

MINUTES
CITY COUNCIL MEETING
FRUIT HEIGHTS CITY
910 South Mountain Road
April 9, 2024

WELCOME:

Mayor John Pohlman called the meeting to order at 7:02 pm.

PLEDGE & OPENING CEREMONY:

The Pledge of Allegiance was led by Council Member Mark Cottrell, with Mayor John Pohlman conducting the opening ceremony by offering a word of prayer.

COUNCIL MEMBERS PRESENT:

Mayor John Pohlman, Council Members Gary Anderson, Florence Sadler, Eileen Moss, Council Member George Ray, and Council Member Mark Cottrell.

CITY STAFF PRESENT:

City Manager Darren Frandsen, Public Works Director Layne Leonard, and City Planner Jeff Oyler, Deputy Recorder Hailee Ballingham, City Attorney Brad Christopherson, Evelyn Zimmerman, Skyler Crawford, Crystal Kunkel.

VISITORS:

Virginia Cate, John Cate, Cynthia Denkers, Robert Denkers, Susan Darger, Eli Nielsen, Bella B. Joe Christensen, Kris Christensen, Lynda Stapp, Dave Shrins, Dale Kunkel.

CITY COUNCIL TRAINING: Mayor John Polman:

During a strategic planning meeting, the city council and staff of Fruit Heights came up with the idea of creating a creed for the city. They wanted to define what it means to be a city of good neighbors. They wrote a pledge stating their commitment to open communication, civil disagreement, and charity for all. They aim to build a diverse and welcoming community, where residents feel safe, respected, and have their rights protected. They emphasize the importance of honesty, integrity, service to others, financial responsibility, and inclusive values. They also strive to address and correct any forms of discrimination. Feedback and suggestions are welcome.

PRESENTATIONS:

4.1 YCC had a successful Easter egg hunt and attended leadership training in Logan. They learned resume-building and principles from Atomic Habits and had a banquet dinner with the mayor and 2 council members. They feel closer as a council and more capable of supporting the city.

4.2 The City Attorney Brad Christopherson presented Annual Training. Open and Public Meetings and Ethics Act

PUBLIC COMMENT: None

BUSINESS ITEMS:

5.1 Swearing in Darren Frandsen as City Manager

5.2 Rezone from R-S-12 to R-3 Located at 1357 E 650 N (East Mountain Townhomes). City Planner Jeff Oyler provided a brief history of the rezoning request made by Joe Christensen. Initially, Christensen wanted to rezone a plot of land for eight units but was denied. The city council stated that they would reconsider if he presented a plan for six units. Christensen has now returned with three slightly different versions of the plan. However, the Planning Commission recommended its denial, citing neighbors' opposition to the rezone and the need for a transition zone.

The request has now been returned to the City Council for their consideration. Council Member Moss highlighted that the current zoning ordinance refers to a high-density R-3 zone.

The new general plan does not include specific areas for R-3 consideration. Concerns were raised about potential changes to the proposed number of units after council approval, but it was explained that a development agreement would limit future development. Joe Christensen explained his proposal for townhomes sold to single families, with each unit having a deed to the ground underneath. Mayor Pohlman mentioned a previous denial of a rezoning request two years ago, but also a secondary motion that stated approval would be granted if the request came back with six units. Council Member Moss expressed her preference for a new R-6 zone. She suggested sending the matter back to the Planning Commission for them to explore the possibility of an R-6 zone, within the next month.

Council Member Gary Anderson made a motion to deny the Rezone and to ask the planning commission to come up with an R-6 Zone seconded by Council Member Florence Sadler.

The discussion continues to touch on the binding nature of development agreements and how they are recorded against the property, ensuring that future buyers are aware of the limitations and conditions. The attorney stated the presence of a development agreement mitigates these risks by imposing conditions that must be met before any changes are made. Also stated in the City general plan and state requirements prioritize diversifying housing options, including smaller zones and higher-density properties. By approving this rezoning request, we can demonstrate our progress in meeting our affordable housing requirements for the state.

After the discussion, Mayor John Pohlman restated the motion on the table and asked for a vote.

Council Member Gary Anderson made a motion to deny the Rezone and to ask the planning commission to come up with an R-6 Zone Council Member Florence Sadler seconded. It was 3(Anderson, Moss, Sadler) to 2(Cottrell, Ray). The motion passed. (1:03:32)

It was asked If this was a R-6 rezoning request compared to a R-3 would this request have passed, Council Members said yes.

5.3 Public hearing for ordinance 2024-002 Title 2A Government.

Council Member Eileen Moss made a motion to open the public hearing. Council Member George Ray seconded the motion. The council unanimously approved the motion. (1:11:06)

This ordinance will restrict elected officials by setting term limits. Council members can serve for 12 consecutive years, while the mayor can serve for 8 years. If a council member becomes

mayor, it would create a 4-year term for the mayor. The purpose is to give more individuals the chance to participate in the election process and serve in the community.

Clark Moss: His wife has been on and off the council, receiving requests to run multiple times. She won the last election by a large margin. Saying she can't run is insulting and implies if you disagree with policies, we want to get rid of you. He believes people ask her to run because she represents their interests.

Council Member George Ray made a motion to close the public hearing. Council Member Florence Sadler seconded the motion. The council unanimously approved the motion to close the meeting. (1:14:54)

Mayor John Pohlman believes that a mayor should not serve for more than two terms, just like the president of the United States. He argues that the city has capable individuals with the time and desire to contribute and serve this community. New blood brings creativity and energy.

Council Member Moss emphasizes the importance of institutional knowledge. She believes that running unopposed in local elections is a problem and questions the purpose of implementing term limits if there is already a lack of candidates.

Council Member George Ray highlights the significance of name recognition and the advantage of incumbency. As the discussion continues, the council acknowledges the need for new ideas and fresh perspectives but recognizes the value of the current ideas as well.

Gary Anderson believes that the ordinance targets him and another council member Eileen Moss specifically. That this motion enables the control of the individual that proposed it to control who is on the city council. The people can choose who is on the council by their vote.

Mayor Pohlman clarifies that the intent behind the ordinance is to provide opportunities for new individuals to serve and not to target specific council members. He stated that serving three terms as a city council member, equivalent to 12 years, is already a significant amount of service and that term limits can help re-energize the council.

Mayor John Pohlman made a motion to approve Ordinance 2024-022 Title 2 A Government with the chance to include two election processes instead of 8 consecutive years. Council Member Mark Cottrell Seconded the motion. It was 4(Pohlman Cottrell Ray Sadler) to 2 (Anderson, Moss). The motion passed. (1:31:32)

Council Member Florence Sadler made a motion to approve Ordinance 2024-022 Title 2 A Government with the chance to include three election processes instead of 8 consecutive years. Council Member Mark Cottrell Seconded the motion. It was 3(Cottrell, Ray, Sadler) to 2 (Anderson, Moss). The motion passed. (1:1:32:50)

5.4 Public Hearing Ordinance 2024-003 Rental Policy was tabled.

Council Member Gary Anderson made a motion to open the public hearing. Council Member George Ray seconded the motion. The council unanimously approved the motion. (1:34:22)

No public Comments.

Council Member Eileen Moss made a motion to close the public hearing. Council Member Gary Anderson seconded the motion. The council unanimously approved the motion. (1:36:29)

Discussing a misunderstanding on the posting of the public hearing, the council decided to table Ordinance 2024-003 Rental Policy and reposted it for a later meeting.

Council Member George Ray made a motion to table ordinance 2024-003 Rental Policy Council Member Gary Anderson seconded the motion. The council unanimously approved the motion (1:38:46)

5.5 Public Hearing Ordinance 2024-004 Stormwater and Drainages.

Council Member Florence Sadler made a motion to open the public hearing. Council Member George Ray seconded the motion. The council unanimously approved the motion. (1:39:17)

This ordinance is a requirement from the state to update the stormwater ordinance and make it compliant with EPA and Ms4 standards. The staff and engineering firm have worked on it for the past two months to handle the increased costs and fines. It complies with state and EPA requirements.

No Public Comments.

Council Member Florence Sadler made a motion to close the public hearing. Council Member Mark Cottrell seconded the motion. The council unanimously approved the motion. (1:41:38)

Council Member Moss stated that one of her main concerns is the city needs to take the fees out of the ordinance and put them in the fee schedule. The city engineer and staff have also been working with other cities to compare fee schedules. This ordinance update is a requirement for our audit and needs to be submitted to the state. The engineer stated that we have missed the deadline but still request that you approve it tonight and we will make further changes as suggested.

Council Member George Ray made a motion to approve ordinance 2024-004 for stormwater and drainage, as is with the expectation that staff will adjust those, remove those fees, and put them in the fee schedule. Council Member Mark Cottrell seconded the motion. The council unanimously approved the motion. (1:47:16)

TABLED ITEMS:

6.1 Municipal Code Title 11A Update for New State Legislation Requirements.
The council would like to review Title 11A at the next city council meeting.

6.2 Amendment to the Law Enforcement Services Agreement.
Mayor Pohlman wanted to keep the 6.2 Amendment to the Law Enforcement Services Agreement tabled at this time he is working on getting more information.

CALENDAR:

Spring Clean-Up April 5-April 22,2024
The Shake-Out April 18, 2024
Next City Council Meeting April 23, 2024

Next Planning Commission Meeting April 30, 2024

REVIEW AND APPROVAL OF MINUTES FROM PREVIOUS MEETINGS:

Council Member Florence Sadler made a motion to approve the March 19, 2024, minutes with the recommended changes. Council Member George Ray Seconded the motion. The council unanimously approved the motion (1:58:11)

CITY COUNCIL REPORTS:

Council Member Mark Cottrell had an enlightening six-hour ride with the sheriff's department, gaining a better understanding of their service. Fruit Heights residents are proactive in reporting suspicious vehicles, while the sheriff focuses on patrolling residential streets due to increasing burglaries and other incidents. Founders Day preparations are in progress, including food trucks, ice cream cones from the mayor, and a car show. He reminds the council there is A team (Council and Staff) barbecue scheduled for June 11th.

Council Member George Ray reported that he will be meeting with Darren to discuss the city budget.

MAYOR REPORT:

The city's cottage meeting on April 16, 2024, to gather residents' opinions on the chicken ordinance draft.

CITY STAFF REPORTS:

City Attorney Brad Christopherson wants to get some clarification on the new zone R-6 then read through the list of things the City Council requested the staff prepare and bring back to the next city Council Meeting.

City Planner Jeff Oyler wanted to remind the mayor, to please ensure clarity during the cottage meeting that the R-1-12 zone prohibits animal keeping. Animals are currently allowed in the RS-12 zone.

Public Works Director Layne Leonard: The 1800 East project has started. He has been talking with residents to help them understand the project. He also told the Council construction crews will start mill & overlay work on Terrace Dr, Estate Way, and Nicholls Rd.

City Manager Darren Frandsen: The council should expect to see the budget in the next few weeks, so they are prepared to have the Tentative Budget Meeting on May 7, 2024. He stated the city will continue to get the word out about garbage rates increasing by 6%, while sewer costs will rise by \$11 per month starting in July.

ADJOURNMENT:

Council Member Eileen Moss made a motion to adjourn the meeting with Council Member Mark Cottrell seconding the motion. It was unanimously approved by the Council. (9:25)

Not approved until signed.

IS: Hailee Ballingham

Hailee Ballingham, City Deputy Recorder

Date approved by City Council: 4.23.24

