

**PUBLIC NOTICE OF A MEETING
OF THE CITY COUNCIL OF PLEASANT VIEW CITY, UTAH**

October 13, 2020

Public Notice is hereby given that the City Council of Pleasant View, Utah will hold a Public Meeting **through ZOOM** on Tuesday, October 13, 2020, **commencing at 6:00 PM.**

In order to attend the meeting log into YouTube or

<https://tinyurl.com/te9g43j>

Comments will be monitored and responded to as applicable.

We encourage email comments and concerns sent to lhellstrom@pleasantviewcity.com

The agenda consists of the following:

Pledge of allegiance: Steve Gibson

Opening Prayer, Reading or Expression of Thought: Steve Gibson

Declaration of Conflicts of Interest

Comments/Questions for the Mayor & Council (public)

Consent Items:

- Minutes of September 15, 2020 and September 22, 2020 (open & closed)

Business:

- 6:10 P.M. 1. Discussion and possible action to grant final subdivision plat approval and escrow for Rocky Meadows Subdivision located at approximately 1160 W 3100 N, applicant Doug Hamblin. *(Presenter: Jill Hunt)*
- 6:25 P.M. 2. Discussion and possible action to grant Cares Act Funding to the North View Fire District in the amount of \$38,858.60 (39% of the total cost) for (3) 12-lead heart monitors, splash guards and reusable cartridge respirator. *(Presenter: Jeremiah Jones, Deputy Fire Chief - North View Fire District)*
- 6:40 P.M. 3. Discussion and possible action to approve Change Order #2 and final for the Multi-Sports Complex Deceleration Lane Project. *(Presenter: Tyson Jackson)*
- 6:50 P.M. 4. Discussion and possible action to award the 4575 North Trailhead Paving Project. *(Presenter: Tyson Jackson)*
- 7:00 P.M. 5. Discussion and possible action to consider the purchase or lease options for:
 - a. F420 Backhoe. Purchase price \$55,000
 - b. Wheelloader. Purchase price \$145,636.41
 - c. Mini Excavator. Purchase price \$76,000
 - d. Commercial Grade Trailer. Purchase price \$13,921. *(Presenter: Tyson Jackson)*
- 7:20 P.M. 6. Closed Meeting.
- 7. Discussion and possible action from the closed meeting.

Other Business

Adjournment

The City Council at their discretion may change the order and times of the agenda items.

In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Pleasant View City Office at 801-782-8529, at least 24 hours prior to the meeting.

**MINUTES OF THE JOINT MEETING OF THE
CITY COUNCIL AND PLANNING COMMISSION
OF PLEASANT VIEW CITY, UTAH**

September 15, 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 6:01 P.M.

MAYOR:

Leonard Call

Attendance method:

(via Zoom and office)

COUNCILMEMBERS:

Ann Arrington

(via Zoom)

Kevin Bailey-Mayor Pro-tem

(via Zoom and office)

Steve Gibson

(absent)

David Marriott

(via Zoom)

Sara Urry

(via Zoom)

PLANNING COMMISSION MEMBERS:

Andy Nef

(via Zoom)

Julie Farr

(via Zoom)

Alicia Lund

(via Zoom)

James Cummings

(via Zoom)

Keith Preece

(via Zoom)

Jeff Bolingbroke

(via Zoom)

Ashley Walker

(via Zoom)

Dean Stokes

(via Zoom)

STAFF:

Bill Cobabe

(via Zoom and office)

Laurie Hellstrom

(via Zoom and office)

Jill Hunt

(via Zoom)

VISITORS:

Jordon Cullimore

(via Zoom)

Marcie Jones

(via Zoom)

Richard Plehn

(via Zoom)

Read the Electronic Meeting Determination for conducting a meeting w/o an anchor location: Leonard Call

Declaration of Conflicts of Interest:

None were given.

Business:

Introductions. Introductions were made from all attendees.

Jordon Cullimore, Utah State Ombudsman: the common legal issues in land use that their office addresses are legislative/administrative decisions, proper role of the planning commission, subdivisions, vested rights, exactions, public clamor, nonconforming uses, conditional use permits, illegal lots, impact fees, variances, short-term rentals, annexations, roads & trails, and group homes. Mayor Call: I have two questions. 1) Setting a precedent: If you do this you have to do it for everyone or is it on a case by case bases? 2) What is the single most mis-step cities make that you are dealing with? Jordon Cullimore: on precedent the short answer is no. You do not set a precedence by granting a rezone to one person and then not the other. The long answer there is a legal principle called equal protection/uniform operation of law that stands for the principle that you need to treat everyone fairly and equitable and should not make arbitrary decisions. And make decisions that are based well-reasoned opinions and good evidence. If your ordinance requires something then you have to require that but you can build in discretion and exceptions. Keith Preece: what about the grandfather clause? Jordon Cullimore: if the rules change. No one has the right to continuity of zoning right. You comply with the rules at time of application. Some of the biggest missteps that we have seen right now is related to vested rights. Utah is an early vesting state meaning that someone comes in with an application and they pay their fee then they have a right to have their application considered under the rules that are in existence at the time they apply. Mayor Call: is there a sunset to that vested right or is it something we put in our code? Jordon Cullimore: the state law says that they need to pursue it with reasonable diligence and if they do not then they lose their vested right. And it can say it in the local ordinance on when it expires. CM Urry: are there guidelines to what is reasonable? Jordon Cullimore: I am not aware of any. Bill Cobabe: does vesting apply to state code? Jordon Cullimore: yes. It applies to state law. But if it is related to health and safety there are situations in which you can retroactively apply certain provisions and show definitively that it related to health and safety then probably. Keith Preece: how is property valued with eminent domain? Jordon Cullimore: it falls under what is called the project influence rule. You cannot consider the project being considered for the highest and best use of the property. The entity negotiates with property owners to the extent possible and come to an agreement about what is fair and if not they get an additional appraisal that the condemning agency has to pay for and property owner gets to choose the appraiser and if they can't come to an agreement the agency files a condemnation lawsuit. Julie Farr: I have a question on trails and open space. The walking trail under the power lines, the property was sold, and the new owner fenced it off. Same thing along the canal trail. At what point are these trails and areas do the public have a right to. Jordon Cullimore: is all this property privately owned? Julie Farr: it is privately owned. Jordon Cullimore: so, we are talking about easement rights and there are prescriptive rights. There is a prescriptive easement right when you have a situation of two private property owners and one private property owner starts using the other private property owner's as an access right for 20 or more years and the underlying property owner doesn't stop me and I don't have their permission to do so then I can obtain a prescriptive right to continue to do that right even if the property is sold. That is called tracking right and you can track the years over the 20-year period as long as you have the evidence to show that permission was never given by a property owner or a subsequent owner. There

was further discussion on easement rights. Mayor Call: from this discussion it shows how complicated things can be and it is not always an easy answer. That is why Jordon exists. Jordon Cullimore: If you have any questions, our website is propertyrights.utah.gov. We are happy to talk. CM Urry: one more question. Variances. They basically allow somebody to not comply to the law. Are there parameters to allow variances and should there be? Jordon Cullimore: you can build exceptions and discretion into your code and they can be appealed to the appeal authority. We do not consider financial hardships but it is about not being able to enjoy some property right that everyone else in the area enjoys. Mayor Call: thanks everybody.

The next meeting will be October 20, 2020.

Adjournment: 7:23 P.M.

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

September 22, 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 and office)

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

VISITORS:
Craig North (via Zoom)

Pledge of Allegiance: Dave Marriott

Opening Prayer, Reading or Expression of Thought: Dave Marriott

Declaration of Conflicts of Interest:

None were given.

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

None were given.

Consent Items:

Motion was made by CM Bailey to accept the consent items (minutes of September 8, 2020 and the bills of Pleasant View City). 2nd by CM Marriott. 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 preliminary subdivision approval of Orchard No. 3, a four-lot subdivision located at approximately 3225 N 1000 W. (Presenter: Jill Hunt)

Motion was made by CM Urry to go into a public hearing to consider preliminary subdivision approval of Orchard No. 3, a four-lot subdivision located at approximately 3225 N 1000 W. 2nd by CM Bailey. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

Jill Hunt: this is located on 1000 W 3200 N. Craig North is the applicant. The rezone was done. Jill showed the four-lot subdivision plan. This requires preliminary subdivision approval because it needs infrastructure. It meets all our standards. You will see this again at final subdivision approval. Dana Shuler and Tyson Jackson have both signed off on this. CM Marriott: what about the sidewalk on 1000 W? Jill Hunt: there is sidewalk on one side. There is a 4' sidewalk on 3200 N and it needs to be 5'. CM Marriott: there is no sidewalk on lot 301. Now is the time to address that. Jill Hunt: lot 301 has an existing home on it. That is where they all get to school along. Mayor Call: is there sidewalk to the north? CM Marriott: yes. It was a new building lot and they put in sidewalk. CM Bailey: CM Marriott has a valid question. It makes better sense than to make it a 5' sidewalk. CM Urry: it connects with what on 1000 W? Mayor Call: why not required? Jill Hunt: we didn't talk about that. CM Urry: could we make it required and add as a condition? Mayor Call: is it required? Is it in the ordinance? Bill Cobabe: it is required whenever possible. If you want we can make it a thing. CM Urry: we should. Mayor Call: if not we kick it down the road. CM Arrington: is it in our ordinance? Bill Cobabe: the ordinance doesn't state specifics. It's in the standards and ordinance requires to standards. Mayor Call: change the 4' sidewalk to 5'. CM Urry: we should and can make it. Tyson Jackson: we let the homeowner decide. Nothing is left on 1000 W. Mayor Call: 3249 N and 3247 N both have sidewalk? CM Marriott: not 3249 N. 3247 N was required when they built the home. Mayor Call: that doesn't make sense. CM Bailey: it is silly to tear it out on 3200 N. Mayor Call: it makes more sense to require sidewalk on 1000 W and leave the 4' sidewalk on 3200 N. CM Urry: as long as we keep to the standards. Mayor Call: the prior subdivision was required to put it in. Jill Hunt: once a change is proposed it should be brought up to city standards. CM Marriott: the 4' along 3200 N is going to 5'. Mayor Call: 5' going to 4'. Tyson Jackson: that is happening everywhere now. CM Arrington: in a normal (beginning of a) subdivision there is no sidewalk. Bill Cobabe: this is the reason this is a minor subdivision. CM Bailey: it seems frustrating to tear out sidewalk and add 1' and not require it on 1000 W. I would rather have 4' sidewalk on 3200 N and put in sidewalk on 1000 W. CM Urry: can they just add 1' to the sidewalk? Tyson Jackson: no. I am not against it but when they start developing they will be digging 3 trenches per lot and cutting in driveways and the driveway will need the thicker sidewalk anyways. This is to clean it up. Mayor Call: staff changed the sidewalk from 4' to 5' because it is in the standards. The question do we require 5' along 3200 N and we can't ignore 1000 W. Tyson Jackson: yes. Mayor Call: it is all or nothing. CM Urry: I agree with the Mayor. Are there any comments from the public? Bill Cobabe: there are none.

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

CM Gibson: we need to decide if lot 301 is new or a grandfathered in. I would like to have sidewalk everywhere. Craig North: I prefer not to require sidewalk and the exiting lot should stay. On 3200 N we would need to rip out rock to get a 5' sidewalk. There are six to seven rock that come right up to the sidewalk. I prefer not to but on 1000 W I could. I am more concern on the south side. CM Urry: if we have standards, I am back to what the Mayor said, it is all or nothing. Mayor Call: that is the reason it is here. It is preliminary and because of these changes. CM Gibson: how many linear feet are there? Mayor Call: each lot should have a 100' frontage. Tyson Jackson: a typical approach is 30'. CM Gibson: 90' of sidewalk. Leave the 4' sidewalk but it needs to be

thicker and put in sidewalk on 1000 W and take it as a trade. Craig North: great. Tyson Jackson: need sidewalk on lot 301 are you going from a 5' to 4'? CM Bailey: it is a commonsense thing. CM Call: that is why it is here. It is up for us for things that don't make sense in this case the sidewalk. CM Arrington: I agree with CM Gibson: CM Marriott: I agree with continuing with the 4' sidewalk.

Motion was made by CM Gibson to approve preliminary subdivision of Orchard No. 3, a four-lot subdivision located at approximately 3225 N 1000 W with 4' sidewalk but as it is replaced it will be replaced with an increase in depth as stated by our standards and 4' sidewalk on south 3200 N to adjacent lot. 2nd by CM Arrington.

Discussion: CM Urry: I see the logic but we need to be consistent with our standards. That is important.

Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott. Voting no: CM Urry. 4-1

2. Public Hearing - Discussion and possible action to consider amending the CP-1 Zone Ordinance of Title 18.31 of the Municipal Code to allow Online Auto Sales, Parking Lot, Storage Uses, Ordinance 2020-10. (Presenter: Jill Hunt)

Motion was made by CM Bailey to go into a public hearing to amending the CP-1 Zone Ordinance of Title 18.31 of the Municipal Code to allow Online Auto Sales, Parking Lot, Storage Uses. 2nd by CM Marriott. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

Jill Hunt showed all the CP-1 areas in the city. The planning commission and Bill Cobabe and I have gone through this for a few months. This is for online only and test driving is allowed. On the parking lot we want it to look nice and still keep the neighborhood feel. The landscaping should connect with the subdivision and two to three trees are required. Vehicles are the small cars and no larger buses, trucks, etc. are allowed and they need to be in good condition and safety taken care of. On the signage we don't want huge signs and shared sign are allowed. Do you want any changes? CM Arrington: thank you Jill. Why are the list of trees listed three times? Jill Hunt: they are listed for three different uses. CM Arrington: how did you come up with 6 vehicles? Jill Hunt: it is a good number for the average lot and not all is storage. CM Arrington: I am good with a percentage and not a number. Jill Hunt: what should the square footage be then? Mayor Call: you won't get more the six vehicles on the lot. Are there any comments from the public? Bill Cobabe: none were given.

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

CM Gibson: where do we want a dealership? I see the one by 7-11 in North Ogden. If we get into dealerships there should be no more than six cars. I don't agree with dealership. It doesn't feel right. Have we thought about having CP-1 zones along 4300 N? Bill Cobabe: we are dealing with the current request. CM Arrington: this is an online car sales? Jill Hunt: yes. CM Urry: the online idea was requested. It is a creative way to allow business and keep the integrity of the neighborhood. That is where this came from. Mayor Call: Jill has done a lot of work on this and tried to fill the request. This is a great compromise. Thanks Jill. Bill Cobabe: these are recommendations. CM Arrington: I think having online car sales not within 5 miles of each other is too excessive. Mayor Call: this is a conditional use in a CP-1 zone. CM Bailey: don't we have a separate ordinance for signage? Sharing a 6X4 sign is too restrictive. Mayor

Call: don't we have a sign ordinance? Jill Hunt: they contradict each other and if it is a conditional use, they get what they want. Bill Cobabe: this recommendation is narrow. Do you want a 6X4 sign by your home? We limited the size and scope of a commercial need in a residential area. Does what we propose fit? CM Bailey: I don't disagree. There are only a few residents by them. Laurie Hellstrom: these conditions are only for an online car sales. Mayor Call: could we put in signs as a condition? Bill Cobabe: we can't if it is not specific on everything that is allowed. CM Urry: we need to tell what the conditions are. If they are not listed we can't regulate them. CM Arrington: not rely on signage anyways. Mayor Call: why not allow in CP-2 and CP-3? Bill Cobabe: we have not got there yet. CM Arrington: how many vehicles can be stored? Mayor Call: you need room for the driving area. CM Marriott: I would go with the recommend vehicle number. I don't think the working order of the vehicle is necessary. CM Urry: the idea is not to end up with a junk yard and broken cars. Bill Cobabe: people are not going to be browsing these cars but will look at them online and go for a test drive. CM Gibson: what have other cities said? Jill Hunt: I have done a lot of research. We are right in the middle of restrictiveness. We are more restrictive on some things because it is in a neighborhood. Tyson Jackson: what about xeriscaping? CM Urry: we need to try to find a happy medium. I try to envision this next to my house.

Motion was made by CM Arrington to approve the CP-1 Zone Ordinance, Ordinance 2020-10, with the following changes: delete not allowing online car sales locations within 5 miles of each other and changing the number of not more than 6 vehicles to 2600 sq. ft. 2nd by CM Urry.

Discussion. Tyson Jackson: it is against our water conservation plan. We are trying to push the water conservation plan. Mayor Call: change the wording to 'xeriscaping will only count towards the 15% of landscaping if a plan is submitted and approved by the city council as part of the conditional use approval'.

CM Arrington agreed with the that change to the motion 'xeriscaping will only count towards the 15% of landscaping if a plan is submitted and approved by the city council as part of the conditional use approval'. CM Urry who second the motion agreed.

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

3. Public Hearing - Discussion and possible action to consider amending the CP-2 Zone Ordinance of Title 18.31 of the Municipal Code to add conditions to Used Car Lot, Ordinance 2020-11. (Presenter: Jill Hunt)

Motion was made by CM Bailey to go into a public hearing to amending the CP-2 Zone Ordinance of Title 18.31 of the Municipal Code to add conditions to Used Car Lot, Ordinance 2020-11. 2nd by CM Urry. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

Jill Hunt: this is for a used car lot only in the CP-2 zone. Pictures of the CP-2 areas and future CP-2 areas along 2700 N were shown. Some of the conditions are similar to the online auto sales but not as restrictive. Are we doing the same with xeriscaping as we did with the online auto sales? We have not changed the sign requirements. Mayor Call: any comments from the public? Bill Cobabe: none.

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

CM Urry: it is straight forward. CM Arrington: we could do different signage along 2700 N and Hwy 89. Jill Hunt: we could scratch the signage and use the sign ordinance that is in place. Mayor Call: what about xeriscaping? CM Gibson: xeriscape has its place. We need a happy medium somewhere. I want something different than a concrete jungle. I want Pleasant View to look unique than just a parking lot. Mayor Call: I think it is. We get to approve the landscape plan. We control it and approve the plan.

Motion was made by CM Urry to approve Ordinance 2020-11 with the amendment to xeriscaping as with the online auto sales and delete the signage section. 2nd by CM Marriott. Roll call vote. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

4. Discussion and possible action to approve Change Order #1 for the Multi-Sports Complex Deceleration Lane Project.

Tyson Jackson: this is an addition to the deceleration lane project. There was an open pipe in parking lot at 1325 W that is piped into UDOT and the water falls into it and gets plugged up. This raised the manhole and the storm sewer funds will pay for the change order.

Motion was made by CM Gibson to approve the Change Order #1 for the Multi-Sports Complex Deceleration Lane Project in the amount of \$2,150. 2nd by CM Bailey. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

5. Discussion and possible action to consider a Policy for the retention of emails, Policy 2020-2. (Presenter: Mayor Call)

Mayor Call: this is a simple policy. If we don't have a policy we have to produce the document and if we can't it is considered that we are hiding something. We just changed our emails and this would be a good time to put the policy in place. I will get with Jason (IT) to implement this policy. CM Gibson: has it had legal review? Laurie Hellstrom: no. CM Gibson: as long as we are not breaking any rules.

Motion was made by CM Bailey to approve the Policy for the retention of emails, Policy 2020-2 contingent on approval from legal. 2nd by CM Gibson. Roll call vote. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

6. Discussion and possible action to consider writing off Utility Account #7.2138.4 in the amount of \$738.93. (Presenter: Laurie Hellstrom)

Motion was made by CM Arrington to write off Utility Account #7.2138.4 in the amount of \$738.93. 2nd by CM Bailey. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

7. Closed Meeting.

Motion was made by CM Bailey to go into the closed meeting to discuss security. 2nd by CM Urry. Roll call vote. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and 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 Marriott. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

8. Discussion and possible action from the closed meeting.

No action from the closed meeting.

Other Business:

Ryon Hadley: two stolen vehicles were recovered. Officer Vanbeekum will be having back surgery. We are getting grant money for DUI shifts from the state. We got a \$1k anonymous donation for the new canine officer.

Bill Cobabe: any communications with the staff should include me. We are working on getting a chipper for the greenwaste through the county. Jill Hunt and I will be attending a virtual conference.

CM Arrington: CERT training is September 26th. The EDC Utah training is good. We need to get brochures out on properties. Bill Cobabe: Jill Hunt is doing that as part of the rezone effort. CM Arrington: we need to set goals and assignments. Mayor Call: we have done work sessions in the spring and October on a Saturday. We can schedule one in October or November.

Tyson Jackson: the trailhead is roughed in. The asphalt bid is out. The RAMP sponsor signs are up. The deceleration lane is done and seed planted at the Multi-Sports Park. The road project is finished. We have trained three operators on the street sweeper. The shop is the wrong color but is going great. Mayor Call: how many loads were sent to the greenwaste on Saturday. Is there room left? Tyson Jackson: 98 loads and not a lot of room. CM Bailey: I am getting requests to use the greenwaste area. Mayor Call: we are going to start seeing fall related material and not storm related material there.

CM Bailey: thanks Tyson and crew.

CM Urry: Pumpkin Palooza is October 10th. There will be food trucks this Monday. There are no senior citizen meetings but they serve daily meals. We should look at a strategic plan a starting tool and bring that to the workshop. I appreciate the police department, PWD and office staff.

CM Marriott: do we have a date for the workshop? Mayor Call: not yet.

CM Gibson: the Mosquito Abatement is through spraying. There have not been any positive West Niles cases. Mike Humphreys is willing to donate some pumpkins. I am still moving trees from the storm.

Mayor Call: maybe in November UTOPIA can come for a fiber workshop. CM Marriott: I am not sure UTOPIA is the only option. Mayor Call: we can listen to them and put out bids. Founders Day for next year is June 26th. The last day for the greenwaste will be this Saturday from 8-5

Adjournment: 8:35 P.M.

MINUTES OF THE CLOSED MEETING OF THE
CITY COUNCIL OF PLEASANT VIEW CITY, UTAH

September 22, 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 7:35 P.M.

MAYOR: Attendance method:
Leonard Call (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 and office)

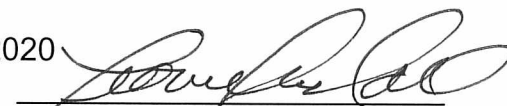
STAFF:
Bill Cobabe (via Zoom and office)
Laurie Hellstrom (via Zoom and office)
Ryon Hadley (via Zoom and office)

BUSINESS:

7. Closed Meeting – Discuss security.

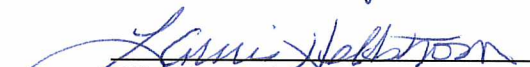
Motion was made by CM Bailey to go into the closed meeting to discuss security. 2nd by CM Urry. Roll call vote. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0

Pursuant to Utah Code Annotated, Section 52-4-206, I, Leonard Call, do solemnly swear that the sole purpose for closing the meeting dated September 22, 2020 was a discussion on security systems.

Dated this 23rd day of September, 2020 
Mayor, Pleasant View City

Subscribed and sworn to before me this 23rd day of September, 2020




City Recorder

Motion was made by CM Bailey to end the closed meeting. 2nd by CM Marriott. Voting aye: CM Arrington, CM Bailey, CM Gibson, CM Marriott and CM Urry. 5-0
Adjournment: 8:02 P.M.

From: Bill Cobabe
Sent: Friday, September 11, 2020 11:59 AM
To: Jeremiah Jones; Peterson, Lance; Leonard Call; Jon Call; Laurie Hellstrom
Cc: Paul Rhoades (prhoades@nogden.org); Zach Loveland zloveland@cityofharrisville.com
Subject: RE: [EXTERNAL]Covid Money

Good morning, all –

My understanding was that the County was administering all of our COVID response funding. Am I missing something?

Further, if the funding did go to the City, how would we account for the transfer to the FD (a separate taxing entity)? Is there a mechanism in place to get that done?

This is the first I've heard of this, so I'm looking to learn how to get this taken care of.

Bill Cobabe, CFM, AICP

City Administrator

Pleasant View City

O: 801-827-0468

C: 801-200-2321



Please consider the environment before printing this email.

From: Jeremiah Jones [mailto:jjones@northviewfire.com]
Sent: Friday, September 11, 2020 11:55 AM
To: Peterson, Lance
Cc: Paul Rhoades (prhoades@nogden.org); Zach Loveland zloveland@cityofharrisville.com; Bill Cobabe
Subject: Re: [EXTERNAL]Covid Money

Good morning gentlemen,

I have spoken with our Chief and we have come up with a few requests that would help our personnel be more safe dealing with Covid patients. As you may know our District is an Advanced EMT level agency. This means we are just above a Basic EMT and just below a Paramedic. We have the capabilities of doing advanced cardiac monitoring. Currently these are only on the Paramedic units in Weber County. We are currently using 3-lead heart monitors and have to wait for a Paramedic unit for cardiac rhythm identification. We would like to purchase three 12-lead units (one for each of our ambulances) that will ensure our patients get a quicker rhythm identification at a more detailed level. Also these machines have the capabilities of automated blood pressure, pulse oximetry and capnography. These features allow our personnel to stay a safer distance from Covid patients, while still performing top-of-the-line assessments as well as transmitting critical information to the hospitals they are being transported to. The leads cords on the 12-lead are longer and allow our personnel to stay a safer distance from the patient. We have also purchased a few PPE items. The breakdown in cost is listed

below. To make it more equal, I have included a breakdown in percentages per each city, so it can be divided by percentage, if that sounds good to everyone. Let me know your thoughts. Thank you!

Cost of (3) 12-lead units \$97,491.30
Cost of clear plastic splash guards..... \$670.31
Cost of Reusable Cartridge Respirator.. \$1475.82

Total cost **\$99,637.43**

Percentage of calls per city

North Ogden 42%

Pleasant View 39%

Harrisville 19%

On Fri, Sep 4, 2020 at 1:48 PM Peterson, Lance <lpeterso@co.weber.ut.us> wrote:

Jeremiah

I thought I mentioned to your cities long ago that they need to take care of you.

I'll cc them here as a reminder. They should take care of you since you are their fire dept. even though you are a district.

You are attached to them.

I've taken care of Weber Fire, even though Hooper, WestHaven, MS and FarrWest and Huntsville are covered by WFD.

I did talk to those cities about chipping in though. I am not taking care of the City FD's like Roy, SO, Ogden, etc. etc.

And I believe that they have chipped in, via the County Treasurer.

Paul, Zach, Bill

NVFD is your fire dept. You need to reach out to them and make sure they are taken care of.

BUT, there is one consideration. Where are you three on how much money you have left.

If there is not enough, and if the county has extra, that I could possibly take NVFD's request to the Commission.

But I need to know where you all are with how much money you have left.

So, as you can see, I am treating NVFD as if they were your own city dept. Because basically you are.

Let me know, and we can go from there. I am happy to include them if that would be appropriate.

Jeremiah, what are your needs. Short term, from this past Spring, March 1 till this Fall, Nov 31st.

Thanks

Lance

From: Jeremiah Jones <jjones@northviewfire.com>

Sent: Friday, September 4, 2020 1:32 PM

To: Peterson, Lance <lpeterso@co.weber.ut.us>

Subject: [EXTERNAL]Covid Money

CAUTION: This email originated from outside Weber County. Do not click links or open attachments unless you know the sender and are expecting the link or attachment. **Think Before You Click!**

Good afternoon Lance,

I am inquiring to see if there is possibly any COVID money that we could get for some equipment that we are needing. I had heard that some monies had been distributed to cities in Weber County, but with us not being attached with particular cities because we are a district, I was wondering how that might work. If you have any information I would really appreciate it! Thank you and have a great weekend!

--

Jeremiah Jones

Deputy Fire Chief

North View Fire District

O 801.782.8159 | M 801.645.3475

jjones@northviewfire.com

Coronavirus Relief Fund
Guidance for State, Territorial, Local, and Tribal Governments
Updated September 2, 2020¹

The purpose of this document is to provide guidance to recipients of the funding available under section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”). The CARES Act established the Coronavirus Relief Fund (the “Fund”) and appropriated \$150 billion to the Fund. Under the CARES Act, the Fund is to be used to make payments for specified uses to States and certain local governments; the District of Columbia and U.S. Territories (consisting of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands); and Tribal governments.

The CARES Act provides that payments from the Fund may only be used to cover costs that —

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID–19);
2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.²

The guidance that follows sets forth the Department of the Treasury’s interpretation of these limitations on the permissible use of Fund payments.

Necessary expenditures incurred due to the public health emergency

The requirement that expenditures be incurred “due to” the public health emergency means that expenditures must be used for actions taken to respond to the public health emergency. These may include expenditures incurred to allow the State, territorial, local, or Tribal government to respond directly to the emergency, such as by addressing medical or public health needs, as well as expenditures incurred to respond to second-order effects of the emergency, such as by providing economic support to those suffering from employment or business interruptions due to COVID-19-related business closures.

Funds may not be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the statute. Although a broad range of uses is allowed, revenue replacement is not a permissible use of Fund payments.

The statute also specifies that expenditures using Fund payments must be “necessary.” The Department of the Treasury understands this term broadly to mean that the expenditure is reasonably necessary for its intended use in the reasonable judgment of the government officials responsible for spending Fund payments.

¹ On June 30, 2020, the guidance provided under “Costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020” was updated. On September 2, 2020, the “Supplemental Guidance on Use of Funds to Cover Payroll and Benefits of Public Employees” and “Supplemental Guidance on Use of Funds to Cover Administrative Costs” sections were added.

² See Section 601(d) of the Social Security Act, as added by section 5001 of the CARES Act.

will not affect the ability of the recipient to use payments from the Fund to cover the cost of such goods or services if the delay is due to circumstances beyond the recipient's control.

This guidance applies in a like manner to costs of subrecipients. Thus, a grant or loan, for example, provided by a recipient using payments from the Fund must be used by the subrecipient only to purchase (or reimburse a purchase of) goods or services for which receipt both is needed within the covered period and occurs within the covered period. The direct recipient of payments from the Fund is ultimately responsible for compliance with this limitation on use of payments from the Fund.

Nonexclusive examples of eligible expenditures

Eligible expenditures include, but are not limited to, payment for:

1. Medical expenses such as:
 - COVID-19-related expenses of public hospitals, clinics, and similar facilities.
 - Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.
 - Costs of providing COVID-19 testing, including serological testing.
 - Emergency medical response expenses, including emergency medical transportation, related to COVID-19.
 - Expenses for establishing and operating public telemedicine capabilities for COVID-19-related treatment.
2. Public health expenses such as:
 - Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.
 - Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.
 - Expenses for disinfection of public areas and other facilities, *e.g.*, nursing homes, in response to the COVID-19 public health emergency.
 - Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.
 - Expenses for public safety measures undertaken in response to COVID-19.
 - Expenses for quarantining individuals.
3. Payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

4. Expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds.
5. Reimbursement to donors for donated items or services.
6. Workforce bonuses other than hazard pay or overtime.
7. Severance pay.
8. Legal settlements.

Supplemental Guidance on Use of Funds to Cover Payroll and Benefits of Public Employees

As discussed in the Guidance above, the CARES Act provides that payments from the Fund must be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. As reflected in the Guidance and FAQs, Treasury has not interpreted this provision to limit eligible costs to those that are incremental increases above amounts previously budgeted. Rather, Treasury has interpreted this provision to exclude items that were already covered for their original use (or a substantially similar use). This guidance reflects the intent behind the Fund, which was not to provide general fiscal assistance to state governments but rather to assist them with COVID-19-related necessary expenditures. With respect to personnel expenses, though the Fund was not intended to be used to cover government payroll expenses generally, the Fund was intended to provide assistance to address increased expenses, such as the expense of hiring new personnel as needed to assist with the government's response to the public health emergency and to allow recipients facing budget pressures not to have to lay off or furlough employees who would be needed to assist with that purpose.

Substantially different use

As stated in the Guidance above, Treasury considers the requirement that payments from the Fund be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020, to be met if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget *or* (b) the cost is for a *substantially different use* from any expected use of funds in such a line item, allotment, or allocation.

Treasury has provided examples as to what would constitute a substantially different use. Treasury provided (in FAQ A.3) that costs incurred for a substantially different use would include, for example, the costs of redeploying educational support staff or faculty to develop online learning capabilities, such as through providing information technology support that is not part of the staff or faculty's ordinary responsibilities.

Substantially dedicated

Within this category of substantially different uses, as stated in the Guidance above, Treasury has included payroll and benefits expenses for public safety, public health, health care, human services, and similar employees whose services are *substantially dedicated* to mitigating or responding to the COVID-19 public health emergency. The *full amount* of payroll and benefits expenses of substantially dedicated employees may be covered using payments from the Fund. Treasury has not developed a precise definition of what "substantially dedicated" means given that there is not a precise way to define this term

contact with members of the public to enforce public health or public safety orders, but across-the-board hazard pay for all members of a police department regardless of their duties would not be able to be covered with payments from the Fund. This position reflects the statutory intent discussed above: the Fund was intended to be used to help governments address the public health emergency both by providing funds for incremental expenses (such as hazard pay related to COVID-19) and to allow governments not to have to furlough or lay off employees needed to address the public health emergency but was not intended to provide across-the-board budget support (as would be the case if hazard pay regardless of its relation to COVID-19 or workforce bonuses were permitted to be covered using payments from the Fund).

Relatedly, both hazard pay and overtime pay for employees that are not substantially dedicated may only be covered using the Fund if the hazard pay and overtime pay is for COVID-19-related duties. As discussed above, governments may allocate payroll and benefits of such employees with respect to time worked on COVID-19-related matters.

Covered benefits include, but are not limited to, the costs of all types of leave (vacation, family-related, sick, military, bereavement, sabbatical, jury duty), employee insurance (health, life, dental, vision), retirement (pensions, 401(k)), unemployment benefit plans (federal and state), workers compensation insurance, and Federal Insurance Contributions Act (FICA) taxes (which includes Social Security and Medicare taxes).

Supplemental Guidance on Use of Funds to Cover Administrative Costs

General

Payments from the Fund are not administered as part of a traditional grant program and the provisions of the Uniform Guidance, 2 C.F.R. Part 200, that are applicable to indirect costs do not apply. Recipients may not apply their indirect costs rates to payments received from the Fund.

Recipients may, if they meet the conditions specified in the guidance for tracking time consistently across a department, use payments from the Fund to cover the portion of payroll and benefits of employees corresponding to time spent on administrative work necessary due to the COVID-19 public health emergency. (In other words, such costs would be eligible direct costs of the recipient). This includes, but is not limited to, costs related to disbursing payments from the Fund and managing new grant programs established using payments from the Fund.

As with any other costs to be covered using payments from the Fund, any such administrative costs must be incurred by December 30, 2020, with an exception for certain compliance costs as discussed below. Furthermore, as discussed in the Guidance above, as with any other cost, an administrative cost that has been or will be reimbursed under any federal program may not be covered with the Fund. For example, if an administrative cost is already being covered as a direct or indirect cost pursuant to another federal grant, the Fund may not be used to cover that cost.

Compliance costs related to the Fund

As previously stated in FAQ B.11, recipients are permitted to use payments from the Fund to cover the expenses of an audit conducted under the Single Audit Act, subject to the limitations set forth in 2 C.F.R. § 200.425. Pursuant to that provision of the Uniform Guidance, recipients and subrecipients subject to the Single Audit Act may use payments from the Fund to cover a reasonably proportionate share of the costs of audits attributable to the Fund.

**Coronavirus Relief Fund
Frequently Asked Questions
Updated as of September 2, 2020¹**

The following answers to frequently asked questions supplement Treasury's Coronavirus Relief Fund ("Fund") Guidance for State, Territorial, Local, and Tribal Governments, dated April 22, 2020, ("Guidance").² Amounts paid from the Fund are subject to the restrictions outlined in the Guidance and set forth in section 601(d) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act").

A. Eligible Expenditures

1. *Are governments required to submit proposed expenditures to Treasury for approval?*

No. Governments are responsible for making determinations as to what expenditures are necessary due to the public health emergency with respect to COVID-19 and do not need to submit any proposed expenditures to Treasury.

2. *The Guidance says that funding can be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. How does a government determine whether payroll expenses for a given employee satisfy the "substantially dedicated" condition?*

The Fund is designed to provide ready funding to address unforeseen financial needs and risks created by the COVID-19 public health emergency. For this reason, and as a matter of administrative convenience in light of the emergency nature of this program, a State, territorial, local, or Tribal government may presume that payroll costs for public health and public safety employees are payments for services substantially dedicated to mitigating or responding to the COVID-19 public health emergency, unless the chief executive (or equivalent) of the relevant government determines that specific circumstances indicate otherwise.

3. *The Guidance says that a cost was not accounted for in the most recently approved budget if the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. What would qualify as a "substantially different use" for purposes of the Fund eligibility?*

Costs incurred for a "substantially different use" include, but are not necessarily limited to, costs of personnel and services that were budgeted for in the most recently approved budget but which, due entirely to the COVID-19 public health emergency, have been diverted to substantially different functions. This would include, for example, the costs of redeploying corrections facility staff to enable compliance with COVID-19 public health precautions through work such as enhanced sanitation or enforcing social distancing measures; the costs of redeploying police to support management and enforcement of stay-at-home orders; or the costs of diverting educational support staff or faculty to develop online learning capabilities, such as through providing information technology support that is not part of the staff or faculty's ordinary responsibilities.

¹ On August 10, 2020, these Frequently Asked Questions were revised to add Questions A.49–52. On September 2, 2020, Questions A.53–56 were added, and Questions A.34 and A.38 were revised.

² The Guidance is available at <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>.

9. *Are States permitted to use Fund payments to support state unemployment insurance funds generally?*

To the extent that the costs incurred by a state unemployment insurance fund are incurred due to the COVID-19 public health emergency, a State may use Fund payments to make payments to its respective state unemployment insurance fund, separate and apart from such State's obligation to the unemployment insurance fund as an employer. This will permit States to use Fund payments to prevent expenses related to the public health emergency from causing their state unemployment insurance funds to become insolvent.

10. *Are recipients permitted to use Fund payments to pay for unemployment insurance costs incurred by the recipient as an employer?*

Yes, Fund payments may be used for unemployment insurance costs incurred by the recipient as an employer (for example, as a reimbursing employer) related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.

11. *The Guidance states that the Fund may support a "broad range of uses" including payroll expenses for several classes of employees whose services are "substantially dedicated to mitigating or responding to the COVID-19 public health emergency." What are some examples of types of covered employees?*

The Guidance provides examples of broad classes of employees whose payroll expenses would be eligible expenses under the Fund. These classes of employees include public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. Payroll and benefit costs associated with public employees who could have been furloughed or otherwise laid off but who were instead repurposed to perform previously unbudgeted functions substantially dedicated to mitigating or responding to the COVID-19 public health emergency are also covered. Other eligible expenditures include payroll and benefit costs of educational support staff or faculty responsible for developing online learning capabilities necessary to continue educational instruction in response to COVID-19-related school closures. Please see the Guidance for a discussion of what is meant by an expense that was not accounted for in the budget most recently approved as of March 27, 2020.

12. *In some cases, first responders and critical health care workers that contract COVID-19 are eligible for workers' compensation coverage. Is the cost of this expanded workers compensation coverage eligible?*

Increased workers compensation cost to the government due to the COVID-19 public health emergency incurred during the period beginning March 1, 2020, and ending December 30, 2020, is an eligible expense.

13. *If a recipient would have decommissioned equipment or not renewed a lease on particular office space or equipment but decides to continue to use the equipment or to renew the lease in order to respond to the public health emergency, are the costs associated with continuing to operate the equipment or the ongoing lease payments eligible expenses?*

Yes. To the extent the expenses were previously unbudgeted and are otherwise consistent with section 601(d) of the Social Security Act outlined in the Guidance, such expenses would be eligible.

21. *May recipients create a “payroll support program” for public employees?*

Use of payments from the Fund to cover payroll or benefits expenses of public employees are limited to those employees whose work duties are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

22. *May recipients use Fund payments to cover employment and training programs for employees that have been furloughed due to the public health emergency?*

Yes, this would be an eligible expense if the government determined that the costs of such employment and training programs would be necessary due to the public health emergency.

23. *May recipients use Fund payments to provide emergency financial assistance to individuals and families directly impacted by a loss of income due to the COVID-19 public health emergency?*

Yes, if a government determines such assistance to be a necessary expenditure. Such assistance could include, for example, a program to assist individuals with payment of overdue rent or mortgage payments to avoid eviction or foreclosure or unforeseen financial costs for funerals and other emergency individual needs. Such assistance should be structured in a manner to ensure as much as possible, within the realm of what is administratively feasible, that such assistance is necessary.

24. *The Guidance provides that eligible expenditures may include expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. What is meant by a “small business,” and is the Guidance intended to refer only to expenditures to cover administrative expenses of such a grant program?*

Governments have discretion to determine what payments are necessary. A program that is aimed at assisting small businesses with the costs of business interruption caused by required closures should be tailored to assist those businesses in need of such assistance. The amount of a grant to a small business to reimburse the costs of business interruption caused by required closures would also be an eligible expenditure under section 601(d) of the Social Security Act, as outlined in the Guidance.

25. *The Guidance provides that expenses associated with the provision of economic support in connection with the public health emergency, such as expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures, would constitute eligible expenditures of Fund payments. Would such expenditures be eligible in the absence of a stay-at-home order?*

Fund payments may be used for economic support in the absence of a stay-at-home order if such expenditures are determined by the government to be necessary. This may include, for example, a grant program to benefit small businesses that close voluntarily to promote social distancing measures or that are affected by decreased customer demand as a result of the COVID-19 public health emergency.

26. *May Fund payments be used to assist impacted property owners with the payment of their property taxes?*

Fund payments may not be used for government revenue replacement, including the provision of assistance to meet tax obligations.

33. *Should States receiving a payment transfer funds to local governments that did not receive payments directly from Treasury?*

Yes, provided that the transferred funds are used by the local government for eligible expenditures under the statute. To facilitate prompt distribution of Title V funds, the CARES Act authorized Treasury to make direct payments to local governments with populations in excess of 500,000, in amounts equal to 45% of the local government's per capita share of the statewide allocation. This statutory structure was based on a recognition that it is more administratively feasible to rely on States, rather than the federal government, to manage the transfer of funds to smaller local governments. Consistent with the needs of all local governments for funding to address the public health emergency, States should transfer funds to local governments with populations of 500,000 or less, using as a benchmark the per capita allocation formula that governs payments to larger local governments. This approach will ensure equitable treatment among local governments of all sizes.

For example, a State received the minimum \$1.25 billion allocation and had one county with a population over 500,000 that received \$250 million directly. The State should distribute 45 percent of the \$1 billion it received, or \$450 million, to local governments within the State with a population of 500,000 or less.

34. *May a State impose restrictions on transfers of funds to local governments?*

Yes, to the extent that the restrictions facilitate the State's compliance with the requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance and other applicable requirements such as the Single Audit Act, discussed below. Other restrictions, such as restrictions on reopening that do not directly concern the use of funds, are not permissible.

35. *If a recipient must issue tax anticipation notes (TANs) to make up for tax due date deferrals or revenue shortfalls, are the expenses associated with the issuance eligible uses of Fund payments?*

If a government determines that the issuance of TANs is necessary due to the COVID-19 public health emergency, the government may expend payments from the Fund on the interest expense payable on TANs by the borrower and unbudgeted administrative and transactional costs, such as necessary payments to advisors and underwriters, associated with the issuance of the TANs.

36. *May recipients use Fund payments to expand rural broadband capacity to assist with distance learning and telework?*

Such expenditures would only be permissible if they are necessary for the public health emergency. The cost of projects that would not be expected to increase capacity to a significant extent until the need for distance learning and telework have passed due to this public health emergency would not be necessary due to the public health emergency and thus would not be eligible uses of Fund payments.

37. *Are costs associated with increased solid waste capacity an eligible use of payments from the Fund?*

Yes, costs to address increase in solid waste as a result of the public health emergency, such as relates to the disposal of used personal protective equipment, would be an eligible expenditure.

Yes, non-profits may be used to distribute assistance. Regardless of how the assistance is structured, the financial assistance provided would have to be related to COVID-19.

45. *May recipients use Fund payments to remarket the recipient's convention facilities and tourism industry?*

Yes, if the costs of such remarketing satisfy the requirements of the CARES Act. Expenses incurred to publicize the resumption of activities and steps taken to ensure a safe experience may be needed due to the public health emergency. Expenses related to developing a long-term plan to reposition a recipient's convention and tourism industry and infrastructure would not be incurred due to the public health emergency and therefore may not be covered using payments from the Fund.

46. *May a State provide assistance to farmers and meat processors to expand capacity, such to cover overtime for USDA meat inspectors?*

If a State determines that expanding meat processing capacity, including by paying overtime to USDA meat inspectors, is a necessary expense incurred due to the public health emergency, such as if increased capacity is necessary to allow farmers and processors to donate meat to food banks, then such expenses are eligible expenses, provided that the expenses satisfy the other requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance.

47. *The guidance provides that funding may be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. May Fund payments be used to cover such an employee's entire payroll cost or just the portion of time spent on mitigating or responding to the COVID-19 public health emergency?*

As a matter of administrative convenience, the entire payroll cost of an employee whose time is substantially dedicated to mitigating or responding to the COVID-19 public health emergency is eligible, provided that such payroll costs are incurred by December 30, 2020. An employer may also track time spent by employees related to COVID-19 and apply Fund payments on that basis but would need to do so consistently within the relevant agency or department.

48. *May Fund payments be used to cover increased administrative leave costs of public employees who could not telework in the event of a stay at home order or a case of COVID-19 in the workplace?*

The statute requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. As stated in the Guidance, a cost meets this requirement if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget or (b) the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. If the cost of an employee was allocated to administrative leave to a greater extent than was expected, the cost of such administrative leave may be covered using payments from the Fund.

54. *May Fund recipients upgrade critical public health infrastructure, such as providing access to running water for individuals and families in rural and tribal areas to allow them to maintain proper hygiene and defend themselves against the virus?*

Yes, fund recipients may use payments from the Fund to upgrade public health infrastructure, such as providing individuals and families access to running water to help reduce the further spread of the virus. As required by the CARES Act, expenses associated with such upgrades must be incurred by December 30, 2020. Please see Treasury's Guidance as updated on June 30 regarding when a cost is considered to be incurred for purposes of the requirement that expenses be incurred within the covered period.

55. *How does a government address the requirement that the allowable expenditures are not accounted for in the budget most recently approved as of March 27, 2020, once the government enters its new budget year on July 1, 2020 (for governments with June 30 fiscal year ends) or October 1, 2020 (for governments with September 30 year ends)?*

As provided in the Guidance, the "most recently approved" budget refers to the enacted budget for the relevant fiscal period for the particular government, without taking into account subsequent supplemental appropriations enacted or other budgetary adjustments made by that government in response to the COVID-19 public health emergency. A cost is not considered to have been accounted for in a budget merely because it could be met using a budgetary stabilization fund, rainy day fund, or similar reserve account.

Furthermore, the budget most recently approved as of March 27, 2020, provides the spending baseline against which expenditures should be compared for purposes of determining whether they may be covered using payments from the Fund. This spending baseline will carry forward to a subsequent budget year if a Fund recipient enters a different budget year between March 27, 2020 and December 30, 2020. The spending baseline may be carried forward without adjustment for inflation.

56. *Does the National Environmental Policy Act, 42 U.S.C. § 4321 et seq, (NEPA) apply to projects supported by payments from the Fund?*

NEPA does not apply to Treasury's administration of the Fund. Projects supported with payments from the Fund may still be subject to NEPA review if they are also funded by other federal financial assistance programs.

B. Questions Related to Administration of Fund Payments

1. *Do governments have to return unspent funds to Treasury?*

Yes. Section 601(f)(2) of the Social Security Act, as added by section 5001(a) of the CARES Act, provides for recoupment by the Department of the Treasury of amounts received from the Fund that have not been used in a manner consistent with section 601(d) of the Social Security Act. If a government has not used funds it has received to cover costs that were incurred by December 30, 2020, as required by the statute, those funds must be returned to the Department of the Treasury.

10. *If a State transfers Fund payments to its political subdivisions, would the transferred funds count toward the subrecipients' total funding received from the federal government for purposes of the Single Audit Act?*

Yes. The Fund payments to subrecipients would count toward the threshold of the Single Audit Act and 2 C.F.R. part 200, subpart F re: audit requirements. Subrecipients are subject to a single audit or program-specific audit pursuant to 2 C.F.R. § 200.501(a) when the subrecipients spend \$750,000 or more in federal awards during their fiscal year.

11. *Are recipients permitted to use payments from the Fund to cover the expenses of an audit conducted under the Single Audit Act?*

Yes, such expenses would be eligible expenditures, subject to the limitations set forth in 2 C.F.R. § 200.425.

12. *If a government has transferred funds to another entity, from which entity would the Treasury Department seek to recoup the funds if they have not been used in a manner consistent with section 601(d) of the Social Security Act?*

The Treasury Department would seek to recoup the funds from the government that received the payment directly from the Treasury Department. State, territorial, local, and Tribal governments receiving funds from Treasury should ensure that funds transferred to other entities, whether pursuant to a grant program or otherwise, are used in accordance with section 601(d) of the Social Security Act as implemented in the Guidance.



Reconciliation Change Order

Project: Multi-Sports Complex Deceleration Lane

Owner: Pleasant View City

Contractor: Staker Parson

Notice to Proceed: 7/15/2020

Substantial Completion: 8/29/2020

Original Contract Price: \$134,899.25

SUMMARY OF CHANGE ORDER

Description of Change(s): Reconciliation Change Order for Project Close Out

Total Amount of Change: \$15,444.80

***Revised Contract Price:** \$152,494.05

Attachments: Cost Breakdown

Dana Q. Shuler

Recommended for Approval by Engineer

10/06/2020

Date

Approved by Director of Public Works

Date

Approved by Mayor

Date

Received by Contractor

Date

*APPROVED CHANGES TO DATE (additional days)

CO #1:	\$	2,150.00	-
CO #2:	\$	-	-
CO #3:	\$	-	-
CO #4:	\$	-	-
CO #5:	\$	-	-
Total Changes:	\$	2,150.00	- days



Consulting Engineers

Cost Breakdown

Reconciliation Change Order

Item No.	Description	Contract Quantity	Final Quantity	Quantity Increase	Quantity Decrease	Unit	Price	Amount Increase	Amount Decrease
GENERAL ITEMS									
1	Mobilization	1 LS	1	-	-	\$ 4,100.00	\$	-	\$
2	SWPPP/erosion control	1 LS	1	-	-	2,200.00	-	-	-
3	UDOT permitting	1 LS	1	-	-	500.00	-	-	-
4	Traffic control	1 LS	1	-	-	3,900.00	-	-	-
5	Construction staking	1 LS	1	-	-	2,500.00	-	-	-
6	Clear and grub	2,175 SY	2,175	-	-	1.25	-	-	-
7	Place embankment/fill	940 CY	265	-	-	6.15	-	-	4,151.25
8	Saw cut existing asphalt	440 LF	440	-	-	1.00	-	-	-
9	Remove and dispose of existing asphalt	880 SF	880	-	-	2.60	-	-	-
10	Excavate and dispose of excess material	155 CY	-	-	155	33.15	-	-	5,138.25
11	Furnish, place, and compact 12" thick granular borrow - UDOT spec	565 TON	1,269.48	704.48	-	19.90	14,019.15	-	-
12	Furnish, place, and compact 6" thick untreated base course - UDOT spec	285 TON	381.58	96.58	-	26.40	2,549.71	-	-
13	Furnish, place, and compact 7" thick asphalt - UDOT spec	355 TON	427.49	72.49	-	93.75	6,795.94	-	-
14	Furnish and place chip seal - UDOT spec	895 SY	1,060	165	-	8.30	1,369.50	-	-
15	Furnish and install striping	400 LF	400	-	-	5.10	-	-	-
16	Furnish and install pavement message	1 EA	1	-	-	330.00	-	-	-
17	Furnish and install street signs	13 EA	13	-	-	1,238.00	-	-	-
18	Seed disturbed area	1,250 SY	1,250	-	-	2.00	-	-	-
STORM DRAIN ITEMS									
19	Furnish and install 2.5'x4' storm drain junction box	2 EA	2	-	-	2,860.00	-	-	-
20	Furnish and install 12" CMP	10 LF	10	-	-	88.00	-	-	-
21	Furnish and install 15" RCP	200 LF	200	-	-	57.20	-	-	-
22	Connect to existing 12" CMP	1 EA	1	-	-	1,320.00	-	-	-
23	Connect to existing storm drain manhole	1 EA	1	-	-	1,650.00	-	-	-
24	Furnish and install 12" end section	1 EA	1	-	-	1,815.00	-	-	-
25	Loop 2" poly water service	1 EA	1	-	-	2,067.00	-	-	-
CHANGE ORDER ITEMS									
101	Connect drain line into existing manhole on east side of US 89 at box culvert	1 LS	1	-	-	2,150.00	-	-	-
								TOTAL INCREASE	\$ 24,734.30
								TOTAL DECREASE	\$ 9,289.50

Total Change in Contract Price: \$ 15,444.80



RECOMMENDATION OF AWARD

To: Pleasant View City

From: Dana Q. Shuler, P.E. *Dana Q. Shuler*
Jones & Associates Consulting Engineers

RE: **RECOMMENDATION OF AWARD**
4575 NORTH TRAILHEAD PAVING PROJECT

Date: October 6, 2020

GENERAL

On October 1, 2020 at 2:00 p.m., bids were opened for the Pleasant View City 4575 North Trailhead Paving Project. The bid opening was conducted by a Zoom meeting.

Seven (7) bids were received from the following contractors:

1. Black Forest paving
2. Bonneville Asphalt & Repair
3. Green Construction
4. Post Construction
5. Priority Paving
6. Ridge Rock, Inc.
7. Staker Parson Companies

The bid results are shown on the enclosed Bid Tabulation. The Bid Tabulation shows the bidders in order of lowest to highest for each Section.

AWARD RECOMMENDATION

After checking references, we have found that the low bidder, Priority Paving is qualified and experienced to do this work.

Overall, we recommend that the Council award the Project to the low bidder, **Priority Paving**, for the Base Bid in the amount of **\$22,575.85**. This project is being funded by a RAMP Grant.

Attachment: Bid Tabulation

BID TABULATION

4575 North Trailhead Paving Project

Bid Opening: October 1, 2020, 2:00 pm, Virtual thru Zoom

Item	Description	Qty	Unit	Priority Paving	Ridge Rock, Inc.	Black Forest Paving	Green Construction Inc.	Staker Parson Companies	Post Construction Company	onneville Asphalt & Repair LL
1	Perform fine grading	19,235	sf	0.12 \$ 2,308.20	0.14 \$ 2,692.90	0.16 \$ 3,077.60	0.20 \$ 3,847.00	0.25 \$ 4,808.75	0.17 \$ 3,269.95	0.25 \$ 4,808.75
2	Furnish and place 2-inch HMA	19,235	sf	0.99 19,042.65	0.91 17,503.85	0.97 18,657.95	0.99 19,042.65	1.00 19,235.00	1.12 21,543.20	1.20 23,082.00
3	Raise water valve box to grade following paving with concrete collar	7	ea	175.00 1,225.00	375.00 2,625.00	450.00 3,150.00	330.00 2,310.00	320.00 2,240.00	350.00 2,450.00	100.00 700.00
TOTAL BASE BID (Item 1-3)				\$ 22,575.85	\$ 22,821.75	\$ 24,885.55	\$ 25,199.65	\$ 26,283.75	\$ 27,263.15	\$ 28,590.75

Project Inspector

Benjamin A. Stata

Date 10/1/2020