

MINUTES
CITY COUNCIL MEETING
FRUIT HEIGHTS CITY
910 South Mountain Road
April 7, 2015

CITY COUNCIL MEETING 00:00:00

The City Council Meeting was called to order by Mayor Don Carroll at 7:00 pm.

The Pledge of Allegiance was recited and Mayor Don Carroll gave a prayer for the opening ceremony.

COUNCIL MEMBERS PRESENT: Council Members Diane Anderson, Julia Busche, Craig Hill, Scot Poole and Mayor Don Carroll were present. Council Member Eileen Moss attended via iPad.

STAFF PRESENT: City Manager Brandon Green, City Attorney Brad Christopherson, City Planner Jeff Oyler and Recording Secretary Kelli Rollins.

VISITORS: Gary Fox, Raphael, John, Blaine Spendlove, Scott Justensen, Michael Hendricks, Garrett Hendricks, Steve & Connie Fhaney, John Scott

AGENDA ITEM:

2. APPROVAL OF MINUTES FROM PREVIOUS MEETING

Council Member Diane Anderson made a motion to approve the minutes of March 17, 2015 with corrections. Council Member Scot Poole seconded the motion and it was approved unanimously.

Council Member Julia Busche made a motion to approve the minutes of the March 24, 2015. Council Member Scot Poole seconded the motion and it was approved unanimously.

3. SPECIAL PRESENTATIONS- Items from the Public

There were not any presentations from the public.

4. PUBLIC HEARING

Council Member Craig Hill made a motion to go into a public hearing regarding the Sensitive Lands Evaluation and Development Standards Ordinance. The motion was seconded by Diane Anderson.

There were not any comments from the public regarding this ordinance.

Council Member Diane Anderson made a motion to exit the public hearing regarding the Sensitive Lands Evaluation and Development Standards Ordinance. This motion was seconded by Scot Poole and it was approved unanimously.

5. NEW BUSINESS 00:22:55

5.1 Report from the Fruit Heights Youth City Council

The Fruit Heights Youth City Council will report next Council Meeting.

5.2 Discuss/Approve/Deny the Sensitive Lands Evaluation and Development Standards Ordinance 2015-01

Council Member Craig Hill made a motion to approve the Sensitive Lands Evaluation and Development Standards Ordinance. It was seconded by Diane Anderson. City Attorney Brad Christopherson mentioned that the wording of this ordinance, if approved, would repeal the old ordinance, approve the SLEDS ordinance and lift the six month moratorium 2014-04.

Council Member Diane Anderson thanked the City Staff and Planning Commission for all they have done to bring this ordinance to this point. Council Member Anderson specifically thanked City Recording Secretary Kelli Rollins for the thorough minutes on the SLEDS ordinance meeting. Council Member Craig Hill mentioned for the record that the City of Fruit Heights is lifting the six month moratorium two days before the deadline.

Council Member Craig Hill made a motion to approve the Sensitive Lands Evaluation and Development Standards Ordinance. It was seconded by Diane Anderson. The vote was taken and the ordinance was approved unanimously.

Mayor Don Carroll thanked City Manager Brandon Green, City Planner Jeff Oyler, City Engineer Brandon Jones, City Attorney Brad Christopherson, the Planning Commission and the City Council for all the work they contributed to get this ordinance written and passed in a timely manner.

5.4 Discuss/Approve/Deny Request by City Manager to Participate with Davis County in a Vote by Mail Election for the 2015 Election Year 00:11:07

Mayor Don Carroll mentioned that at the recent Council Governments Meetings it was determined that all but two communities in Davis County were planning on a mail-in voting system for the 2015 election. Within two years the entire state would likely be doing mail-in ballots exclusively.

City Manager Green gave the City Council the history of why this issue is being addressed. The County's electronic voting machines are aging and need to be replaced so last year the County instead of purchasing the needed machines determined to try a vote by mail ballot. The mail-in ballot ended up being highly

successful and brought in a significant increase over percentages from previous years. He mentioned that if the City of Fruit Heights participated in the mail-in ballot this fall it would cost the city around twenty-two hundred dollars which is a four hundred dollar increase from last year's election. The increase is due the cost of the postage. There will, however, also be a reduction in man hours needed to work the election. If the Davis County School District holds a bond election they would pay half of the costs but they have not yet determined if they will be holding that election this fall.

City Manager Green also mentioned that there would be locations where citizens will be able to cast a ballot if they so desire. It may not necessarily be at the Fruit Heights City Offices but may be at two nearby Kaysville locations. The City Council questioned how many Fruit Heights citizens came in last election to cast their vote and it was determined that a handful came into the Fruit Heights City Offices.

Mayor Carroll mentioned that there was a 23%-28% increase of the mail-in ballot over standard voting results. The communities who are not participating are worried about high mailing costs. There will be a few important things included on this ballot and it is important to get as many to the polls as possible. Council Member Craig Hill mentioned that some of the criticism of the mail-in ballot is it doesn't allow for last minute campaigning and that may result in smart candidates campaigning earlier than past elections. The City of Fruit Heights may need to look at changing the sign ordinance to allow for earlier campaigning.

Council Member Julia Busche made a motion to approve the request to participate with Davis County in a Vote by Mail Election for the 2015 Election Year. Council Member Scot Poole seconded the motion and it was approved unanimously.

5.5 Review of the East Oaks Secondary Water Special Improvement District Agreement and Accounting. 00:18:56

City Manager Brandon reminded the City Council of the East Oaks secondary water agreement was entered into twenty years ago. The City is ten years into that agreement. The City has continued to pay the interest and principle on the original three hundred thousand loan as well as over one hundred thousand in interest. He mentioned that according to the latest audit report about 59% of the residents have paid off their loan while 41% are still outstanding. There has been action taken with a couple of residents where the lending institution associated with their mortgage companies got involved and paid that off for them. There are frequently late payments and non-payments.

Mayor Don Carroll reminded the City Council that in the Strategic Planning Meeting back in February they discussed the possibility of paying off the loan early. City Attorney Brad Christopherson confirmed that there are sufficient funds in the water fund not the special improvement fund to pay off this loan. The City would need to do a

complete accounting to see if the savings would be of benefit to the City. The City would then need to do an assessment per home to determine if there was a credit needed. The Mayor pointed out that this was not a typical interest bearing note and that the amount of interest that may be saved by paying off this loan early would not be a huge amount but may be of interest to the City and the citizens who have paid off their loan. Council Member Craig Hill questioned if there was an early payment penalty in the contract and City Attorney Christopherson confirmed that there is no early payment penalty. Council Member Julia Busche mentioned that for the citizens who have paid off their loan early it may need be that they receive a payment of credit. Mayor Carroll confirmed that the City would need to look into this further but that could indeed be the case.

Mr. Gary Fox, representing Mr. Hinckley, spoke on this issue to the City Council. He mentioned that the contract stipulates that as principle balances are paid to the City of Fruit Heights it is then to be paid to Mr. Hinckley. He stated that those conditions have not been complied with and that Mr. Hinckley has not been paid those amounts by the City. He stated that although 59% have paid off their loan in full the city continues to pay only the minimum due. He mentioned that he came and asked the City Council a year ago who is paying the interest on the money that the City has not paid back to the Hinckley. He mentioned that he has not paid the full amount but he has paid extra on the principle but none of that money has been paid to the Hinckley's. Mayor Carroll mentioned that the contract states that the City can pay the minimum amount due but Mr. Fox disagreed. The City Attorney mentioned that the contract is ambiguous and recommends that the City perform an audit of this account.

Mr. Fox mentioned that the contract is ambiguous but the intent is there. He stated that the City appears to be hoarding the money and making an additional income on it. Mr. Fox mentioned that Mr. Hinckley has been very patient but in realistic terms he could have and still could recall that property if we don't settle down and handle this. He stated that just because the contract is ambiguous it doesn't mean we try to screw our friends.

Mayor Don Carroll mentioned that that certainly is not the intent of the City Staff or the City Council and neither the City nor Staff has any intention of taking advantage. He reminded Mr. Fox that in February the City Council began to discuss paying back the loan in full from the water fund which would benefit Mr. Hinckley as well as those citizens who have already paid off their loan who may receive a credit. Mayor Carroll mentioned that the Hinckley's have been generous to this community and we value their contribution.

Mr. Fox mentioned that he was told a year ago that the City would get back with him and the City never did contact them and they didn't even know that it was being discussed. Council Member Diane Anderson inquired if there was any concern on his

part about the loan being paid off early and Mr. Fox assured the Council that he had absolutely no objection to that idea.

Council Member Scot Poole inquired of Mr. Fox as to the amount the city was in arrears and Mr. Fox replied that number would need to be figured in an accounting by the City.

City Manager Green mentioned that the City did not even go to billing until 2005 utility bill. He mentioned that he was not the City Manager when this arrangement was set up and there was confusion on City Manager Green's part in the beginning and it was straightened out through conversations with Mr. Hinckley. The contract was indeed confusing but City Manager Green has made sure the City has paid the interest and principle every June on time. He reassured Mr. Fox that the City would never purposefully attempt to "mess people over". The City attempts to deal honestly with everyone including the Hinckley's. He reassured Mr. Fox and the City Council that even if the loan is not to be paid off early that at the end of the twenty years it would be paid in full.

Council Member Scot Poole asked if there others who felt the City was treating the Hinckley's unfairly but Mr. Fox stated he is the only one who knows about the situation.

Mr. Fox appreciated that City Manager Green was at a great disadvantage as he was not around when the City entered into this agreement. When he took over he got involved and that he has caught up with the situation. He mentioned what a complex situation it was and how Mr. Hinckley's son Rob is trying to simplify the situation. Mr. Fox

Mr. John Scott mentioned that if the City Council was working out the numbers of a possible rebate that they needed to figure in the time value of money for everyone not just for those who have paid in full. It is more complicated than just a rebate for those who have paid it off. It was concluded that it would be a difficult process. Council Member Diane Anderson questioned that if paying early and the possible rebate that would result could cause a lot of complications and expense.

6. UPCOMING CALENDAR EVENTS: 00:38:56

6.1 Spring Cleanup April 25th - May 2nd

City Manager Brandon Green mentioned that the vouchers are ready. There have been many inquiries already. It was suggested that the City put up some signs around the city and Council Member will put it out on social media.

6.2 Founders Day Celebration August 1st, 2015

The Mayor and City Council discussed the Founder's Day and the letters need to be updated and re-worded. Council Member Craig Hill requested to review the donor list. City Manager Green will put the list in dropbox so the City Council can review and add

to the list. There was an incredible response in 2014 from the in home businesses in the City.

The Mayor mentioned that he will get the dates for the 4th of July celebration and devotional, Memorial Day and Veterans Day devotionals and celebration so they can be added to the City Calendar. Mother of the Year also needs to be decided and Mayor Carroll will meet with City Manager Green on that issue. City Manager Green mentioned that the caucuses would be held on the same night as the primary elections. City Manager Green will add those dates to the calendar.

7. DEPARTMENT AND CITY OFFICIAL REPORTS: 00:44:10

7.1 City Attorney's Report

Brad Christopherson mentioned that they City Staff would soon be bringing a noise ordinance, a mobile home park ordinance and the good landlord ordinance to the Planning Commission. Council Member Craig Hill asked the City Attorney about legal and tax issues for donations for the City enhancements for the parks. City Attorney Christopherson mentioned there are not any issues as long as they donate directly to the City. He also asked about the issue of the City Council being able to approve or decline such donations.

The City Council questioned the issue of the mine and City Manager Green mentioned he had contacted the owner of the mine and they will be more proactive about reposting the no trespassing signs. The owner has stated that the area is too expensive to fence off or destroy. City Manager Green mentioned that the owner feels that he is not liable for injuries since they are trespassing. Council Member Craig Hill inquired about it being an attractive nuisance. Mayor Don Carroll mentioned that if there are signs posted then it can be reinforced by the Sheriff's Office. Mayor Carroll also mentioned that there is a possibility that the Sheriff's Office may bill the owner for additional services that are being required. The Forest Service property is also becoming a place for huge bonfires and parties.

7.2 City Planner's Report

City Planner Jeff Oyler mentioned that it is possible that the Tour of Utah will be coming down Mountain Road in early August. The City may need to make sure no road construction will be happening at that time. Banners and street painting were discussed as opportunities for the City.

7.3 City Manager's Report

City Manager Brandon Green mentioned that streetlight repairs have been taking place. He also warned the City Council that the budget meetings will be coming up soon. He mentioned that he had a talk with Mr. Dean Allen who is the finance manager for Kaysville City. The bill that was sent to Fruit Heights is indeed for two new

full-time employees. Invoice number 2457 dated 2/25/2015 was sent to Fruit Heights City in the amount of \$216,897.00 which is \$37,764 more than the last years total. Mr. Allen had assumed that this bill increase had been communicated to the City of Fruit Heights. Mr. Allen told City Manager Green that there would be some equipment purchases that would be coming also but that Mr. Allen will keep the City Manager informed.

Council Member Scot Poole was excused at this time.

Council Member Julia Busche mentioned that it would be nice to have a report from Fire Chief Larkin now and then similar to what the Sheriff's Office does. It was also suggested by Mayor Carroll that Mr. Dean Allen could also come and explain what exactly the City of Fruit Heights is paying for. The City Council would also suggest to Kaysville that the City Council would prefer that large budget charges would not be introduced in the middle of the budget year but rather before the budget cycle is set.

7.4 City Council Member's Reports

Council Member Eileen Moss mentioned that the State would be doing a Shake Out on April 16th at 10:15 am. Every residence is being asked to participate by putting their green paper in their front window. This will be good training for the Emergency Preparedness committee and the Citizen Corp Committee.

City Hall will be participating by stopping what they are doing and dropping and holding on as if there was an earthquake. The City Staff will use this as a chance to review their exit plan. Mayor Carroll mentioned that there are websites where people can get information on securing your water heater, storing water, not shutting off your gas unless you can smell gas and shutting off your water. Council Member Julia Busche will put this information out on social media.

There is also an Emergency Preparedness Fair on April 18th from 10-2 in Farmington at the Community Center. More information is on the website. Code Red information is also on the website and the City Council and Staff were asked to register if they would like to get the texts, emails and other emergency notices that will come from Davis County in the event of an emergency.

Council Member Diane Anderson reported that the City Egg Hunt went well. She will ask the Youth City Council to come and report. Also City Manager Green was told that if the Youth City Council needs to go clean up cups on the overpass to please text Ms. Nicole Williams. Council Member Anderson also mentioned that the City Council and Staff really need to use the microphones and speak clearly when speaking in the Council Chambers especially when there are people here from the public.

Council Member Julia Busche thanked City Manager Green for updating the website with the projects on Nicholls Trail. There is a large project that will be done by an LDS Stake on April 18th. Council Member Busche is grateful to so much community support.

7.5 Mayor's Report

Mayor Don Carroll mentioned there was a positive article in the Clipper about the proposed Veteran's Memorial plans for the front of City Hall. He also mentioned that the Standard Examiner had an article about how "Castle Park" in Kaysville was ranked the number one park in North Davis County. The City Council discussed how that park is used by many people along the Wasatch Front and it is in need of significant repair. There needs to be a long term solution regarding the maintenance nightmare of the Castle. Council Member Julia Busche received an email regarding the playground at Castle Park from a gentleman who would like to be a part of repairing the playground that she will forward to City Manager Green and he will respond. Council Member Craig Hill mentioned a former Eagle Scout who worked on the dugouts at the ball field and was concerned with them being replaced or repaired. The dugouts need to be more maintenance free because so much time is committed to fixing the dugouts that should be spent on more important projects.

8. CLOSED MEETING

A closed meeting was not held.

9. ELECTRONIC MEETING

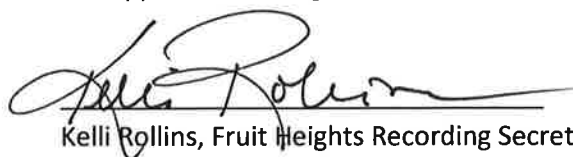
An electronic meeting was not held.

10. ADJOURNMENT: 01:18:44

Council Member Craig Hill made a motion to adjourn the meeting. Council Member Julia Busche seconded the motion and it was approved unanimously. The meeting was adjourned at 8:19 pm.

I HEREBY CERTIFY that the foregoing is a true, accurate and complete record of the Fruit Heights City Council meeting held March 17, 2015.

Not approved until signed


Kelli Rollins, Fruit Heights Recording Secretary

Date approved by City Council: April 21, 2015