

MINUTES
CITY COUNCIL MEETING
FRUIT HEIGHTS CITY
910 South Mountain Road

February 6, 2024

WELCOME: Mayor John Pohlman called the meeting to order at 7:00 pm.

PLEDGE & OPENING CEREMONY: The Pledge of Allegiance was led by Council Member Eileen Moss 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, Florence Sadler, Eileen Moss, Council Member George Ray, Council Member Mark Cottrell was excused.

CITY STAFF PRESENT: Interim City Manager Darren Frandsen, Deputy Recorder Hailee Ballingham, Public Works Director Layne Leonard, and City Planner Jeff Oyler

VISITORS: Rick Pettit, Lori Pettit, Addie Dugdale, Kylie Davis

CITY COUNCIL TRAINING: Council Member Gary Anderson provided training to the Council on the form of government that we have. We have a six members council, five council members and a mayor, the mayor is a non-voting member of the council. Does the mayor ever get to vote? Yes, in the event of a tie or things to do with personal. As a city we refer to the “Powers and Duties Handbook”. This book attempts to explain an abbreviated fashion of the Utah Code. If there were ever a discrepancy Utah Code would prevail.

PRESENTATIONS: *YCC Report*

Addie Dugdale reported they have had good attendance at YCC meetings. They discussed that they are scheduled to go to the day on the hill and scheduled to go to the USU leadership conference in March.

Kylie Davis reported last month we did a white elephant with the Kaysville., and then this month we're planning on doing a service project with the animal shelter. We haven't decided on a date. Next month we will be doing the Easter egg hunt.

PUBLIC COMMENT: None

PUBLIC HEARING:

Council Member Eileen Moss made a motion to open the public hearing Council Member Gary Anderson seconding the motion. The council unanimously approved the motion.

Darren Frandsen presented on item 5.1 Resolution 2024-005 amending the 2023-2024 City budget. This resolution deals with the grant received for the 1800 East water line. We're extending the water line from

the South end of 1800 E to View Court. Part of this grant was matching funds. As the state was going through and reviewing a portion of the report, we didn't show that expenditure in our budget. So, we are required to amend the budget to move that money over to match that fund for expenditure on the city budget. The city has the money there for the projects. We must file reports with the state to show matching funds as an expenditure. So, we must move that money from the revenue side to the expenditure side to show that.

There was no comment from the public.

Council member George Ray made a motion to close the public hearing. Council member Florence Sadler seconding the motion. The council unanimously approved the motion.

Council Member Florence Sadler made a motion to approve Resolution 2024-005 amending the 2023-2024 Fruit Heights City Budget for the 1800 E Waterline Project. Council Member Gary Anderson, seconding the motion, and the Council unanimously approved the motion.

BUSINESS ITEMS: 5.2 Ordinance 2024-002 Municipal code Title 11A Update for new state legislation requirements.

Jeff Oyler reports these changes to the subdivision ordinance are the result of Senate Bill 174, which was passed last year. The legislature mandated changes regarding subdivision amendments to our subdivision code. The Mayor stated that this is an aggressive approach by the legislature and a series of aggressive approaches they've had the last several years. The biggest thing that we've talked about before is that it eliminates city councils from voting and approving subdivision plans. It limits planning commissions to only approving a preliminary plat and it requires that the staff approve preliminary and final plats. The planning Commission met February 5, 2024, in a special meeting which was a continuation of the meeting for the January 30, 2024, meeting. Planning Commission recommend approving Title 11A subdivision regulations with two exceptions. One is that staff would come back with a comprehensive checklist of what is all included in a subdivision plat. The staff committed to bringing that back to the next planning commission meeting and city council after that. And the second item was under 11.07.07 would state sidelines of lots shall be approximately at a right angle to street lines (or radial to the curving) whenever possible and desirable.

There was more discussion on some of the wording of the ordinance, about rezoning and development agreements.

Council Member Moss asks if a development agreement could be a caveat of a rezoning. Can we even do that? Can we say, to get this rezoned, there must be a development agreement?

Mayor Pohlman asks if we could rezone after seeing how everything is going and how the checklist is going before accepting the rezone. Jeff Oyler thinks a developer will not design an entire subdivision not knowing if they have the rezone. but that's a legal question we need to ask the city attorney. That State legislative threatens if we don't pass title 11A we are at risk of losing the B&C Road funds (\$200,000).

There was discussion with the City Attorney (Brad Christopherson) about penalties if 11a is not passed tonight.

The City Attorney's sense of what the legislature is doing is they're getting increasingly aggressive on penalizing cities. He stated that The Homebuilders Association will find 1 or 2 just random situations and they will bring it before the legislature and say, see this is why we must have this. When you talk about the real dollars that this is costing them or developers to do things, it's minuscule, if even measurable. But the legislature, because there are so many developers and home builders willing to donate to campaigns that they listen. The result is the greater erosion of local control.

Council Member Moss asked the Attorney, in this ordinance, there's a provision that says that any property owner wanting to subdivide must participate if there is a trail adjacent shown on the master plan. The

Attorney stated said the city can request trails as part of a development agreement, that cannot force or take land.

The Attorney stated, trails are with consent, you can request them, right? That doesn't mean you can get them. So that's the distinction I was trying to make. The state legislature does not allow cities to use the condemnation authority for trails. You can request, although typically it depends on the size of the development. If developers think they can get a little more money out of their lots because they have trails, they may spend the money to do it.

Jeff Oyler: I think the question I pose, is that if a trail is shown on a map plan adopted by the city, is it part of a subdivision approval. An approval of subdivision is that the trail be required.

Attorney: It can be asked for, it can be purchased, it can be acquired. But state law does not allow that as a required exemption. It can be an exemption, but it can't be required. So, you can't say we're going to hold up your approvals.

Council Member Anderson: Ask if we can put a repeal clause in title 11a, meaning that if the state on the state level, if they repeal parts of this and we put in there that, it will automatically repeal or would it have to come back for vote in the city Council?

Attorney: That is legal, you can put a sunset provision in it.

Council Member Sadler: The city staff are hired to do their job. I can see the developer's frustration in having so much red tape, even on the local level. There are so many requirements, even without all the meetings and the hearings and everything. So, what's best for the city?

Council Member Anderson: As much as the city staff is awesome. They don't live here. I moved here from Salt Lake, to remove myself and my family from that atmosphere. I want to have my family influenced by the things that I choose, not the community that's getting harder and harder. So having some of this in our control does actually help. To control that to some degree. Not completely, but to some degree.

Council Member Moss: I would like to tell a story that some of you have heard. Before my subdivision went in, before I was even on the Planning Commission. The Developer came to the Planning Commission and said I would like to develop a subdivision and the planning commission said, okay. Then he came in and he said, "I don't think I need to put a land drain system because I potholed and there is no ground water. I said, wait a minute. I live on the road right behind there and between these two subdivisions right there in the middle, for the first eight years we lived here, it was like a swamp. Right there where you're talking about lot four, that was an artesian well, water just bubbled up there. The developer was very mad at me as a member of the public. But because there was a public hearing, I was allowed to say that. And the Planning Commission then required a land drain system. The developer put a land drain system in, and then he let me know how much it was costing, and he was very unhappy with me. The lot that is currently across the street from me, the next year was a wet year, they dug the eight-foot-deep basement on a Friday afternoon and poured footings and foundation on Monday morning. When they came back, the basement that had been dug was full to the top and overflowing with water because it had not yet been connected to the land drain. Because that's what it really was like. It's wet, not dry. So, my thing is, I think the public hearings gives the city information that they may not get otherwise. City staff should have taken care of this, but they had no idea of the issue, because they didn't live there, I did. Jeff Oyler stated: We will have public hearing for rezone but not the subdivision.

Council Member Ray: I agree with Florence. When I started on the council, I started to look at the Rock Loft Ridge Estates, and I said I'm not qualified. I was relying so heavily on the staff, the professionals, to know that it was legit. I think that we are legislators. We're not enforcers. Enforcers are the staff. Legislators write the rules. We say that there needs to be drains. We say that they need to have the roads the way they are. We design something that we believe the city should operate with, and then they enforce it. And so, I agree with Florence that the city and the developer should look at the codes, requirements and say,

yes, I can meet all those or no, I can't.

Discussion continued

Council Member George Ray motioned to table Ordinance 2024-002 Municipal code Title 11A updates. Council Member Eileen Moss seconding the motion. Council Members George Ray Eileen Moss, Gary Anderson voted in favor Council Member Florence Sadler opposed.

5.3 Resolution 2024-006 CDBG Application. Darren Frandsen reported that resolution 2024-006 is to get a CDBG grant with the county. It's to be able to send in the application. The application states we're requesting \$250,000, with the city having \$50,000 to go along with that, to be able to repair the entrance to the city building, to make it compliant with ADA accessible. All our residents pay for the CDBG through taxes, this is a nice opportunity for the city to get something back.

Council Member Florence Sadler moved to approve Resolution 2024-006 CDBG Application. Council Member George Ray seconding the motion. The council unanimously approved the motion by roll call vote.

5.4 Award bid for fiber equipment city building. Interim City Manager Darren Frandsen discussed with the fiber project that's going on in the city, part of that grant is, our responsibility is to prepare the city office for the fiber coming into it and then be able to take it out to the different parts, parks to provide Wi-Fi and the pump house and to other infrastructure throughout the city. Darren went out and got the three different bids. Computech, (which is our IT department we use right now), Americom, and Intuitive IT. The city insurance recommended an enclosed cabinet. Darren recommended the bid from Intuitive IT. He stated "they offer to do a few more things and all the prices are close together. Part of theirs is going through and marking all the cables. And trace them to each unit. So, we have an idea, instead of just a bunch of wires plugged into switches."

After some discussion Council members Eileen Moss made a motion to table item 5.4 Award bid and bring it back at the next council meeting with the equipment brands/manufacturers. Council Member Gary Anderson Seconding the motion the city council unanimously approved the motion. (1:13:04)

CITY BUSINESS: None.

CONSENT CALENDER: None

REVIEW AND APPROVAL OF MINUTES FROM PREVIOUS MEETINGS:

1-16-24 City Council Minutes

1-23-24 City Council Strategic Planning Minutes

Council Member Eileen Moss made a motion to approve the January 16, 2024, minutes with update that that the conflict of interest. She noted that she and the Mayor both have a business license within the city - therefore, creating a potential conflict. Eileen Council made the motion with Member Gary Anderson seconding the motion. The Council unanimously approved the motion. (1:17:49)

Council Member George Ray made a motion to approve the January 23, 2024, Strategic planning Minutes. Council Member Florence Sadler Seconding the motion. The council unanimously approved the motion (1:15:57)

CITY COUNCIL & STAFF REPORTS:

Council Member Gary Anderson reported on the planning commission meeting and on mosquito abatement. Mosquito Abatement have been talking about finance and what equipment they need.

Council Member Florence Sadler reported on the YCC need more money to send all the kids to Logan, she did not know if there was an update. Mayor Pohlman said the YCC was able to raise money on their own.

Council Member Eileen Moss reported on CCC emergency preparedness. She found an article and asked the Council members to consider reading it. In the past the city council would practice some tabletop exercises at city council level. She is hoping that sometime during the year they could do that again.

Mayor John Pohlman reported on the bundled recycling program for the county. He has a board meeting on February 7, 2024, and he did not think it was going to go well because the largest city in the district (Layton) is trying to repeal it. He does not like that they will be rolling this out in 1 phase. That all cities are required to roll this out within 12 months. So now you have Layton, Clearfield, Centerville, the largest cities all competing to get cans and they all must bid out with all their haulers. Now their haulers must get additional trucks and additional drivers. He stated that he doesn't think cities the size of Fruit Heights, Sunset, or South Weber are going to benefit with all of us competing in the next 12 months to roll out a bundle recycling program. He will report back at the next meeting.

City Manager Darren Fransen reported we have started the budget process, and the staff is getting things put together, there will be budget items coming to the City Council in March. He also took the opportunity to take some classes on city budgeting. He thanked the public works department - they had two water breaks at the same time and got them taken care of in a prompt time.

UPCOMING EVENTS:

February 20 – City Council Meeting 7 pm.

February 27 – Planning Commission Meeting 7 pm.

ADJOURNMENT:

Council Member Eileen Moss made a motion to approve adjourned. Council Member Gary Anderson seconding the motion. The motion was unanimously approved by the Council and the meeting adjourned at 8:42 pm.

Not approved until signed.

/s/ Hailee Ballingham

Hailee Ballingham, City Deputy Recorder

Date approved by City Council: 02.20.24

