

MINUTES  
CITY COUNCIL MEETING  
FRUIT HEIGHTS CITY  
910 South Mountain Road  
February 3, 2026

**WELCOME:**

Mayor Jeanne Groberg called the meeting to order at 7:01 pm.

**PLEDGE & OPENING CEREMONY:**

The Pledge of Allegiance was led by Council Member David Hale with Mayor Jeanne Groberg conducting the opening ceremony by prayer.

**COUNCIL MEMBERS PRESENT:**

Mayor Jeanne Groberg Council Members, Gary Anderson, Mark Cottrell, David Hale, Eileen Moss, Blake Winslow.

**CITY STAFF PRESENT:**

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

**VISITORS:**

Tara Larkin, Ted Larkin, Linda Crismer, Nicole Hale, Paul Pugmire, Frank Leaver, Jim Snow, Virginia Snow, Mike Burnett, Scott Penman, Jill Williams, Levell Williams, James Lamb, Bill Moyes, Jarrod Hall, Lane Monson, Mary Monson, Ryan Butler, Jill Butler, Jim Morgan, Matt Wheeler, Celeste Cottrell, Rusty Joanson, Jenni Rowley, Janice Yeager Hall, George Hall, Matt Baughman, Klayne Palmer, Elaine Palmer, Josh Cox, Dennis Savage, Elisabeth Nielson, Stephanie Heusser, Terry Hars, Dan Rigdon, Jim Frazier, Jenalee Frazier Dan Davidson, Oliver McPherson, Nancy McPherson, Connie Knowlton, Jeremiah Hanson, John Atkin, Dallin Hutchinson, Rod Larkin, Amy Hoagland, Matt Roundy

**DECLARATION OF CONFLICT(S) OF INTEREST:**

None

**CITY COUNCIL REPORTS:**

**Council Member Winslow Report:**

Council Member Winslow reported that the Policy Committee is monitoring the legislative session, now on day 15, with a record 779 bills introduced. Bills affecting local municipalities are being tracked, with no significant issues to report at this time. Major priority items have passed both the House and Senate.

**Council Member Moss Report:**

Council Member Eileen reported that the Cemetery Committee has received several offers of interest from potential members and has secured an advisor with experience in private cemetery development.

She also discussed potential locations for new pickleball courts, referencing the 2021 Harvey Park master plan created by former Planning Commission Chair Curtis Tanner, which includes a multi-use court, parking, and a half-mile walking path around the park. Eileen noted limited funds and suggested evaluating Harvey Park versus Nichols Park to determine the most effective use of resources. She also highlighted

considerations regarding proximity to residents' backyards and potential noise impacts need to be considered

She inquired about the status of cameras in the tunnel, noting that fiber installation may provide new options. She also expressed appreciation for the installation of speed reminder signs funded in the previous budget cycle, acknowledging the staff's research and efforts in completing that project.

**Council Member Anderson Report:**

Council Member Anderson reported that he and Council Member Hale met with City Manager Frandsen to review the water and vehicle funds. They plan to present the budget in smaller, more understandable segments for residents, rather than all at once.

**Council Member Hale Report:**

Council Member Hale reported that the Emergency Preparedness Committee met and discussed plans for the upcoming year, including the 2026 Utah Great ShakeOut earthquake drill on April 16, with additional details to be provided later. He also noted that September is National Preparedness Month, and Fruit Heights plans to host a preparedness fair, either independently or in collaboration with Davis County and other local cities. Regarding **civic events**, the city continues to collaborate with Kaysville City on activities such as the 4th of July events and is exploring additional joint activities in celebration of the 250th anniversary of the United States. Council Member Hale has been gathering resident feedback on the general plan, conducted his own research, and consulted with the city attorney; he will provide a written statement and discuss his findings later in the agenda.

**Council Member Cottrell Report:**

Council Member Cottrell reported that, in preparation for the public hearing on water rates, he spent time learning more about the city's water meter system. He observed Public Works staff replace or upgrade five water meters and then spent approximately 2.5 hours driving around the east side of the city reading meters. The system automatically reads the meters as the truck drives by, and if a meter is missed, it is manually read. He noted that, under normal conditions, it takes about six hours to read the entire city, and the meters can even be read through snow. Council Member Cottrell also highlighted that City runs reports to identify unusually high or low usage and follows up with manual readings to ensure accuracy. He expressed appreciation for the diligence and professionalism of the Public Works staff.

**MAYOR REPORT:**

**Mayor Groberg Report:**

Mayor Groberg reported on meetings she attended over the past two weeks, including three visits to the State Capitol as a local official. One visit was for **Local Officials Day**, attended with the Youth Council, which included an address from Governor Spencer Cox. She also attended two meetings of the **Legislative Policy Committee (LPC)** of the Utah League of Cities and Towns, where city representatives meet to discuss and advocate on legislation affecting municipalities. Mayor Groberg noted that Speaker Schultz attended one of these meetings and addressed city officials.

The mayor reported that a major focus of the current legislative session is the state's continued emphasis on **moderate-income housing**. She stated that both Governor Cox and Speaker Schultz strongly emphasized

the possibility of **state preemption of local zoning authority** if cities are not seen as making sufficient efforts to address housing needs. Mayor Groberg explained that preemption would allow the state to supersede local zoning control.

She emphasized that this issue is a significant and immediate legislative reality and that, in her view, protecting the city's zoning authority is important. She stated that her participation in LPC meetings and ongoing engagement with state officials is intended to represent and protect the city's interests during the legislative session. She noted that this legislative context is relevant to current city discussions and planning considerations.

#### **STAFF REPORTS:**

##### **City Manager Darren Frandsen Report:**

City Manager Frandsen reported that staff are continuing to work on the city budget and will begin presenting budget information to the City Council and residents in early March. He noted that some research and coordination with outside entities are still underway as part of the preparation process.

##### **Public Works Director Layne Leonard Report:**

Public Works Director Leonard reported that staff deployed speed signs and a speed tracking device on Laurelwood in response to speeding concerns. Data collected over a two-week period showed an average vehicle speed of 27 miles per hour.

#### **PUBLIC COMMENT:**

Jim Snow, expressed opposition to the proposed general plan, stating that it would negatively impact his property by designating a portion for public use and limiting future family development. He argued that the 2023 council vote did not legally approve the plan and raised concerns about discrepancies between the agenda description and the resolution language. He also criticized elements of the plan as impractical or unrealistic, including proposed housing, trails, and commercial projections. He suggested tabling the resolution, amending it to require annual citizen review, or restarting the planning process, and requested that council members confirm they had read the full document before voting.

Jeremiah Hansen, expressed strong opposition to the proposed general plan, describing it as poorly developed and inadequately researched. He stated that in prior conversations with city leadership, he was told the plan was driven by fears of future state action rather than by sound local planning. He criticized the consultants for overlooking private property impacts and for not adequately consulting affected stakeholders, including property owners and the golf course. While acknowledging the need for a general plan, he argued that the current proposal should be replaced with a better-designed alternative and expressed skepticism that immediate state intervention would occur if adoption were delayed.

Frank Leaver former Planning Commission Chair and member shared his perspective based on prior experience developing an earlier general plan. He stated that affordable and moderate-income housing pressures are not new and questioned how much such housing the city is actually required to provide, noting that earlier developments were already intended to address those needs. He expressed concern that the current proposal designates inappropriate areas, such as the golf course, for potential housing and argued that past planning decisions labeled as moderate-income housing did not function that way in practice. He cautioned that development interests may be influencing the plan and urged the City Council to pause, reconsider the proposal, and create a revised plan that is more practical and beneficial for residents.

Paul Pugmire, president of a statewide youth golf nonprofit and host of a Utah golf radio program, spoke in support of protecting Davis Park Golf Course in the city's general plan. He described the course as a well-regarded asset with statewide significance, valued for its legacy, leadership, and role as a community

gathering place. Drawing on his prior experience serving on a planning commission and city council, he cautioned that general plans can create opportunities for outside interests that may not align with community values. He urged the City Council to clearly affirm strong support for Davis Park Golf Course in the general plan and to remove language suggesting its future depends solely on county decisions.

Jenni Rowley expressed concern about transparency surrounding the proposed ratification of the general plan. She questioned why residents were not given clearer advance notice that the ratification would be considered at the meeting, noting that recent public communications emphasized other agenda items but did not prominently highlight the general plan vote. She stated that several neighbors she contacted were unaware of the proposal and felt communication from the city had been insufficient. Rowley also questioned the scope of the moderate-income housing element in the plan, particularly its inclusion of the golf course area, and suggested the city consider narrower or alternative options. She cited prior comments from the city attorney indicating the plan could be scaled to the council's preference and asked why additional time could not be provided for broader public education and input. She emphasized that limited participation in earlier outreach suggested many residents may not have been adequately informed and urged the city to improve notification methods and allow more time before moving forward with ratification.

Tara Larkin addressed the Council regarding the proposed ratification of the general plan. She reminded the Mayor and Council of campaign commitments to transparency, respectful engagement, and consideration of public input. Larkin noted that ratification formally makes a proposed plan actionable and expressed confusion over claims that the plan would not be followed once ratified. She emphasized that, in her professional experience, plans submitted for approval are intended to be implemented. She also referenced the principle that the general plan is a living document, supporting future public input and modifications, and questioned why the ratification process was being pursued before broader community feedback could be gathered.

The mayor responded to Tara Larkin, acknowledging her review of her campaign website and reaffirming her commitment to transparency. She explained that she is making efforts to communicate and encourage residents to sign up for notifications (email or text) to stay informed, as mailing postcards for every issue would be prohibitively expensive. She clarified that the agenda was properly posted last week and that the meeting was not a public hearing on the general plan, so it did not trigger specific legal notice requirements. Emphasized that ratifying the general plan does **not** prevent residents from continuing to provide feedback. She is actively taking notes on all comments, which will be compiled and shared with the Planning Commission. She stressed that ratification does not make the plan final or unchangeable—it simply moves the process forward, and public input is still welcome. When asked why the Council is being asked to ratify the plan before all community concerns are addressed, the mayor referenced earlier comments about Capitol Hill pressures but did not engage further, noting that discussion would continue through public comment.

John Atkin introduced himself as a candidate for Davis County Sheriff. He explained that he is attending all 15 city council meetings to better understand community concerns, issues, and values. He highlighted his 14 years of full-time service in Internal Affairs with the sheriff's office, including military and overseas experience, and expressed a commitment to improving efficiency, communication, and transparency in law enforcement. He concluded by inviting residents to speak with him directly and provided his contact information.

Dallin Hutchinson introduced himself and provided his extensive academic and professional background in urban and environmental planning, real estate development, and urban planning. He highlighted his experience in writing general plans, including one for Mount Pleasant. Hutchinson emphasized that a general plan is just that—a general guideline or idea—and does not carry legislative weight. He expressed strong

support for Davis Park Golf Course and private property, suggesting it would be beneficial to remove development concepts from the plan, but stressed that the plan should not be feared as a mandate. He criticized some city council members for using the general plan as a fear-based political tool, calling such behavior unethical. He concluded by encouraging residents to reach out to him for clarification on the general plan, its purpose, and its actual impact, emphasizing that it is open to discussion and adjustment.

Rod Larkin spoke about his deep personal connection to the community and his property, which is surrounded by the golf course and park. He emphasized the importance of preserving the city's identity as the "City of Good Neighbors" and cautioned against planning decisions that negatively impact private property owners. Drawing on his past experience on the Planning Commission, Larkin questioned the ongoing push for additional multi-family or affordable housing, suggesting the city may already meet or exceed such requirements. He argued that development should occur only on property voluntarily sold by willing owners, not imposed on residents through planning designations. He also advocated for preserving open space, noting the community value of undeveloped land and the city's equestrian heritage. Larkin expressed frustration that planning proposals have led to unsolicited inquiries about selling his property and compared ratifying the plan before resolving concerns to approving something before it is ready. He urged the council to avoid designating uses on private property without owner consent and to consider how they would feel if similar plans affected their own neighborhoods, calling the current approach offensive and asking that such property designations end.

George Hall spoke in opposition to any potential residential development on Davis Park Golf Course. He acknowledged that a general plan is a guiding document for future development but argued that the golf course should not even be included as a potential residential site. Drawing a comparison to Central Park in New York City, Hall emphasized the importance of preserving public green spaces as untouchable assets for the community, regardless of potential increases in residential or commercial value. He urged that the golf course remain protected and removed from any residential planning considerations in the general plan.

Jarrold Hall thanked the council for their work on the general plan but expressed concerns before its approval. He noted that much of the plan's long-term vision depends on the uncertain availability of the Davis County Golf Course, which could make key objectives, such as a town center, expanded housing, and transportation improvements, unfeasible. He also raised concerns about commercial rezonings adjacent to existing neighborhoods, pointing out that such development could conflict with the plan's goals of preserving open space and neighborhood character, as it may introduce noise, traffic, and lighting impacts. Hall emphasized that, given the city's limited developable land, prioritization and clarity are essential, and he urged further clarification to ensure the plan achieves its goals without unintended consequences.

Dennis Savage expressed alarm that the general plan depicts a public trail running along and across his private property. He questioned why residents should believe the plan would change after ratification when it has remained unchanged for four years, and said he was especially shocked by proposals affecting the golf course and nearby areas. Savage characterized the plan as poorly developed, criticized the inclusion of elements that appear to appropriate private property, and asked why the city would ratify a plan that he believes should have been done correctly from the start.

Terry Hars shared that her skepticism about the general plan comes from past experience during her 22 years living in Fruit Heights. She described opposing the construction of a frontage road connecting Peachtree, Green, and Carrie Drive, arguing it was unnecessary because a nearby development had already created adequate connectivity. Despite her concerns, she was told the road had to be built because it was included in the master plan. Hars believes the project was a waste of money and did not meaningfully improve emergency access, since residents still must exit via Mountain Road. She said this experience contributes to residents' hesitation to trust the current general plan, fearing that once items appear in the

plan, they are carried out even if they no longer make practical sense.

Stephanie Heusser said she believes the general plan is not valid because it never received the legally required three affirmative council votes to pass, and she feels the council should follow that legal standard. She also suggested that if moderate income housing is required in the plan, the city should consider alternatives such as recognizing and encouraging basement apartments rather than developing new properties. She noted that several basement apartments already exist in her neighborhood and could count toward moderate income housing goals, and she proposed possible incentives like tax breaks to support that approach. She added that, according to the state's moderate income housing coordinator, cities are not required to meet a fixed quota but instead must demonstrate progress, and she encouraged the council to think creatively about solutions.

Elizabeth Nielsen expressed her love for the community and acknowledged that residents understand the city is required to have a general plan. She said the council now faces an important choice: either proceed as is or revisit and improve the plan to better serve everyone. She emphasized that Fruit Heights residents are thoughtful and engaged, and that many have offered constructive ideas that could both satisfy state requirements and preserve the character of the community. She urged the council to carefully consider public concerns before ratifying the plan, noting that the decision would affect public trust and signal whom the council represents. While acknowledging that the general plan is broad in nature, she recommended shaping it into a version the community can support and encouraged leaders to choose a path that reflects collaboration and responsiveness to residents.

Amy Hoagland thanked the mayor and council for their service and said she appreciated hearing the evening's discussion. Drawing on her background as a former elementary teacher and current graduate student in mental health, she emphasized the importance of nature for community well-being. She described the Nichols Park Trail as a valued local asset enjoyed by residents of Fruit Heights and neighboring cities, and said the golf course contributes to the area's beauty and mental health benefits. She expressed concern that large commercial development near the trail would change its character and negatively affect surrounding neighborhoods. She urged the city to protect the land, preserve the trail and golf course, and consider options to maintain the golf course long term, including private or city ownership if it were ever put up for sale.

Mike Burnett said he opposes the plan in its current form and wanted to share a few additional perspectives. He disagreed with language in the plan suggesting Fruit Heights lacks an identity, arguing that the city's identity is clearly expressed in its motto as the "City of Good Neighbors." In his view, requiring or pressuring property owners to grant trail easements they do not want conflicts with that identity, because such trails may be desirable to some but are not true necessities for the city. He emphasized the importance of distinguishing between wants and needs, comparing city planning to a family budget that must prioritize essentials. Drawing on his long history in the community since moving there in 1980, he said preserving the city's natural character is important to him and his family, particularly access to existing natural trails like Bear Canyon without additional paving or lighting that would change their character. He also questioned the financial assumptions in the plan, suggesting projected commercial revenues appear unrealistic and maintenance costs understated. He closed by urging city leaders to protect the long-standing identity of Fruit Heights in the same way past leaders had done.

Jill Butler asked what the general plan proposed for the property where the current building sits and whether it would involve demolishing the building to construct apartments. The mayor responded that there are no plans to demolish the building and emphasized that there appears to be a misunderstanding that elements of the general plan are about to happen immediately. She clarified that the general plan is not an imminent action schedule and that the current meeting was not intended to be a detailed discussion of specific plan

elements, noting that other public meetings are available for those types of discussions.

Matt Roundy thanked everyone who participated in the meeting and said he was proud to be part of the community, noting that many residents share similar concerns and appreciation for the area. He expressed that he and others have felt left in the dark about certain developments, mentioning that he first learned about a proposed trail through signage in the park and felt many residents were unaware of the plan. He said he was encouraged to see the community come together to voice shared values and emphasized that he does not want to see the character of the area change.

Dan Davidson, a resident of Abrams Way, spoke about concerns with the ratification of the general plan. He emphasized that ratification means making something official and asked for transparency about what specific mistake the city was trying to fix. He questioned why releasing and ratifying a plan would correct that mistake and requested a clear explanation. In response, it was stated that the mistake being addressed was the prior failure to properly pass the plan, and that the ratification was intended to correct that improper vote.

Brad Christopherson, the city attorney, explained that the ratification of the general plan is intended to correct a procedural issue. The moderate-income housing plan, which is required by state law but not properly passed on time. He clarified that including the Davis County Golf Course in the plan was solely to meet legal requirements, not a plan for development, and that any future changes would require council approval, rezoning, and property agreements. He recommended ratifying the previous vote to avoid state penalties while allowing staff and the council to explore other options for moderate income housing and trails. He emphasized that the city's actions are focused on compliance and risk management, not forcing development.

Council Member Moss shared her perspective on the Green Road trail and the history of the general plan. She explained that back in 2003, when she was on the Planning Commission, there was uncertainty about Highway 89, including the possibility that Green Road could become an off-ramp, which would have made it a busy road. Given the current topography and infrastructure, she believes Green Road is suitable for the trail. She noted that she had attempted to amend the plan at the time to address community concerns, but her motions did not receive support. She concluded by acknowledging that opinions can evolve over time, and things have changed in the last 20 years.

## **PRESENTATIONS:**

### **5.1 YCC Report**

The Youth City Council members—Josh Cox, Kate Young, and JD Young—shared updates on their recent activities. They toured government offices, attended a dinner with a senator, and found the experience educational. In February, they plan to visit the sheriff's department and are preparing to attend a U.S. leadership conference in March.

### **5.2 Gilbert and Stuart CPAs Audit Report**

Ron Stewart from Gilbert & Stuart CPAs presented the audit for Fruit Heights City for the fiscal year ending June 30, 2025. He explained the audit process, which focuses on three main areas:

#### **1. Financial Statements:**

- The audit verifies that the city's financial statements are materially correct, meet accounting standards, and can be relied upon.
- Procedures included third-party confirmations, invoice testing, analytical reviews, and recalculations of items such as depreciation, payroll, and compensated absences.

- The firm issued a **clean (unmodified) opinion**, indicating that the financial statements fairly present the city’s financial position.
2. **Internal Controls:**
- The auditors evaluated whether internal controls are designed, implemented, and effective.
  - Through interviews, walkthroughs, and testing, they concluded that controls are functioning properly, with **no material weaknesses or significant deficiencies** noted.
3. **State Compliance:**
- The audit reviewed areas mandated by the state, including budgetary compliance, restricted taxes, fraud risk, enterprise fund transfers, impact fees, and Utah Retirement Systems requirements.
  - Only **one compliance issue** was identified: a Deposit Investment Report was not filed on time due to a miscommunication. This issue has since been corrected.

Stewart emphasized that the audit confirms the city’s financial integrity, proper internal controls, and general compliance with state law. He offered to answer any council questions regarding the audit findings.

**5.3 Annual Training: Open and Public Meetings and Ethics Act**

The council addressed the required annual training on Utah’s Open and Public Meetings Act, to be provided by City Attorney Brad Christopherson. Due to the late hour, the council discussed whether to proceed with the training or table it. There is no strict deadline for completing the annual training; it must simply be completed once per year. Given the late hour, it was agreed that tabling the training until the next meeting would allow for a thorough presentation.

*Council Member David Hale motioned to table the Open Public Meetings and Ethics Act training due to time, and Council Member Blake Winslow seconded the motion.*

*The motion was approved by the City Council at (2:04)*

Council Member Vote:

- Gary Anderson –YES
- Mark Cottrell – YES
- David Hale – YES
- Eileen Moss—YES
- Blake Winslow—YES

Motion Carried (5-0)

**PUBLIC HEARING:**

**6.1 2026 Culinary Water Rates**

The council held a public hearing regarding the proposed water rate increase for 2026. City Manager Frandsen reviewed current and projected water costs, including a rate study conducted by Zions Bank. A primary factor in the proposed increase is the contract water repurchase from Weber Basin for culinary water, which rose approximately 7.5% this year to \$344,000. Future estimates project costs of \$385,000 next year and \$424,000 in subsequent years, representing increases of 12% and 10.5%, respectively.

To address rising costs, staff proposed the water rates increase for 2026. Additional contributing factors include higher costs for materials and infrastructure. The proposed rate increase includes a base rate and a tiered system on usage per thousand gallons, promoting water conservation and complying with Utah state requirements. If approved, the rate increase would take effect in February 2026.

Council moves into the Public Hearing.

Mike Burnett asked about the base rate for water service. City Manager Frandsen explained that the base rate covers the connection to the home, and water usage is charged separately on a per-thousand-gallon basis. The more water a household uses, the higher the usage charges.

Jim Lamb asked about the city's monthly and annual water revenue and costs. City Manager Frandsen explained that the water enterprise fund generates approximately \$90,000 per month, with an annual budgeted revenue of about \$1,050,000. The water fund is required by state law to operate independently of the general fund, meaning all revenue and expenses for the water system stay within the fund. Funds are used to cover operational costs, maintenance, and future projects, such as waterline replacements, without going into debt. There are no transfers from the water fund to the general fund; any historical transfers occurred before state regulations required the fund to be self-sustaining. Portions of general city costs, such as building and equipment expenses, are allocated proportionally to the water fund as part of normal operations.

*Council Member Eileen Moss made a motion to close the Public Hearing for 2026 culinary water rates. Council Member Gary Anderson seconded the motion.*

*The motion was approved by the City Council at (2:16)*

Council Member Vote:

- Gary Anderson –YES
- Mark Cottrell – YES
- David Hale – YES
- Eileen Moss—YES
- Blake Winslow—YES

Motion Carried (5-0)

#### **DISCUSSION ITEMS:**

##### 7.1 Resolution 2026-02 Adopt updated Culinary Water Rates

Council Member Hale referenced a prior conversation about alternatives to relying on Weber Basin water, including the possibility of drilling additional wells, but noted the significant financial costs and uncertainties related to water quality and yield. The council agreed that continuing with the current approach presents the least risk.

##### 7.2 Ordinance 2026-01. Title 10-11-16- Maximum Coverage of Rear Yard

The council reviewed Ordinance 2026-01 regarding maximum rear yard coverage, which was recommended for approval by the Planning Commission after several months of discussion and a public hearing. The Planning Commission refined the ordinance language to better define what constitutes a rear yard and replaced the term "hard surface" with "impervious surface" to more clearly address materials that prevent water absorption. The ordinance also includes provisions requiring that drainage from impervious surfaces be contained on the property or directed to the public right-of-way, not onto neighboring properties, and clarifies that properties in sensitive lands areas remain subject to stricter existing standards. Enforcement challenges were acknowledged, particularly when homeowners add features without permits, though the updated ordinance provides clearer standards for addressing complaints. The Planning Commission supported increasing allowable rear yard coverage to 50% in response to smaller lot sizes, aiming to balance usability with stormwater considerations. Minor wording corrections were noted, including removal of an unintended double negative. After discussion, the council indicated no further concerns.

### 7.3 Resolution 2026-03 Ratify vote for General Plan

Council Member David Hale read this Written statement:

Public Statement for Fruit Heights City Council, February 3, 2026

(David Hale, City Council)

Several residents have shared concerns with me regarding the General Plan, and I have taken those concerns seriously. I have conducted my own review, including discussions with our City Attorney, Brad Christopherson, to understand the best ways to address those concerns while also ensuring that our city remains in compliance with state and county legal requirements.

The current General Plan was adopted in 2023. It is common practice for cities to revise their General Plan every five to six years, so it is reasonable for us to begin collecting suggestions now, either for targeted amendments in the next few months or for inclusion in the next major update, which could occur as early as 2028. As a City Council, we welcome feedback from all residents and want to ensure those concerns are documented and thoughtfully evaluated.

I would like to address several major concerns that have been raised and explain how I believe they can be responsibly managed.

#### **Concern 1: Trails on private property**

Some residents are concerned that trails shown in the General Plan could lead to the city taking private property.

**Response:** Utah law explicitly prohibits the taking of private property for trails (Utah Code 78B-6-501(3)(a)). While cities may acquire trail easements through development processes, those easements must be obtained with the property owner's consent and compensation. The city cannot build trails on private property without a voluntary agreement.

**Recommendation:** Based on this legal protection, I do not believe an amendment is necessary at this time to mitigate this concern.

#### **Concern 2: Potential large-scale development at the Davis County Golf Course**

Some residents are concerned that a large development could impose significant financial burdens on the city and increase taxes.

#### **Response:**

1. The property is currently owned by Davis County, and County Commissioners have publicly stated that they have no plans to sell it.
2. If circumstances changed and the property were sold, any development would be required to pay for itself through impact fees, exactions, and other development requirements. Rezoning and project approval would require multiple public processes, including City Council action and resident input.

Even in such a scenario, the city residents would not bear the financial cost of development.

**Recommendation:** While the concern is understandable, I do not believe an amendment is necessary at this time to address this issue.

#### **Concern 3: City cemetery project**

Some residents are concerned about the long-term financial impact of constructing and operating a city cemetery.

**Response:** There is currently no interest from City Council or City staff in taking on new debt or financial obligations for a cemetery. The city is actively exploring alternatives that could provide cemetery services without financial burden to the city, and we expect more clarity by the end of 2026.

**Recommendation:** Based on this, I do not believe an amendment to the General Plan regarding the cemetery is necessary at this time.

#### **Conclusion:**

My recommendation is that we ratify the existing 2023 General Plan and immediately begin documenting public feedback for potential amendments or inclusion in the next comprehensive update. This approach allows us to maintain legal compliance, protect the city from risk, and ensure residents' concerns are heard, tracked, and addressed through a transparent and responsible process.

Council Member Cottrell acknowledged concerns raised during the meeting and previously outside the meeting. He emphasized the importance of legal counsel, noting that the city attorney specializes in municipal law, which helps protect both the city and its residents. He highlighted the impact of moderate-income housing and recent population growth in Utah, stressing the need to maintain Fruit Heights' character while mitigating risk. He also expressed concern that some issues raised with the General Plan, which he considered politically and which he considered unacceptable. He then went on to reprimand the public in attendance and Council Member Moss.

Council Member Anderson acknowledged the significant personal investment residents have made in their homes and yards and expressed his understanding of their concerns. He emphasized the dual responsibility of the council: to protect the city from state mandates while also safeguarding residents from undesired changes. He noted there is no "magic bullet" solution and recognized the intelligence and engagement of the community. He stated that the most likely and prudent course of action is to ratify the current General Plan and then consider amendments, as recommended by the city attorney, while remaining open to other options. He acknowledged the complexity of the situation, including state oversight, city-staff dynamics, and council relationships, and assured residents that their concerns are understood and taken seriously.

Council Member Winslow echoed Council Member Anderson's remarks and expressed appreciation to all residents who attended the meeting. He emphasized the importance of citizen input for a functioning democracy and noted that he is humbled by the good-faith participation of the community in sharing their perspectives on the General Plan. He clarified that the movement to ratify the plan is not about its content but about affirming the city's compliance with state requirements. Council Member Winslow referenced concerns regarding state preemption, noting that local councils have increasingly lost authority over property subdivisions, and anticipates that future legislation may further limit local control. He thanked residents for their engagement and reaffirmed that their voices are valued in this process.

Council Member Moss explained that the city has a Moderate-Income Housing Plan, which is reviewed and accepted annually by the state. She emphasized that the plan reflects actual accomplishments rather than aspirational goals, and the city is held accountable each year for measurable progress in meeting housing needs. While the General Plan includes a moderate-income housing component, not all items or "wish list" elements in the plan directly impact state compliance requirements. She also addressed trails shown on the General Plan. She noted that while the city cannot compel property owners to provide trail easements, the inclusion of trails in the plan can influence what is allowed on private property and can guide development expectations. She sought confirmation from the city attorney that this interpretation was accurate.

City Attorney Christopherson explained the role of exactions in development. Exactions occur when a developer must contribute to infrastructure improvements, such as road widening or land acquisition, to mitigate the impact of new development. The city can require these improvements but must provide fair compensation when taking property. He addressed a resident's question regarding a two-acre parcel proposed to be subdivided into one-acre lots. He clarified that under current zoning, the subdivision meets legislative criteria. Trails shown on the General Plan can only be removed or modified by the City Council; staff cannot alter them. If a trail exists on private property, the city would need to acquire easements to construct it, and it cannot force a constitutional taking. He also clarified the distinction between the General Plan's Moderate Income Housing component and the annual Moderate Income Housing Report. The General Plan component ensures compliance with state requirements, while the annual report tracks actual progress on items included in the plan. The next report is due around June 30 or July 1. He emphasized that compliance requires demonstrating progress, not achieving a specific number of housing

units. Finally, he reiterated that the City Council, as the legislative body, sets policy. If the council removes a trail from the General Plan, staff must follow that change, and future developers would no longer be required to provide the trail. Trails have historically been included in the plan for long-term acquisition but remain subject to council decisions.

Council Member Moss asked whether staff and the Planning Commission are bound to approve items simply because they are in the General Plan.

City Attorney Christopherson clarified that the Planning Commission's role is advisory when reviewing the General Plan or amendments. The Council sets legislative policy, and staff cannot unilaterally modify it. General Plans are typically updated every 5–10 years, and some items may be outdated due to changes in the community or infrastructure. He emphasized that the City's Moderate Income Housing Plan has been reviewed and accepted by the state. Ratifying the plan now ensures compliance and avoids potential penalties. While the council can direct staff to revisit the General Plan, amend items such as the golf course, or remove easements, doing so prematurely could risk state compliance or create uncertainty for developers. He then noted that revising the General Plan is expensive and time-consuming, often requiring outside consultants and grant funding. He reassured residents that cost estimates and "wish lists" in the plan are aspirational and do not imply immediate tax increases. He concluded by stating that staff and council are listening and striving to follow a methodical, low-risk approach. Ratification preserves compliance with state requirements while allowing the Council to review and amend the General Plan in a deliberate manner.

Mayor emphasized that significant time and research has been invested in this topic to ensure accuracy and legal compliance. She clarified that all information provided is thoroughly referenced and reliable. She highlighted that recent laws could impose potential daily fines for non-compliance with the General Plan, totaling nearly \$300,000, which poses a significant financial risk to the city. To mitigate any such risk, the mayor recommends ratifying the previous vote to maintain compliance and avoid exposure to financial, zoning, or legislative threats.

Council Member Anderson expressed that the public raised multiple, diverse issues, and emphasized the importance of considering several concerns rather than focusing on just one. Key issues identified included:

1. The golf course and whether it should be included in the Moderate-Income Housing portion of the General Plan.
2. Clarification that moderate-income housing only applies to certain types of housing, such as basement apartments or specific multifamily units already reported to the state.
3. Trails, which are a legislative policy decision—council may choose to include or exclude them.
4. Potential impacts of relocating City Hall.

City Attorney Clarified that the procedural focus of the current resolution is to ratify the vote on the General Plan taken April 11, 2023. This ensures compliance without addressing content.

**Resolution Clarification:**

The resolution language for Section 1 was confirmed:

*"The City Council of Fruit Heights City hereby ratifies the vote on the General Plan previously taken on April 11th, 2023."*

Council agreed this language accurately reflects the procedural action being taken.

The mayor emphasized the importance of public involvement, noting the extensive public meetings already conducted and encouraging continued participation in future discussions. The ratifying vote is seen as a procedural step to secure compliance while allowing the city to address substantive concerns in a deliberate and inclusive manner. Noting that this would allow time for the current legislative session to conclude and provide clarity on any new regulations that may affect the city.

She proposed a joint meeting with staff and the Planning Commission in the next few months to review public feedback and assess potential amendments to the General Plan. The goal would be to ensure that decisions reflect community input and help shape long-term growth in a manner consistent with the city's vision for future generations.

It was noted that the General Plan serves as a vision and guiding document rather than a mandate on every detail of development. This would provide sufficient time to evaluate concerns, gather input, and develop recommendations in a deliberate, non-rushed manner.

The council agreed that the ratification of the April 11, 2023, General Plan vote addresses procedural compliance and does not limit the opportunity for future public input or amendments.

**ACTION ITEMS:**

8.1 Approve/Deny Resolution 2026-03 Ratify vote for General Plan

*Council Member Mark Cottrell made a motion to approve Resolution 2023-603 to ratify and correct the vote by the City Council on April 11, 2023, on the General Plan, as amended. Council Member David Hale seconded the motion.*

Council Member Moss asked for clarification, noting that she had voted against the original motion(in 2023). She asked if ratifying the original vote required her to vote the same way.

The City Attorney responded that Council Members are **not bound to vote the same way** as on the original motion. The ratification action is simply to acknowledge and correct the procedural oversight from the April 11, 2023, vote, ensuring the action taken by the Council is valid. Council Members may vote in accordance with their current position.

No further questions or discussion were raised.

*The motion was approved by the City Council by Roll call at (3:16)*

Council Member Vote:

- Gary Anderson –YES
- Eileen Moss—NO
- Mark Cottrell – YES
- David Hale – YES
- Blake Winslow—YES

Motion Carried (4-1)

### 8.2 Approve/Deny Resolution 2026-02 Adopt updated Culinary Water Rates

*Council Member Gary Anderson made a motion to approve Resolution 2026-02 Adopt updated Culinary Water Rates Council Member Eileen Moss seconded the motion.*

No further discussion

*The motion was approved by the City Council by roll call at (3:16)*

Council Member Vote:

- Eileen Moss—YES
- David Hale – YES
- Blake Winslow—YES
- Gary Anderson –YES
- Mark Cottrell – YES

Motion Carried (5-0)

### 8.3 Approve/Deny Ordinance 2026-01. Title 10-11-16- Maximum Coverage of Rear Yard

Council Member inquired why 50% lot coverage was used as a standard. Darren explained that the 50% threshold was chosen due to the decreasing lot sizes, allowing homeowners to have usable backyard space while still controlling drainage so it does not run onto neighboring properties.

There was also discussion regarding the definition of a rear yard. City Manager Darren Frandsen clarified that the rear yard is generally defined by the setbacks from the main structure. If a homeowner adds to the main structure within the existing building pad, it does not violate the rear yard definition. However, additions extending beyond the original building pad could shift the rear yard boundary.

*Council Member Mark Cottrell made a motion to Ordinance 2026-01. Title 10-11-16- Maximum Coverage of Rear Yard Council Member Blake Winslow seconded the motion.*

*The motion was approved by the City Council by roll call vote at (3:19)*

Council Member Vote:

- David Hale – YES
- Gary Anderson –YES
- Eileen Moss—YES
- Mark Cottrell – YES
- Blake Winslow—YES

Motion Carried (5-0)

### 8.4 Approve January 20, 2026, City Council Minutes

*Council Member Gary Anderson made a motion to approve January 20, 2026, City Council Minutes Council Member Mark Cottrell seconded,*

*The motion was approved by the City Council at (3:20)*

Council Member Vote:

- Gary Anderson –YES
- Mark Cottrell – YES
- David Hale – YES
- Eileen Moss—YES
- Blake Winslow—YES

Motion Carried (5-0)

**TABLED ITEMS:**

None

**PAST DISCUSSION ITEMS:**

None

**CALENDAR:**

February 16, 2026, Presidents' Day (City Hall will be closed)

February 17, 2026, City Council Meeting

February 24, 2026, Planning Commission Meeting

March 3, 2026, City Council Meeting

March 17, 2026, City Council Meeting – Council Member Moss questioned whether it might be possible to change this meeting based upon a conflict with caucus meetings scheduled.

**CLOSED SESSION:**

None

**ADJOURNMENT:**

*Council Member Gary Anderson made a motion to adjourn the meeting with Council Member Blake Winslow seconding the motion. It was unanimously approved by the Council. (10:21)*

Not approved until signed.

Date approved by City Council: February 17, 2026

15/ *Hailee Ballingham*

Hailee Ballingham, City Deputy Recorder