

MINUTES

CITY COUNCIL MEETING

FRUIT HEIGHTS CITY

910 South Mountain Road

January 16, 2024

WELCOME: Mayor John Pohlman called the meeting to order at 7:03 pm.

PLEDGE & OPENING CEREMONY: The Pledge of Allegiance was led by Council Member Mark Cottrell with Council Member Florence Sadler conducting the opening ceremony by offering a word of prayer.

COUNCIL MEMBERS PRESENT: Mayor John Pohlman, Council Members Gary Anderson, Mark Cottrell, Florence Sadler, Eileen Moss is attending remotely, and Council Member George Ray is excused.

CITY STAFF PRESENT: Interim City Manager Darren Frandsen, Deputy Recorder Hailee Ballingham, City Engineer Zac Burk, City Attorney Brad Christopherson, Assistant Public Works Director Layne Leonard, and Recording Secretary Lindsay Golightly

VISITORS: Susie Becker, Jeniel Byers, Carson Cox, and Scott Groberg

CITY COUNCIL TRAINING: Council Member Florence Sadler provided training to the Council on impact fees, the Powers and Duties handbook explains that there are three steps to do it correctly. 1. Have a plan, 2. Analysis, 3. An ordinance that we pass. She explained that there needs to be transparency to the public in dealings with impact fees. They are not a substitute for taxes, they are to be used for the impact of the new developments.

Council member Eileen Moss and Mayor John Pohlman both expressed conflicts of interest. Both have business license. (5:33)

SPECIAL PRESENTATIONS:

*YCC Report*

Jenielle Buyers reported that they had a good turnout for the December nativity and food drive. They were able to deliver 800lbs of food to the Bountiful Food Bank.

Carson Cox reported that this month we are planning on having a civil debate later this month with the Kaysville City YCC and later next month are planning on visiting the Davis County Animal Shelter to see if there is anything they can do to help out.

Scott Groberg reported that the YCC is planning on attending the USU YCC conference in March, they need to earn about \$1,300 and would like to ask the Council for ideas on how to raise that money. If they cannot earn enough funding, then seniors and juniors are top priority as Sophomores may have other opportunities to attend.

Mayor John Pohlman stated that the funding of the YCC conference will be put on next week's strategic planning meeting schedule. (10:21)

PUBLIC COMMENTS: None.

PUBLIC HEARING:

*Update to the Fruit Heights City Culinary Water Impact Fee Facilities Plan*

*Council Member Gary Anderson made a motion to open a public hearing for items 5.1 and 5.2 listed on the agenda with Council Member Florence Sadler. The Council Members unanimously approved the motion. (11:47)*

Susie Becker with Zions Bank explained that an impact fee is a one-time fee. It's charged to new development to offset the capital costs associated with that new development. Growth facilitates the need for impact fee changes, they need to be spent within 6-10 years.

*Update to the Fruit Heights City Culinary Water Rates*

Susie Becker showed a chart of what our culinary water rates currently are. She explained that they want to make sure we keep enough cash on hand for emergencies. Susie Becker created a chart of the current and proposed initial increase that shows that on average it would be an increase of \$11.10 a month or \$133.20 a year.

Mayor John Pohlman is concerned with the 7% yearly rate increase especially when we haven't raised rates in 6 years.

Council Member Eileen Moss asked if, for some of those projects, there are options for grants or state funding for the state-mandated projects.

City Engineer Zac Burk explained that yes, there can be some grants and funding that can be applied for.

Council Member Gary Anderson clarified that the 7% yearly base rate and usage increase is every year for at least the next projected 6 years.

Council Member Florence Sadler is concerned that the public did not have access to these studies ahead of time due to the lack of public attendance.

*Council Member Gary Anderson made a motion to move out of public hearing with Council Member Mark Cottrell seconding the motion. The motion was unanimously approved by the Council. (32:09)*

*After some discussion Council Member Gary Anderson made a motion to approve item 5.1 the IFFP plan with Council Member Mark Cottrell seconding the motion. The Council unanimously approved the motion by roll call vote (33:51)*

City Attorney Brad Christopherson explained impact fees do not take effect for 90 days.

Council Member Eileen Moss is concerned that we aren't quite ready to enact this rate increase this minute and maybe we need to kick this around longer.

Mayor John Pohlman suggested that we pass something for this year, but we spend some time discussing what we can do year after year.

City Attorney Brad Christopherson What the table shows is a very necessary 10% increase this year and then 7% yearly for the next few years.

*Council Member Eileen Moss made a motion to accept the 10% increase for 2024, but with the caveat that in future years we are going to automatically build in a 5% rate increase to be looked at, and if it needs to be more than that we will do more than that. (40:43) After some discussion Council Member Eileen Moss withdrew her motion. (43:41)*

*Council Member Gary Anderson made a motion to approve the 2024 column on the screen as shown but to table discussion on the rate for future years Council Member Eileen Moss seconded the motion. The motion was unanimously approved by roll call vote. (46:05)*

City Attorney Brad Christopherson clarified that we just approved Option 1 (47:29)

#### *Municipal Code Title 8A*

*Council Member Florence Sadler made a motion to move into a public hearing with Council Member Gary Anderson seconding the motion. The motion was unanimously approved by the Council. (48:08)*

Brad Christopherson explained that this update is to comply with state law. There was a code section left open to apply to a future cemetery if that becomes necessary. He then went on to explain that most cities have a 50/50 share for sidewalk repairs with the homeowner. It is a first come first serve fund and when it's gone it's gone.

Lindsay Golightly asked why homeowners would want to pay to replace the sidewalk vs. just not replacing it. Mayor John Pohlman explained that for legal reasons homeowners would want to replace them. If an accidental injury were to occur then both the homeowner and the city are on the hook for the claim. (58:28)

*Council Member Gary Anderson made a motion to move out of the public hearing Council Member Mark Cottrell seconded the motion. The motion was unanimously approved by the Council. (1:02:22)*

*Council Member Gary Anderson made a motion to approve municipal code Title 8A with Council Member Mark Cottrell seconding the motion. The Council unanimously approved the motion by roll call vote. (1:03:46)*

#### *Update to the Fruit Heights City Consolidated Fee Schedule*

*Council Member Florence Sadler made a motion to move into a public hearing with Council Member Eileen Moss seconding the motion. The motion was unanimously approved by the Council. (1:04:28)*

Interim City Manager Darren Frandsen explained that this was originally adopted in 2014 and with some minor changes in 2020, it is time to reexamine this fee schedule. We changed some things from standard fees to current rates. One of the biggest increases is the guaranteed fee on building permits has been increased to \$5,000 for example, we have paid for inspectors to go out and no one was there, so no inspection happened but we had to pay for the inspector anyway, that cost will now come out of the guaranteed fee. Homeowners have received temporary occupancy when a few items need to be completed and then if those unfinished items cost more than the guaranteed fee sometimes, they just don't complete them. If any fees are less than projected, then we return the excess upon completion.

A convenience fee was added for running credit cards to cover the city's cost to accept the use of credit cards.

Lots that require a Geotech sign-off on grading and footings were added to "The" fee schedule as well.

City Attorney Brad Christopherson recommends that we wait 30 days to implement this change because it could be challenged for the first 30 days.

*Council Member Mark Cottrell made a motion to move out of the public hearing with Council Member Florence Sadler seconding the motion. The motion was unanimously approved by the Council. (1:15:12)*

*Council Member Gary Anderson made a motion to adopt the Fruit Heights City fee schedule as outlined in 5.4 Council Member Florence Sadler seconded the motion. The Council unanimously approved the motion by roll call vote (1:16:44)*

CITY BUSINESS: None.

CONSENT CALENDAR:

*Check Register for December 2023*

REVIEW AND APPROVAL OF MINUTES FROM PREVIOUS MEETINGS:

1-2-24 City Council Minutes

*Council Member Florence Sadler made a motion to approve the January 2, 2024 minutes as approved with Council Member Gary Anderson seconding the motion. The Council unanimously approved the motion. (1:18:07)*

CITY COUNCIL & STAFF REPORTS:

Mayor John Pohlman reported that we had a planning commission member step down, but we are not quite ready to appoint another member.

Council Member Gary Anderson thanked city staff for all of the work they do during the snowstorms even though they do a lot more unseen but thank you for all you do.

Council Member Mark Cottrell saw concerns on Facebook about the snow, so he went out with Public Works Assistant Director Layne Leonard twice and was impressed. He was driving, pushing, and salting, especially seeing how many cars were on the streets, etc. He thanked Hailee and Darren for the time they had spent helping him learn this last week.

Council Member Eileen Moss talked about having a citizen corps meeting next Monday, January 22 at 5:00 pm.

Mayor John Pohlman reported that he had the opportunity to go meet with a resident who was complaining on Facebook about snow and had a good visit. He wanted to reiterate that most people who are complaining just don't know everything that goes into it. He has been meeting with the national forest service about the master trails plan and he is working with staff to get them a petition to get approval hopefully go out tomorrow with a deadline of March 1. We want to get going on trails backing the developments as soon as possible.

City Attorney Brad Christopherson reported that they will keep working on the Title 10A and Title 9A updates.

Interim City Manager Darren Frandsen reported that with Title 11A we will have a public hearing with the Planning Commission on the 30<sup>th</sup>.

Mayor John Pohlman reminded that Title 11A has to be approved by February 6.

*Council Member Gary Anderson made a motion to adjourn with Council Member Florence Sadler seconding the motion. The motion was unanimously approved by the Council and the meeting adjourned at 8:33 pm.*

#### UPCOMING EVENTS:

January 16 – City Council Meeting 7 pm.

January 30 – Planning Commission Meeting 7 pm.

*Not approved until signed.*

/s/ Hailee Ballingham

Hailee Ballingham, City Deputy Recorder

Date approved by City Council: 02.06.24