

MINUTES
CITY COUNCIL MEETING
FRUIT HEIGHTS CITY
910 South Mountain Road
June 4, 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 Gary Anderson, with Council Member Mark Cottrell conducting the opening ceremony by offering a word of prayer.

COUNCIL MEMBERS PRESENT:

Mayor John Pohlman, Council Members Mark Cottrell, Eilleen Moss, George Ray, Florence Sadler and Gary Anderson left at 8:08 pm.

CITY STAFF PRESENT:

City Manager Darren Frandsen, Public Works Director Layne Leonard, City Planner Jeff Oyler, and Deputy Recorder Hailee Ballingham.

VISITORS:

Virginia Cate, Cynthia Denkers, Robert Denkers, Susan Darger, Lynda Stapp, Dale Kunkel, Howard Hess, Lydia Ray, Oliver Jackson and Celeste Cottrell.

DECLARATION OF CONFLICT(S) OF INTEREST: None

CITY COUNCIL TRAINING:

Training was given by Mayor John Pohlman. The City Council of Fruit Heights has been discussing how to foster inclusivity and acceptance within the community. Their idea is to develop a charter or creed that highlights the qualities of being good neighbors. Governor Cox has also emphasized the importance of promoting civility and constructive dialogue through his "disagree better" campaign. This initiative encourages respectful conversation and understanding, aiming to bridge the polarization in society. Lisa Call, a resident and owner of Kaysville Theater, shared the perspective that while one may not agree with other's actions or beliefs, it is essential to respect and love them. In a culture that easily breeds division, collaboration and unity are crucial.

PUBLIC COMMENT:

Bob Denkers: The recent events have been distressing. Insinuating that we have been uncivil is disheartening. The discord comes from the city, not us. We strongly oppose the townhouses, but suggesting we sent hateful emails is disgusting.

Linda Stapp, I oppose the rezoning on 1357 East, 650 North. The proposed R-1-6 zone should not be randomly applied. Instead, the Planning Commission should carefully determine areas where this zone would be appropriate throughout the city. Planning commissions are responsible for thoughtfully planning the city, not simply approving developer requests without careful consideration. It's important to have different opinions and experiences in order to have meaningful conversations and reach fair decisions. I request a moratorium on rezoning in the entire city to prevent the domino effect of allowing one type of housing development to lead to

more and more changes. This is particularly crucial in our area, which has ample land and existing houses that could be renovated.

Virginia Cate expressed her disagreement with the Fruit Heights City Planning Commission's recommendation to rezone two lots on 650 North. She believes this action is unfair, sets a dangerous precedent, and disregards the city plan and the expectations of citizens. She argues that the requests of over 30 residents and the current zoning are being ignored to satisfy one builder who has misrepresented the truth. While the creation of a new zone for multi-units is welcomed, she requests fairness and integrity from the City Council regarding the zoning change.

Celeste Cottrell disclosed that she is Council Member Mark Cottrell's wife. She stated she is someone who conducts extensive research. She wanted to address the issue of rezoning and express her admiration for everyone on the council, who she believes are hardworking and well-intentioned. However, she is concerned the city government is opening itself up to litigation by continuously offering incentives to those requesting rezoning since 2022. The process began in June, and there is no record of it on the website until July 26th. There was a verbal agreement for six units in August, with three council members in favor and two opposed. In 2020 and 2023, there were motions to accept the six units, but they were tabled due to other demands. The individuals requesting rezoning keep investing money based on the council's wishes, but the process keeps being delayed. In April 2024, the zoning was finally approved by the planning commission and will now return to the city council. It seems that pressure may be placed on the council to consider residents' opinions. However, it is unfair to keep asking the requester to invest in certain improvements only to delay the process again. Personally, I am neither for nor against the rezoning, but the lot he wants to enhance has many trailers, which may impact the value of neighboring homes. The plan is to build six valuable and beautiful homes that would increase property values, considering their current surroundings. This is just a warning to the council.

Dale Kunkel mentions a Spanish phrase, "Cuando conviene," which translates to "when it suits you." Dale has started attending these meetings in person after previously watching them online. He supports the protests against a project at 650 North and appreciates the voices behind it. Dale points out that the adjacent lot to the proposed project of townhomes is being used for outdoor storage, which he believes is not appropriate for residential use. He recognized the emotional pleas, and reminded the City Council of their previous approval for a zoning change at a meeting on April 9, 2024. He came to the meeting to remind the Council of their earlier statements which is on record. The mayor issued a straw poll to the City Council to see if they would approve this particular Zoning change. Council Member Sadler expressed some concerns.

PRESENTATIONS:

YCC reported they had a great turn out for the otter pop party, and they will be painting rocks to put on Gaily Trail.

Howard Hess came to the city council to appeal a decision from City Manager Frandsen who denied his request to reverse some utility rate increases on what he had been levied for storm water and transportation fees.

Tyler White was not at the meeting

BUSINESS ITEMS:

5.1 Rezone from R-1-12 to R-1-6 Located at 1357 E 650 N (East Mountain Townhomes)

Concerns were raised about the lack of ability to review development agreements and site plans due to the new ordinance 11A. The attorney confirmed that a development agreement could be part of a rezone request and approval. Council Member Moss expressed agreement, stating that it is in the city's best interest to review proposed plans before proceeding with the rezone request. There was a suggestion to table the discussion until more information is made available, including details about what will be built and the engineering plan.

Council Member Moss made a motion to table the rezone requested until the developer has provided the information the city is asking for. Council Member George Ray seconded the motion.

Council Member Sadler asked why we would table this request when we made the R-1-6 Zone so we would not have to have a development agreement. Mayor Pohlman explained It is not necessary for the individual to have a development agreement, but it would be beneficial for the city to have something in place, even if it is a simple record of the intended design for the property. This would be done alongside the rezoning process and recorded against the property. The council only has authority over rezoning requests, while site plans are reviewed and approved by city staff. The planning commission does not have approval power in this matter.

Council Member Moss brought up the drawing the developer gave is showing different setbacks. The setbacks need to be 20 feet. This is not an engineer drawing. This is just something the developer drew. So, the request would be to give us a site plan or an engineered plan, and/or a development agreement showing that it's been designed.

City Planner Oyler. The staff might come back and say a development agreement is not needed, but they can update the site plan with specific changes that they're comfortable with. You can then make a decision based on that.

Council Member Cottrell questions why we can't approve the rezone. After delaying this for over two years, the developer is being asked to invest more money without assurance of approval. Considering what has happened in the last few city council meetings dealing with this issue, he suggests approving R-1-6 with the site plan.

Council Member Anderson pointed out that the city has been accused of hindering the developer, but it should be noted that the developer chose not to bring it back right away. The city council had no specific deadline as to when he could bring it back.

Council Member Ray. R-1-6 was swiftly and crucially implemented, earning positive feedback from residents who expressed gratitude for its creation. While there may be some support for R-1-6 in general, it may not be the same for the immediate neighborhood. However, there are nearby units that serve as a smooth transition area. Despite not aligning with the general plan, I feel confident in approving R-1-6 for this location. The responsibility of determining suitability lies with the staff, who can ensure our legislative decisions are upheld. Council Member Sadler agreed with Council Member Ray. She understood the residents' frustrations but felt like it would be more appropriate than what was there now. Council Member Cottrell also agreed with Council Member Ray.

Mayor Pohlman asked Council Member Ray if he wanted to retrack this seconded on the motion. Council Member Ray said yes. Mayor Pohlman looked for a second on the motion to table 5.1 rezone for R-S-12 to R-1-6. Council Member Anderson seconded.

The council continued the discussion.

Council Member Sadler asked Council Member Moss. You insisted on making this new R-1-6 Zone, why would you not want to use it now? Council Member Moss replied, the site plan does not align with our ordinance. The developer has not provided any drawings or financial contribution. The city is not responsible for the delay and the developer could have submitted the plan months ago. We need a plan that complies with our current zoning and supports middle housing. Each household should be on a separate parcel, not part of a condominium project. There is no information on how the parcels will be managed. If we want to address housing for the missing middle, the developer needs to cooperate.

Council Member Cottrell talked about going through all the minutes from the beginning of this process back on April 11, 2023. The motion was made to table the discussion. The council told him if we make an R-1-6 zone and he requests to rezone as R-1-6 the council would approve it. This happened and the motion was to table it. He would approve this rezone and let the staff do their jobs. A secondary motion was made.

Council Member Ray made a motion to approve the R-1-6. Council Member Cottrell seconded the motion.

The Primary motion

Council Member Eileen Moss made a motion to table the rezone requested until the developer has provided the information the city is asking for. Council Member Gary Anderson seconded the motion. That motion passed 3 Yea (Eileen Moss, Gary Anderson, Florence Sadler) to 2 Nay (George Ray, Mark Cottrell) (1:07:22)

That Motion carries so there is no secondary motion.

5.2 Recycling Program

Moving on to item 5.2. Mayor Pohlman requires more information about the recycling program. Darren has obtained bids to determine the cost and details. I will present and discuss what other cities are doing, such as charging a lower rate for a secondary black can. Neighboring cities have a higher rate for secondary cans to discourage usage. Let's discuss this further.

Council Member Moss asked if the city is still going to require an IADU to have 2 black cans or could they get a recycling can instead. Mayor Pohlman said yes.

As the council discussed, there were questions about contacting a recycling company and inquiring about purchasing the cans that are already in our city. The city's contract with Robinson Waste has two more years, but after that, they plan to rebid the garbage hauling services to potentially get a better rate. Davis County cities are shifting towards black cans and recycled cans to increase recycling to divert stuff going into the landfill.

Council Member Ray asked the mayor if the Wasatch board talked about putting some of the responsibility on the manufacturer. Other states have this in place and it cuts down on the material used to ship the goods. We can help at home but it's not all on the consumers and the cities to fix the problem.

5.3 Budget Discussion

City Manager Frandsen talked about the budget. During our upcoming council meeting in June, there are a few items that he would like to address. First, the cable rent franchise fees that we budgeted for were expected to generate \$123,000 in revenue. However, we are currently facing a shortfall of around \$60,000. Therefore, an amendment will need to be made to accommodate this. Moving on to the general fund, there are a couple of changes that need to be made. Firstly, the Davis County Sheriff contract was budgeted at \$251,000, but it is projected to cost closer to \$280,000. This adjustment will bring it in line with the actual expenses. Secondly, the Youth City Council's budget was set at \$2,000, but the expenses incurred amounted to around \$5,000. Therefore, an amendment is needed to reflect this discrepancy. On the capital projects front, things are progressing well. The road overlays have been completed, and the chip seals will be finished next week. Expenses related to the 1800 East water line project and road are also being accounted for. These figures will be rebalanced to cover the costs accordingly. Additionally, the irrigation fund is performing favorably and will help stabilize the water fund. However, we need to amend the budget for chlorine expenses, as the costs have doubled. The sewer fund also requires an amendment to match last year's costs incurred by the sewer district. These are amendments for the 2024 budget year to close out this budget year. Our storm drains and solid waste funds' budgets are closely related. We allocated less money for waste collections than what it actually cost, but we have funds available to cover the difference. The city vehicle and equipment fund will break even this year. There is a need to address rising costs in police services and projects throughout the city. City Manager Frandsen proposes a budget increase of approximately \$280,000, which would result in a tax rate of around 0.00139. In previous years, we attempted to increase the tax rate to 0.001950 but settled for 0.001750. We have numerous upcoming projects, including road work, which require funds. The estimated cost for road projects alone is over \$3 million. It is important to save more money for capital projects, road funds, and cover increasing costs for police and fire services. This year, the sheriff's contract increased by \$80,000, and a similar increase is anticipated next year.

TABLED ITEMS:

CALENDAR:

June 11, 2024, Social Gathering
June 18, 2024, City Council Meeting
June 26, 2024, Planning Commission Meeting

REVIEW AND APPROVAL OF MINUTES FROM PREVIOUS MEETINGS:

Council Member Eileen Moss made a motion to approve the May 21, 2024, Minutes. Council Member Mark Cottrell seconded the motion. The motion was unanimously approved by the council (1:33:25)

CITY COUNCIL REPORTS:

Council Member Florence Sadler talked about her meeting with Kaysville City who is getting ready for the July 4th parade/celebration and the rules they need to follow. She asked about an

Unsung Hero. The council had a brief discussion, and the mayor will be working on finding someone to nominate.

Council Member Cottrell gave a Founder's Day update. He mentioned the team BBQ that will be June 11, 2024. He talked about the wildfire protection plan. The city gave out 209 spring cleanup vouchers. Of those, 82 were used. He stated the city was credited with 246 hours towards the wildfire protection plan. He also mentioned the Veterans Memorial project is coming along. The city has been collecting donations and has received applications for names to be engraved.

Council Member Moss will be attending the Emergency Preparedness Committee meeting on June 17, 2024.

Council Member Ray talked about his discussion with City Manager Frandsen regarding the process recommended with ordinance review and revisions to have steps that we follow every time.

MAYOR REPORT:

Thanked the council for all their work.

CITY STAFF REPORTS:

City Planner Oyler wants to clarify the Joe Christiansen project. He needs more time as no design work has been started, which will take several weeks. It is not expected to be completed in two weeks. He wants the council to understand this will not be ready or on the agenda for the next meeting.

Public Works Director Layne Leonard talked about the 1800 E. project. Curb and gutter are moving along quickly.

City Manager Frandsen. We are thinking about the process for working through the ordinance. It starts with staff, then Planning Commission review, then a public hearing at planning commission, then to city council to review, then back to city council with a final draft for adoption. He also informed the council the staff will be take the third Friday of June off for Juneteenth. Council Member Ray made a comment that June 19 is the holiday with meaning that should be recognized and not for a day off.

ADJOURNMENT:

Council Member Eileen Moss made a motion to adjourn the meeting with Council Member George Ray seconding the motion. It was unanimously approved by the Council. (8:54)

Not approved until signed.

IS/: Hailee Ballingham

Hailee Ballingham, City Deputy Recorder

Date approved by City Council: June 18, 2024