



FRUIT HEIGHTS CITY COUNCIL MEETING AGENDA

Notice is hereby given that the Fruit Heights City Council will hold a regular meeting at 7:00pm on **February 3, 2026**, at Fruit Heights City Hall, 910 South Mountain Road Fruit Heights City Utah.

Fruit Heights City is now streaming City Council Meetings on its YouTube Channel. Please follow us at <https://www.youtube.com/@fruitheightscity9716/streams>

1. CALL TO ORDER: Mayor Jeanne Groberg

- 1.1 Pledge of Allegiance (David)
- 1.2 Prayer or Thought (Jeanne)
- 1.3 Roll call (Hailee)

2. DECLARATION OF CONFLICT(S) OF INTEREST

3. REPORTS

- 3.1 Council Members
- 3.2 Mayor
- 3.3 Staff

4. PUBLIC COMMENT PERIOD

The public may address the City Council regarding issues that are or are not on the agenda. Please limit comments to 3 minutes. Please state your name and address of residence for the record. **No actions may be taken on items not specifically listed on the agenda.**

5. PRESENTATIONS

- 5.1 YCC Report
- 5.2 Gilbert & Stewart, CPA's Audit Report
- 5.3 Annual Training: Open and Public Meetings and Ethics Act (City Attorney)

6. PUBLIC HEARING

- 6.1 2026 Culinary Water Rates

7. DISCUSSION ITEMS

Discussion items to be considered.

- 7.1 Resolution 2026-02 Adopt updated Culinary Water Rates
- 7.2 Ordinance 2026-01. Title 10-11-16- Maximum Coverage of Rear Yard
- 7.3 Resolution 2026-03 Ratify vote for General Plan

8. ACTION ITEMS

- 8.1 Approve/Deny Resolution 2026-03 Ratify vote for General Plan
- 8.2 Approve/Deny Resolution 2026-02 Adopt updated Culinary Water Rates
- 8.3 Approve/Deny Ordinance 2026-01. Title 10-11-16- Maximum Coverage of Rear Yard
- 8.4 Approve January 20, 2026, City Council Minutes

8. TABLED ITEMS

9. PAST DISCUSSION ITEMS

10. CALENDAR ITEMS

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

11. CLOSED SESSION

The City Council may vote to discuss matters in a closed session for reasons allowed by law, including, but not limited to, the provisions of Utah Code § 52-4-205 of the Open and Public Meetings Act, and for attorney-client matters that are privileged pursuant to Utah Code § 78B-1-137.

12. ADJOURNMENT

CERTIFICATE OF POSTING

I HEREBY CERTIFY that this notice and agenda was posted at Fruit Heights City Hall, on the City's website, www.fruitheightscity.com, as well as posted on the Utah State Public Notice website in accordance with the requirements of the Utah Open and Public Meetings Act, including, but not limited to, provisions of Utah Code §52-4-202.
(This Agenda posted Jan.30.2026)

Hailee Ballingham

Hailee Ballingham - Deputy Recorder

In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should contact the Fruit Heights City Manager, Darren Frandsen at (801)546-0861 at least 24 hours prior to the meeting.

Helpful Links.

Fruit Heights City Website: <https://www.fruitheightscity.com/>

Fruit Heights City YouTube Channel: <https://www.youtube.com/channel/UCalqHYd0U5RCpaDo8rquABw>

Fruit Heights City Facebook Page: <https://www.facebook.com/FruitHeightsCityGovernment>

City Council Meeting

DATE: 2.3.26			
TIME MEETING BEGAN: 7:01		TIME MEETING IS OVER: 10:21	
CITY COUNCIL MEMBERS PRESENT:		STAFF PRESENT:	
☒	Council Member Gary Anderson	☒	Darren Frandsen, City Manager
☒	Council Member Mark Cottrell	☒	Layne Leonard, Public Works Director
☒	Council Member David Hale	☒	Hailee Ballingham, Deputy Recorder
☒	Council Member Eileen Moss	☒	Jeff Oyler, City Planner
☒	Council Member Blake Winslow	☐	Zac Burk, City Engineer
☒	Mayor Jeanne Groberg	☒	Brad Christopherson, City Attorney

ACTION ITEM:

Resolution 2026-03 Ratify vote for General Plan

If needed open public hearing: / , closed public hearing: /

Time:

Motion By Mark

Second By David
Time: 10:16

Voting	Yes	No	Abstain	Absent
Gary Anderson	☒	☐	☐	☐
Mark Cottrell	☒	☐	☐	☐
David Hale	☒	☐	☐	☐
Eileen Moss	☐	☒	☐	☐
Blake Winslow	☒	☐	☐	☐

4-1

ACTION ITEM:

Resolution 2026-02 Adopt update Culinary water rates

If needed open public hearing: Not need to 9:09 / Blake, closed public hearing: Eileen / Gary All
Time: * 9:16

Motion By Gary

Second By Eileen
Time: 10:16

Voting	Yes	No	Abstain	Absent
Gary Anderson	☒	☐	☐	☐
Mark Cottrell	☒	☐	☐	☐
David Hale	☒	☐	☐	☐
Eileen Moss	☒	☐	☐	☐
Blake Winslow	☒	☐	☐	☐

5-0

Rear yard

ACTION ITEM:
Ordinance 2026-01 Title 10-11-16 Maximun Courgne

If needed open public hearing: / , closed public hearing: /

Time:

Motion By **Mark**

Second By **Black**

Time: **10:19**

Voting	Yes	No	Abstain		Absent
Gary Anderson	☒	☐	☐		☐
Mark Cottrell	☒	☐	☐		☐
David Hale	☒	☐	☐		☐
Eileen Moss	☒	☐	☐		☐
Blake Winslow	☒	☐	☐		☐

5-0

ACTION ITEM:

If needed open public hearing: / , closed public hearing: /

Time:

Motion By

Second By

Time:

Voting	Yes	No	Abstain		Absent
Gary Anderson	☐	☐	☐		☐
Mark Cottrell	☐	☐	☐		☐
David Hale	☐	☐	☐		☐
Eileen Moss	☐	☐	☐		☐
Blake Winslow	☐	☐	☐		☐

Minutes from previous meeting:	Jan 20, 2026 All	Time: 10:20
	Gary / Mark	
Motion Adjourn:		Time: 10:21
	Gary / Black All	

Visitors

Fruit Heights City Meeting

Date Feb 3. 2026

All visitors are required to sign in even if you are not attending the entire meeting.

Print Name

1. <u>Todd Larkin</u>	2. <u>Celeste Coxell</u>
3. <u>Ted Larkin</u>	4. <u>Rusty Johnson</u>
5. <u>Linda Crumier</u>	6. <u>Jenni Fowler</u>
7. <u>Nicole Hale</u>	8. <u>Janice Yeager Hall</u>
9. <u>Paul Pugmire</u>	10. <u>George Hall</u>
11. <u>Frank Leam</u>	12. <u>MaH Banghman</u>
13. <u>Jim Snow</u>	14. <u>Klayne Palmer</u>
15. <u>Virginia Snow</u>	16. <u>Elaine Palmer</u>
17. <u>MIKE BURNETT</u>	18. <u>Josh Cox</u>
19. <u>Scott Penman</u>	20. <u>Dennis Savage</u>
21. <u>Jill Williams</u>	22. <u>Elizabeth Nielson</u>
23. <u>David McLean</u>	24. <u>Stephanie Heusser</u>
25. <u>James Lamb</u>	26. <u>Terry Harris</u>
27. <u>Don Moyes</u>	28. <u>Dan Rigdon</u>
29. <u>Harrod Hall</u>	30. <u>Jim Srazier</u>
31. <u>Lane Monson</u>	32. <u>Jenae Srazier</u>
33. <u>Mary Monson</u>	34. <u>Dan Davidson</u>
35. <u>Ryan & Jill Burck</u>	36. <u>Bridget Morgan</u>
37. <u>Jim Morgan</u>	38. <u>Dillon Mulhimer</u>
<u>MATT WHITNER</u>	39. <u>Oliver McPherson</u>
	40. <u>Nancy McPherson</u>

41 Connie Knowlton

**FRUIT HEIGHTS CITY
RESOLUTION NO. 2026-3**

A RESOLUTION OF THE CITY COUNCIL OF FRUIT HEIGHTS CITY

WHEREAS, during the 2025 Municipal Election, questions arose regarding the most recent General Plan adoption approved by the prior City Council; and

WHEREAS, despite this City Council's trust and confidence in the legitimacy of the prior Council's actions, the City Council desires to ratify that vote on the General Plan to eliminate questions related thereto;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Fruit Heights City, Utah as follows:

vote on the
Section 1. Ratification. The City Council of Fruit Heights City hereby ratifies the General Plan previously *approved* on April 11, 2023.
taken

Section 2. Severability. If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

Section 3. Effective Date. This Resolution shall become effective immediately upon its approval by the City Council.

PASSED AND APPROVED this 3 day of February, 2026.

FRUIT HEIGHTS CITY COUNCIL

ATTEST:


City Recorder

[SEAL]



ATTEST:


Darren Frandsen, City Recorder

By: 
Jeanne Groberg, Mayor

VOTING:

Gary Anderson	Yea ☒	Nay ☐
Eileen Moss	Yea ☐	Nay ☒
Mark Cottrell	Yea ☒	Nay ☐
David Hale	Yea ☒	Nay ☐
Blake Winslow	Yea ☒	Nay ☐

DEPOSITED in the office of the City Recorder this 4 day of February, 2026.

RECORDED this 4 day of February, 2026.



**FRUIT HEIGHTS CITY
RESOLUTION NO. 2026-02**

A RESOLUTION OF THE CITY COUNCIL OF FRUIT HEIGHTS CITY ADOPTING UPDATED WATER RATES

WHEREAS, the City Council of Fruit Heights City has previously established water rates for the city; and

WHEREAS, the city held a public hearing on February 3, 2026 Council has reviewed the existing rates and has determined that public interest will be served by adjusting the current water rates; and

WHEREAS, the City Council finds that the revised water rates set forth in this resolution are reasonable in all respects and desires to adopt them; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Fruit Heights City; Utah as follows:

Section 1. Approval. The City Council of Fruit Heights City hereby approves the updated water rates as shown on Exhibit A, attached hereto and incorporated herein by reference.

Section 2. Severability. If any section, part or provision of this resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

Section 3. Effective Date. This Resolution shall become effective immediately upon its approval by the City Council.

PASSED AND APPROVED this 3 day of February 2026.

ATTEST:

By: 
Darren Frandsen, City Recorder

Fruit Heights City Council

By: 
Jeanne Groberg, Mayor

{SEAL}



City Council Vote:

Eileen Moss	Yes ☒	No ☐	Abstain ☐
David Hale	Yes ☒	No ☐	Abstain ☐
Black Winslow	Yes ☒	No ☐	Abstain ☐
Gary Anerson	Yes ☒	No ☐	Abstain ☐
Mark Cottrell	Yes ☒	No ☐	Abstain ☐
Jeanne Groberg	Yes ☐	No ☐	Abstain ☐
(to break tie)			

DEPOSITED in the office of the City Recorder
this 4 day of February 2026

ATTEST:

By: 

RECORDED this 4 day of February 2026

Hailee Ballingham, City Deputy Recorder

Culinary Water:

Proposed water rate schedule (Adopted January 7, 2025)						
	2025	2026	2027	2028	2029	3030
Base Rate	\$ 37.40	\$ 39.50	\$ 42.25	\$ 45.20	\$ 50.50	\$ 54.05
Tier Usage Rate per Thousand Gallon						
1,000-3,000 Gallons	\$ 2.10	\$ 2.70	\$ 3.15	\$ 3.60	\$ 3.90	\$ 4.20
3,001-6,000 Gallons	\$ 3.25	\$ 3.75	\$ 4.20	\$ 4.60	\$ 4.75	\$ 5.00
6,001-8,000 Gallons	\$ 4.10	\$ 4.40	\$ 4.75	\$ 5.10	\$ 5.45	\$ 5.85
8,001-10,000 Gallons	\$ 4.45	\$ 4.75	\$ 5.00	\$ 5.35	\$ 5.75	\$ 6.15
10,001-13,000 Gallons	\$ 4.90	\$ 5.25	\$ 5.60	\$ 6.00	\$ 6.45	\$ 6.90
13,001-18,000 Gallons	\$ 5.30	\$ 5.70	\$ 6.10	\$ 6.55	\$ 7.00	\$ 7.50
18,001-22,000 Gallons	\$ 6.35	\$ 6.80	\$ 7.30	\$ 7.80	\$ 8.35	\$ 8.95
22,001+ Gallons	\$ 7.40	\$ 7.95	\$ 8.50	\$ 9.10	\$ 9.75	\$ 10.45

Culinary Water used for Irrigation	
	2025
Base Rate	\$ 22.00
Water Usage	Adopted Tier Rate Schedule

Water Service to customers outside the boundaries of the city will be charge double the base rate

FRUIT HEIGHTS CITY

ORDINANCE NO. 2026-01

**AN ORDINANCE OF FRUIT HEIGHTS CITY COUNCIL AMENDING
TITLE 10, CHAPTER 11, SECTION 16 — MAXIMUM COVERAGE OF REAR YARD**

WHEREAS, Fruit Heights City has determined that it will promote the public health, safety, and welfare to clarify and regulate the maximum amount of impervious surface allowed within required rear yards in residential zones; and

WHEREAS, the Planning Commission of Fruit Heights City held a duly noticed public hearing on October 28, 2025, to consider the proposed amendment to Title 10, Chapter 11, Section 16, at which time the matter was tabled to allow for additional review; and

WHEREAS, at its meeting on January 27, 2026, the Planning Commission further considered the proposed amendment and thereafter forwarded a recommendation to the City Council that the ordinance be approved; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF FRUIT HEIGHTS CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Repeal: All of Title 10 Chapter 11 Section 16- Maximum coverage of Rear Yard.

Section 2. Replace Title 10 Chapter 11 Section 16 of Fruit Heights City Municipal Code is hereby amended to read in its entirety as more fully set forth in Exhibit A Attachment hereto and incorporated herein by reference.

Section 3. Severability. If any section, part, or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all

Sections, parts, and provisions of this Ordinance shall be severable.

Section 4. Effective Date. This Ordinance shall be effective immediately upon its Passage.

PASSED AND APPROVED this 3rd Day of February 2026

ATTEST:

By: Darren Frandsen
Darren Frandsen, City Recorder

Fruit Heights City Council

By: Jeanne Groberg
Jeanne Groberg, Mayor

{SEAL}



City Council Vote:

David Hale	Yes <u>X</u>	No <u> </u>	Abstain <u> </u>
Gary Anderson	Yes <u>X</u>	No <u> </u>	Abstain <u> </u>
Eileen Moss	Yes <u>X</u>	No <u> </u>	Abstain <u> </u>
Mark Cottrell	Yes <u>X</u>	No <u> </u>	Abstain <u> </u>
Blake Winslow	Yes <u>X</u>	No <u> </u>	Abstain <u> </u>
Jeanne Groberg	Yes <u> </u>	No <u> </u>	Abstain <u> </u>

(to break tie)

DEPOSITED in the office of the City Recorder this
4 day of January 2026

RECORDED this 4 day of January 2026

ATTEST:

Hailee Ballingham
Hailee Ballingham, City Deputy Recorder

CHAPTER 11
SUPPLEMENTARY REGULATION

10-11-16: MAXIMUM COVERAGE OF REAR YARD: No accessory building or structure or group of such buildings or structures, including swimming pools, nor any parking space in any residential zone, shall create more than fifty percent (50%) impervious surface of the rear yard space. Rear yard is measured from the rear of the primary building structure to the rear property line. Impervious surface shall be designed and maintained in such a manner as to ensure that drainage shall be collected and conveyed without draining onto adjacent neighbors' property. Residents living in Sensitive Lands and Overlay Zones may have different requirements. (Ord:2026-01 / 2-3-26)

FAQ's Regarding the General Plan

Q: If something is shown in the General Plan, is the City required to follow it exactly as written?

A: No. The General Plan is a living document and may be amended or updated through the required public process. It serves as a guide for current and future decision-making related to development, infrastructure, safety, and other long-range planning matters for Fruit Heights. A General Plan does not have the force of law; it is a starting place for a city to be able to direct future land use decisions, not a mandatory document.

Q: The General Plan shows a trail crossing my private property. Can the City take my property to build the trail?

A: No. Utah law prohibits the taking of private property for trails (Utah Code 78B-6-501).

(3) The right of eminent domain may not be exercised on behalf of the following uses:

- (a) except as provided in Subsection (2)(c)(iv), trails, paths, or other ways for walking, hiking, bicycling, equestrian use, or other recreational uses, or whose primary purpose is as a foot path, equestrian trail, bicycle path, or walkway;

The City cannot take private property for this purpose. **Fruit Heights may acquire property or trail easements, through an agreement as part of a development process, and the property owners would be compensated as required by law.**

Q: Can the City develop the golf course/Is the golf course being developed soon?

A: No. The Davis Park Golf Course is owned by Davis County, and the County has indicated it has no desire to sell or develop the property. If ownership were ever to change in the future, having guidance in the General Plan would benefit the City by providing direction on desired land uses. Fruit Heights City does not know of any plans for the golf course to be sold or developed at this time, however, the City would be better served to have a plan in place if that ever changes.

Q: Does ratifying the vote mean that the Plan cannot be changed after this?

A: No. Ratifying the previous improper vote is simply an action that prevents any possible question from being raised by the state as to whether Fruit Heights has properly adopted its General Plan, which includes its Moderate Income Housing Plan — legal requirements for every city in Utah. This is important, because *not* having a MIHP in place could potentially carry undesirable consequences.

General Plans are open to change on an ongoing basis, and can be amended through a regular process. They typically receive a major update process every 5-8 years. If you have

input for the Plan, Council members and Planning Commissioners are always open to hearing it.

Ratifying simply clears up a matter that has caused concern for some, and removes any question of potential risk to the city.

Ratifying does *not* mean that further input cannot be given.

Q: Was this Plan voted on in 2023 after only 1 hour of discussion?

A: No. The Public engagement process was very extended. It began in 2021 with Public Open Houses, surveys, a project website with interactive maps, and continued over a year and a half with many more public meetings and feedback opportunities. It was discussed publicly at 8 City Council meetings and 5 Planning Commission meetings during that year and a half. The process represented countless hours of work, public engagement, and open discussion. The meeting where the Plan was adopted may have been about an hour long — but it is not correct to say that the Plan had not been publicly presented and discussed at many points before that point. (The process is detailed in pp 5-8 of the General Plan itself, and public meeting agendas and minutes can be found on the city website).

GENERAL PLAN DEVELOPMENT TIMELINE:

11 Nov, 2021: Public Open House held to solicit input from residents. Interactive project website established. Resident input gathered over the following 6 week period to inform guiding principles for the Plan. (GP, pp 5-8)

16 Mar 2022: Public Workshop held

26 April 2022: Joint work meeting of CC and PC to discuss GP updates

24 May 2022: Planning Commission meeting—discusses GP updates

31 May 2022: Joint work meeting of CC and PC to discuss GP updates

6 Sept 2022: UDOT Active Transportation Plan presented to CC, discussed, and adopted. (This plan includes several potential trails that could form a network for walkability, and is included in the GP.

4 Oct 2022: City Council meeting — discussion of the city's 5 MIH initiatives in order to comply with state law passed that year requiring certain elements in MIH plans. (GP pp 48-50)

11 Oct 2022: City Council meeting—work meeting held to discuss GP updates

18 Oct 2022: City Council meeting—Discuss Draft GP and Draft MIH Plan

16 Feb 2023: Draft Plan Public Open House held

1 Mar 2023: Planning Commission meeting—discuss GP as formed

7 Mar 2023: City Council meeting—discuss GP revisions. Public hearing to be held on 28th.

21 Mar 2023: City Council meeting—discuss final GP and MIH Plan revisions.

28 Mar 2023: Planning Commission Public Hearing held—several residents attended, PC votes 3-2 to recommend the Plan to CC.

11 April 2023: City Council meeting—GP adopted by vote of 2-1. Three votes were required, but the oversight is not caught at the time. Plan is submitted to the state and accepted.

Late Oct 2025: the improper vote from April 2023 is noticed by a councilmember. Some residents express concern.

6 Jan 2026: City Council meeting—Council and public receive a presentation from City Attorney addressing legal questions and concerns about the GP. Council is advised that it is best to ratify the improper vote in order to clear any “cloud” over it, and close the door to any possibility of risk with the state. Then, amend as desired following the normal process.

13 Jan 2026: City Council meeting—Council discusses question of ratification. Attorney’s advice is recognized as sound (the improper vote should be corrected, compliance firmly maintained). All members desire to welcome resident feedback. It is decided to postpone till February to allow members additional time to speak with residents who have reached out.

Q: If the city does not hold another Public Hearing at this time, how can I let my voice be heard?

A: You don’t have to wait for a Public Hearing to be heard! The Mayor and Council members are always making time to listen to residents on any topics of concern for them. Call or email anytime with your suggestions! You can also attend any public meeting and offer a Public Comment on any topic you wish, including this one. The Mayor and Council will be compiling a list of resident ideas on the General Plan, and will meet with Planning Commissioners after the legislative session has concluded, to share that feedback and review the Plan and any proposed amendment ideas.



FRUIT HEIGHTS CITY MAYOR'S MEMO

With Mayor Jeanne Groberg



Mayor's Memo - January 29, 2026

Hello Fruit Heights friends and neighbors,

In this Mayor Memo I will shine a light on a topic some residents have been interested in: our city's General Plan. I hope to increase clarity and transparency on this issue for residents, and share what I consider to be the wisest way forward.

Concerns have been expressed by some residents in two separate areas on this topic:

1. **Process:** Whether or not a vote should be redone in order to correct an oversight in the original vote
2. **Content:** Whether or not the plan should be amended in some respects.

(You can scroll down for the Answers and Summary if you are short on time — but read on for a better understanding of the larger context at play.)

A little background information might be helpful. Here are some basic facts to know:

- Cities are required by state law to have a General Plan that includes planning for all areas of their city (Utah Code §10-20-401). The Planning Commission is tasked with preparing the Plan, offering multiple opportunities for public input (including a public hearing, and finally making a recommendation to the Council for approval.
- The Plan must include a long-range vision for present and future land use in the city vis-à-vis Transportation, Infrastructure, and more recently, a Moderate Income Housing (MIH) Plan (with specific requirements per the state of Utah, see Utah Code §403).
- Without a MIH plan in place, cities risk incurring financial penalties that began in 2024, inflicted on any who did not have one in place by that year—losing their eligibility for certain funding, in addition to other financial penalties (see Utah Code §10-21-202).
- There is an intense focus on cities' MIH plans from the state level right now. This cannot be overstated. State officials have said clearly: if cities are seen to be uncooperative in MIH efforts, the state will step in to take control. Preemption of local zoning rights is an actual threat in this legislative session—a threat no city wants to contribute to actualizing. Our General Plan keeps us in compliance with state requirements, which is a good thing for our city. It is protective financially, and protective of our zoning authority.
- Our current General Plan was developed over a span of nearly 2 years, including multiple open houses, many discussions in both Planning Commission and City Council meetings, and multiple opportunities for public input including a public hearing. It was adopted in April 2023 and accepted by the state as compliant (see Utah Code §10-21-202 and pp 5-8 of the General Plan <https://www.fruitheights.gov/DocumentCenter/View/2721/Fruit-Heights-General-Plan-FINAL>).

- During the past election, questions were raised regarding the validity of the vote as well as the validity of the public notice for the final hearing. City staff has done diligent research into these questions. These are the process questions which I mentioned above. I will share that research below.
- During the past election, residents became more familiar with the Plan's content, and in some cases desired to see changes made. There is already a process in place for amending the Plan, which itself is a living document. I will share that below as well.

The answers to the **process** and **content** questions above are as follows:

1. **Process:** Records show that the public hearing was noticed 14 days ahead in the newspaper. The city manager at the time attests that the other required notices were also done properly, including physical signs placed around town (for which there would have been no record kept that could be referred to now). And indeed, a number of residents attended the hearing, further suggesting that it had been publicized. The online record of notices seems not to reflect the corresponding proper posting dates. However, there is a provision in the law for a 30-day limit to appeals regarding noticing matters (see Utah Code §10-20-209). No member of the council or of the public at that time thought there had been any mistake made, apparently: there is no record of any question being raised on this matter—indeed, not just for 30 days but for well over 2 years. Since the Plan is by its nature a living document, it will certainly be subject to additional public hearings and public input in the future. Opportunities for public input are not limited in any way. Residents are always welcome to engage with commissioners and council members, about this and any other topic.

The vote in Council to adopt the Plan was 2-1. Councilmember Anderson, attending electronically, was unable to communicate his vote due to technical issues. No one seriously disputes that the Plan would have passed, however. Even if Councilmember Anderson had voted against, the tie would have been broken by Mayor Pohlman would likely have passed by a 3 to 2 vote. No council member at the time or at any time until last September appealed or even remarked on the vote having been improper. It is true that 3 votes are required, however, and this voting oversight should be remedied — lest we fall out of compliance with the state and risk penalties, eligibility for certain funding, or worse.

A vote to ratify means protecting Fruit Heights City by staying in compliance with state law. It is that simple. Not to do so could prove to be irresponsible on the part of public officials, in my view. In a potentially costly choice between a “no-risk” option and a “possible risk” option, I would recommend the former for our city.

2. **Content:** General Plans are living documents, subject to review, and are intended to provide a general plan for the city, not a mandatory plan. They do not have the effect of law. Amendments may be offered at any time (smaller changes), and periodically cities should do an entire update (a comprehensive look, every 5-8 years). This is the normal procedure for General Plans. Amendments can be submitted to the Planning Commission for consideration. (FYI, typically amendments are made as needed, usually when new zones or active development is happening in a city.) Resident input was solicited and given for our current plan over a course of 2 years; resident input will continue to be welcome in the future.

Summary:

- Ratifying the adoption vote is a procedural “housekeeping” item that can easily be done by the Council, crucially dispelling any perception that our city is not in compliance with state requirements, thereby avoiding any undesirable repercussions. As Mayor, I favor this simple and prudent action.
- Ratifying our General Plan does NOT mean that residents cannot give input for desired amendments. That ability always exists. Council members are always open to listening to residents’ concerns, and communicating about that feedback with Planning Commissioners. This is an ongoing process. I support that process, and have proposed to Council and Planning Commission that we meet together annually to review the Plan together and share feedback.

If you got this far, thanks for reading!

I hope this has helped to clarify the issue and clear up any confusion that may exist regarding the question of “ratifying” that is before the Council.

Council members have a duty to act to protect our city. They are also glad to hear your ideas for improving it in the future.

If you would like to see the City Attorney’s presentation on this issue, click the following link and start at minute 24:15. <https://www.youtube.com/live/kYZ23vel49U?si=NFJqiKbB2ysH8qOa>

If you would like to review the General Plan, you can find it here: <https://www.fruitheights.gov/DocumentCenter/View/2721/Fruit-Heights-General-Plan-FINAL>

Very best as always,

Mayor Jeanne Groberg

