knows he has Towers between a rock and a hard place and he is going to take what he wants. If that what the market will bear and that is what he feels to have those trucks on his property then that is what it is worth... We don't have a lot of recourse to say. We could ask him nicely but he is very savvy and he could say this is an impact on my property and I don't want the trucks.

CM Gibson: for the sake of the city could we nicely ask?

Bill Cobabe: we could ask.

CM Gibson: 144 trucks. We need to find a way. I know you have a right to use the public way. I wish we could come together. I know Mr. Marriott is shroud business man, which is fair.

CM Francis: he is also a competitor.

Joe Chambers: they are running out of Oman's old pit. Jones' pit is a reserve from what I understand. Marriott sold the pit to Parsons.

CM Gibson: so he is not a competitor anymore?

Joe Chambers: not at that sight.

Kevin Butters: he has some rights still out of the pits

CM Gibson: just wish we could ask.

Joe Chambers: last time he was asked he was trying to get high density housing as a tradeoff.

CM Gibson: I would consider that to get something.

Kevin Butters: you get the grading package and even before that, let the trucks go down it. That was a right-a-way from our pit to HWY 89. We had a contract to purchase the road way but randy Marriott did a hold harmless and basically purchased it from under us.

CM Hansen: I don't ever remember a road there.

Bill Cobabe: if there was, the city's interest has been relinquished. The long-term solution is to purchase the right of way for the Skyline Drive.

CM Gibson: what would the fee or surcharge on a 144 loads a night been?

Kevin Butters: \$1.00 a ton.

Joe Chambers: it would to be about \$300K for Randy.

Kevin Butters: The State paid Randy so they could finish the commuter rail. If you had the property we would try cutting the road through it without a grading plan just to make it work.

Bill Cobabe: the target is still the end of the year. We are working with the property owners to make sure it meets their requirements.

CM Gibson: we have the money to buy the properties?

Bill Cobabe: yes

Kevin Butters: unfortunately your price just went up because we are talking about it.

Mayor Call: we understand the history. It can't hurt to go after every solution that we can.

CM Hansen: what do you think about split routes?

Kevin Butters: the other routes are not safer. 500 W is wide and you built 600 W. It is a good road. Night hauling is actually safer. The impact on the residents is the only problem. But it is the only route.

CM Urry: since this is a discussion amongst the council to decide, within the parameters of the law, maybe we ought to table this until we can decide what the viable options are.

CM Gibson: is Randy Marriott's property the only property we need permission or how many other property owner's property is needed for this temporary road?

Bill Cobabe: really just Mr. Marriott.

CM Gibson: is there any property that we could buy?

Kevin Butters: the Hansen property. Use it to the canal property to get to the UP&L.

CM Gibson: could you help us? Thank you for letting us do the shotgun thing up there on your property. I have been up there a little bit. I just don't know the routes down through it. I want it safe for the drivers as well.

Discussion on property, property owners and road paths; which all routes go through Randy Marriott's properties.

Kevin Butter: drop down to the canal and bypass Marriott's property.

Mayor Call: can you stock pile on Jerry's Larson's property so you can at least reduce your truck traffic in half?

Kevin Butters: ideally that is what we have been trying to do. Take everything down by conveyor belts via that way and stock pile it on the other side of the freeway so no one will have to go up except for truck drivers. That is a better solution than the road.

Mayor Call: I think this was the intent of the C.U.P. for us to sit down and work some of these things out. If it is in the best interest of the city to use Jerry Larson's property to stock pile and not haul at night as a temporary solution for this project then that might make sense to the city.

CM Hansen: If would give residents a relief at night and that gives you a relief and us. That sounds like a win.

Kevin Butters: it's a win win. Ideally you want to haul everything at night down the new road. We have stock piles all over the place there is just not one there. Every time you stock pile material you add \$.50 to \$1.00 a ton. We asked UDOT if we could stock pile this in Weber County, we have a spot on 31st Street, and they didn't want to deal with the extra costs.

Mayor Call: whoever you are subbing from put the kibosh temporary on you.

Kevin Butters: they only did it because they can't run a \$200million plus project with hundreds and hundreds of people and have someone pull them over and give them a citation every night. They couldn't take that risk and went someplace else. They are going to start hauling out of Morgan.

Mayor Call: you made the initial comment that the contract is an oral contract and it is kind of on hold pending a C.U.P. and that contract is with UDOT's sub.

Joe Chambers: it goes from UDOT to Horricks to Wadsworth to Whitakers.

Mayor Call: who kyboshed the whole thing?

Joe Chambers: UDOT told Wadsworth that they didn't like the calls. When you have a project this big you have a critical path where the materials are on the critical path and if you have a question on the source then the inspectors say this is a problem and we don't want it because these are big enough projects with big enough problems other than these.

Mayor Call: okay that makes sense. Let me ask this question. Given the background, if you were to continue to haul 144 trucks a night and the residents continue to call and complain even though we said it was okay, how is that going to change their response?

Joe Chambers: because they said if we got a C.U.P. then they would just get off our back.

CM Urry: even if people kept calling?

Joe Chambers: yea. And you don't want to hear that because that dumps it on you.

Mayor Call: that makes no sense to me at all why they would even stop you if that was the case.

Kevin Butters: you guys actually had a packet that you got from your legal counsel on what you could regulate on the road that you were emailing to your residents explaining that you didn't have the right. And we did all these things in court but we stood down and you guys were going to fix your ordinances but you never did. You have a packet that said it was against the commerce acts to regulate these roads in this manner and that our non-conforming use since 1902 that pre-dates our zoning ordinances by 50 years.

Mayor Call: I am sure that UDOT knows all this stuff so why would they put that on hold?

Joe Chambers: they didn't. They just put the pressure on Whitakers through Wadsworth.

Mayor Call: they don't want to deal with the public nor more that we do. These people need rest and relief and we are trying to work with you and it sounds like Whitaker wants you to work with us to try to come up with a solution. So I'll will go back to: would it not make sense to do as much hauling in the day and stock pile it. I understand there is going to be some need for some night hauling but not 144 trucks.

Kevin Butters: it changes the economics. The problem is you add a \$1.00 to \$1.50 to every ton for the interim stock pile and reloading. It adds to the cost. We are not the ones going up the roads. It is Whitakers. When you add those cost to move it twice it is no longer competitive and something else becomes a viable option. Where no one can scream.

Mayor Call: this whole discussion seems very circular and nonsensical to me because you are saying they don't want to deal with the pressure from the citizens yet

we want to continue doing what we are doing which the citizens are still going to call even with a C.U.P. I don't see how we are fixing anything.

Joe Chambers: I don't have an answer. One of the solutions that I talked with Mr. Cobabe on is - do you want us to reinstate that disconnection?

Mayor Call: I don't care. Guess what? They are still going to use our roads and the citizens are still going to call and complain and again this is a circular argument. We need to solve the problem here before us. We need to figure how to get your contract and sell your product without having all the citizens being up all night and calling and complaining to UDOT and shutting you down or causing you grief. How do we solve the problem?

CM Hansen: there needs to be a short-term solution and a long-term solution. We know the long-term solution. We need to do a short-term and it may cost a little more but if that is a short-term solution and they get a piece on the hill I think that there has to be some compromise on both sides here.

Bill Cobabe: we have put thousands of hours and thousands of dollars into pursuing the Skyline Drive. The city is clear that we want to work with you on a solution that is at least a long-term solution to get your product off the hill. Let me tell you that this is for you and for the residents that will enjoy opening their windows again at night. But the haul road is for you guys. We have done a lot and that is really to the benefit of Butters. What is driving the Skyline Drive project is not the need to get traffic off the hill but it is for the truck traffic. So the city is doing absolutely everything within our power to accommodate you.

Joe Chambers: I appreciate that but I find that comment a little disingenuous because I go back ten years and that was the solution then. Can't there be some type of condemnation action for those pieces and letting us cut a haul road, not a permanent road, while your engineers figure out how they want the permanent road?

CM Hansen: it think that is a solution and we need to sit down and see if it can physically happen but there is still the problem that there are residents are paying for it. We need to figure something out. If the middle ground is cutting a road we need to see if it can happen. No one is telling you to close the pit.

CM Gibson: what is the time frame? Talking to Randy Marriott is one thing. Going around him is another.

Bill Cobabe: we are trying to do it in the most expeditious way possible. If we go the way of condemnation that could be tied up in litigation for years. We are in a good place. We have a good acquisition specialist, Mr. Allen. He is good at what he does. We have had meeting with Butters because they are a part of this.

CM Gibson: I don't want to do condemnation. It won't hurt to put some rock down.

Bill Cobabe: it depends on where you go. One area is quite steep even if you go along the canal we will still have to talk to Randy Marriott. The canal is Bureau of Reclamation (BOR) property and I have concerns using BOR for a haul road. It is an open canal.

CM Gibson: we have to look at everything.

Bill Cobabe: the code anticipates that and that we considered alternate routes. That is part of the conversation that should happen here.

Joe Chambers: there would be a two week hiatus because Whitaker has other jobs. It is not a continuous haul night for the whole month.

CM Burns: there is something that has been done. A dialogue has begun. We are learning more about your schedule and what could happen and at least communicate what is going on and maybe the city can speed up the condemnation process and look at other alternatives. Stock piling temporarily and communicate in the short-term and a haul road in the long-term.

Kevin Butters: I know the Mayor said it was a surprise to him but it was a surprise to us. For the last ten years the procedure we had was I had Melinda's number she had my number and if she had any problems she would call me and say we have concerns what can you do about it. And you guys were sending the legal report out which said Butters were following the law. We are working on our ordinances. We have a temporary agreement in place. We are going to work on the road. And suddenly that changed. Everyone that was privy to that agreement being the former city manager and the form mayor are not here.

Mayor Call: you need to take a little bit of that too because there is zero communications with us. You said that you communicated with Melinda and she communicated with you. That did take us by surprise because we receive absolutely no communication that this is what was going to happen until our residents communicated with us. That is what we are trying to avoid.

Joe Chambers: I suggest we don't go there and find a solution.

Mayor Call: I realize you want to get back to your contract and we want you to get back to your contract but what can be done to help mitigate the suffering of our residents? I don't think we can eliminate it. I am a realist. You will have to haul periodically at night. But what can we do in the interim?

Joe Chambers: do you want to have a week and get back? I don't know your schedule or what you would like. We certainly want to be a part of the resolutions that is why I went up on that road today to check it out.

Kevin Butters: Bill Cobabe has my number. I don't know if I have his.

Mayor Call: he is not going to call you every night and ask if you are hauling tonight. We are going to have to work together and there is some onus on you too.

Joe Chambers: one of the things that you may not be aware of is the state legislature has granted to gravel pits the right to condemn roadways. We are a mining state. I have no problem exercising that on behalf of Butters if you run into a problem. You may not want to use it but if it is for safety I will. The problem is Randy Marriot. He has enough money to go out and get an appraiser where my appraiser is just the run of the mill good guy that works for UDOT.

CM Hansen: we are all in this together.

Mayor Call: we have been elected to represent all of you and these gentlemen too. They are in the city, for now, and they use our roads and they have a business here and they need to do their business. I am just trying to find the best solution for everyone involved and it needs to start with communication.

CM Gibson: if you are on a two week hiatus we will meet again in two week. We can table this and look at some other things.

Motion was made by CM Gibson to table this and look at some of these things that we have discussed and make some calls. 2nd by CM Urry.

Discussion: CM Burns: I would like to confirm with Butters how this will affect their contract.

Joe Chambers: we are in a two week hiatus.

CM Burns: so you are okay then?

Joe Chambers: no. It is not fine but I understand the process and we need to work with you.

Mayor Call: could I ask for some information that you could provide to us to help because when you say it may cost you \$.50 or a \$1.00 I don't have any idea what one truck hauls. If you have 144 trucks tell me what that cost is per night. We may be able to work with UDOT and say hey. Get us some of those cost for when we talk to Randy Marriott. We will communicate with you on any other needs we may have so we can talk intelligently.

Joe Chambers: thank you.

Mayor Call: we have a motion to table for two weeks.

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

Mayor Call: Bill and I have some homework. Thank you for your patience. Thank you for reaching out to UDOT they represent you also.

Julie Farr: we come to these meetings and we have valuable information but we are not allowed to speak. One option would be to get a professional negotiator.

Mayor Call: we are trying to work with them. I ask that you get with us on this.

Brent Bailey: the short-term answer is to stock pile. It is a minimal cost.

7. Discuss the gravel trucks and related codes. (Presenter: Bill Cobabe)

Motion was made by CM Hansen to table discussion of the gravel trucks and related codes. 2nd by CM Gibson. Voting aye: CM Burns, CM Gibson, CM Hansen and CM Urry. 4-0

8. Discussion and possible action to accept a bid form W2W Commercial Flooring to complete the carpeting of the City Hall Building in the amount of \$12,025.47.

Motion was made by CM Gibson to table. Died for lack of second.

CM Gibson: what is the difference? Mayor Call: this is a different company. We fired the other company. Bill Cobabe: Jay Palmer had walked through with the estimator of the fired company. Mayor Call: do we go after them? I would like to report this. We accepted the low bid.

Motion was made by CM Hansen to approve the bid form W2W Commercial Flooring to complete the carpeting of the City Hall Building in the amount of \$12,025.47. 2nd by CM Burns. Voting aye: CM Burns, CM Hansen and CM Urry. Voting no: CM Gibson. 3-1

9. Approval of a 3-year lease purchase agreement for Police Fleet Vehicles with Zions Bank Public Finance. (Presenter: Ryon Hadley)

Ryon Hadley: this is not the resolution but lease amount for the vehicles. The lease payments are less than purchasing one vehicle.

Motion was made by CM Gibson to go ahead with those lease figures to enter into the resolution. 2nd by CM Hansen. Voting aye: CM Burns, CM Gibson, CM Hansen and CM Urry. 4-0

10. Discussion and possible action to approve the purchase three public works/utility pickup trucks. (Presenter: Tyson Jackson)

Tyson Jackson: we are continuing the plan. We will be replacing the 2008, 2001, and 2007 vehicles with Ford F-150's. This is on the state contract with Westland Ford. CM Gibson: no, Ken Garff has the state contract. I would like to table and see the difference in cost from Ken Garff. Ryon Hadley: they honor the state contract. CM Urry: it doesn't hurt to check.

Motion was made by CM Hansen: to approve the purchase of three public works/utility pickup trucks pending the price with Ken Garff with equal or less cost then go forward. 2nd by CM Burns. Voting aye: CM Burns, CM Gibson, CM Hansen and CM Urry. 4-0

11. Discussion and possible action to grant Preliminary Plat approval for Highland Meadow Subdivision located at approximately 4300 N and 1100 W. (Presenter: Bill Cobabe)

Bill Cobabe: owners Brent Bailey and Randy Wilson are requesting Preliminary approval. The site is located at 4300 N 1100 W. It is currently two lots and request is 10 lots on 7.5 acres. The lots are ½ acre. Mayor Call: thanks for working together for a better solution. Bill Cobabe: because there has been an interest in larger lots they pared it down to 10 lots.

Motion was made by CM Hansen to approve Preliminary Plat approval for Highland Meadow Subdivision located at approximately 4300 N and 1100 W. 2nd by CM Urry. Voting aye: CM Burns, CM Gibson, CM Hansen and CM Urry. 4-0

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

There will be a wok session September 7th at 8:30am. Items to be discussed are street improvement projects, phasing the Multi-Sports Park, Economic Development, and the general vision.

13. Closed Meeting.

No closed meeting.

14. Discussion and possible action from the closed meeting.

No closed meeting.

Other Business:

Bill Cobabe: Jay Palmer's retirement party is the 19th between 11am-1pm.

Ryon Hadley: the Tour of Utah will come through Pleasant View tomorrow.

Adjournment: 7:43 PM