



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 **March 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 (Mark)
- 1.2 Prayer or Thought (Gary)
- 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 Annual Training: Open and Public Meetings and Ethics Act (City Attorney)

6. DISCUSSION ITEMS

Discussion items to be considered.

- 6.1 Bid from Performance Audio for the Sound System in the Council Chambers
- 6.2 Social media policy
- 6.3 Budget

7. ACTION ITEMS

- 7.1 Approve/Deny Bid from Performance Audio for the Sound System in the Council Chambers
- 7.2 Approve February 17, 2026, City Council Minutes

8. TABLED ITEMS

9. PAST DISCUSSION ITEMS

10. CALENDAR ITEMS

March 17, 2026 Council Meeting was moved to the 24th due to the state caucus night

March 24, 2026, City Council Meeting

March 25, 2026, Planning Commission (Public Hearing)

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 February 27,2026)

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/UCaIqHYd0U5RCpaDo8rquABw>

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

City Council Meeting

DATE: <u>March 3, 2026</u>			
TIME MEETING BEGAN: <u>7:02</u>		TIME MEETING IS OVER: <u>9:39</u>	
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: <u>Bid Performance Audio for the sound system</u> (Chambers)					
If needed open public hearing: <u>/</u> , closed public hearing: <u>/</u>					
Time: <u></u>					
Motion By <u>David</u>					
Second By <u>Gary</u>					
Time: <u>9:36</u>					
Voting	Yes	No	Abstain		Absent
Gary Anderson	☒	☐	☐		☐
Mark Cottrell	☒	☐	☐		☐
David Hale	☒	☐	☐		☐
Eileen Moss	☒	☐	☐		☐
Blake Winslow	☒	☐	☐		☐

ACTION ITEM:					
If needed open public hearing: <u>/</u> , closed public hearing: <u>/</u>					
Time: <u></u>					
Motion By <u></u>					
Second By <u></u>					
Time: <u></u>					
Voting	Yes	No	Abstain		Absent
Gary Anderson	☐	☐	☐		☐
Mark Cottrell	☐	☐	☐		☐
David Hale	☐	☐	☐		☐
Eileen Moss	☐	☐	☐		☐
Blake Winslow	☐	☐	☐		☐

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	_____	_____	_____		_____

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: February 17, 2026	Time: 9:37
Eileen / Blake All	
Motion Adjourn:	Time: 9:39
Blake / Gary	

Visitors

Fruit Heights City Meeting

Date MARCH 3, 2020

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

Print Name

1. Jim Crismer	2. OLIVER JACKSON
3. Mary Monson	4. Jacob Williams
5. Lane Monson	6. John Groberg
7. Scott Heusser	8. Scott Justensen
9.	10.
11.	12.
13.	14.
15.	16.
17.	18.
19.	20.
21.	22.
23.	24.
25.	26.
27.	28.
29.	30.
31.	32.
33.	34.
35.	36.
37.	38.

Fruit Heights City

Open & Public Meetings Act & Ethics Discussion

Presented by:

Brad Christopherson
HAYES GODFREY BELL, P.C.
2118 East 3900 South, Suite 300
Holladay, UT 84124
(801) 272-8998
email: bchris@hgblaw.net



HAYES
GODFREY
BELL
LAWYERS

Utah Open and Public Meetings Act

Utah Code Ann. § 52-4-101, *et. seq*

“conducts its deliberations openly.”

All meetings are open unless lawfully closed

Meetings

Utah Code Ann. § 52-4-201

- All meetings open to the public unless closed
- Includes “work meetings” and “executive sessions”

Quorum

Utah Code Ann. § 52-4-103(9)

- Quorum in Fruit Heights = 3
- Members present in person or by electronic telecommunications

A public meeting requires:

Public Notice

Utah Code Ann. § 52-4-202

- 24 hours notice: agenda; date; time & place
 - Exception: emergencies
- Agenda: “reasonable specificity of topics”
- Topic raised by the public – discretion of chair
- Notice: post at principal office; Utah Public Notice Website. Other electronic means encouraged.
- Annual notice of scheduled meetings

Orderly Conduct

Utah Code Ann. § 52-4-301

- Disruption of meeting: may remove person if “orderly conduct is seriously compromised”

Electronic Meetings Allowed

Electronic Meeting

Utah Code Ann. § 52-4-207

- Prior formal authorization of the City is required
- Public notice required
- Anchor location – offices
- Facilities so all can attend, monitor, participate

Minutes and Recording Required of All Meetings

Written Minutes Required

Utah Code Ann. § 52-4-203(1)

Written Minutes Include:

Utah Code Ann. § 52-4-203(2)

- Written minutes and a recording shall be kept of every meeting
- Date, Time and Place
- Names of members present and absent
- The “substance” of all matters proposed, discussed or decided
- Record (by person) of votes – Roll Call vote for Ordinances, Resolutions, and matters where liability is incurred.
- Name of each person providing comments & the substance of comments received
- Any other information from meeting that a member requests be included
- Pending minutes – reasonable time
- Approved minutes – 3 business days after approval → official record
- Permanently retained

Minutes and Recording Required of All Meetings

Recording

Utah Code Ann. § 52-4-203(3), (4), & (6)

- **“COMPLETE UNEDITED RECORD”** of all open portions – from beginning to end
- Properly labeled: date, time & place
- Available within 3 business days of meeting
- **PERMANENTLY RETAINED**

Closed Meetings: Purposes and Record

Closed Meeting

Utah Code Ann. § 52-4-204

- Quorum + 2/3 vote
- Must meet subject matter requirements §205
- Publicly announced and record: the reason for closed meeting; location; and each member's vote for or against the closed meeting

Closed Meeting – Purpose

Utah Code Ann. § 52-4-205

- Discuss individual's character, professional competence, or physical or mental health
- Strategy session – litigation
- Strategy session – real property (value, best possible terms); Sale = prior notice; terms disclosed before final
- Deployment security measures
- Investigative proceedings – criminal misconduct
- Deliberations; procurement evaluation committee; protest; appeals
- Procurement: trade secrets; misc.

Closed Meetings: Purposes and Record

Prohibitions

Utah Code Ann. § 52-4-205(3)

- Interview – elected position; discuss filling interim or temporary vacancy

Closed Meeting – Record

Utah Code Ann. § 52-4-206

- Recording required: beginning to end; date, time, place; names present and absent & names of others who attend
- Minute allowed (if taken, details above)
- Permanently retained

Exceptions: Recording/minutes not required: character, competence, health; security measures. Presiding officer - affidavit

Emergency Meeting

Emergency Meeting

Utah Code Ann. § 52-4-202(5)

- “Emergency” is not defined
- Attempt to notify all members
- Best notice practicable
- Majority members approve of the meeting

Other issues . . .

Chance Meeting

- Act does not apply
- Don't conduct any City business

Criminal Penalty for Violation

§ 52-3-305

- Class B misdemeanor: 6 months jail; \$1,000 fine

Electronic Messaging?

Utah Code Ann. § 52-4-210

- Text messages? Emails?
- Purposes of act
- Not restricted when meeting not convened
- Interplay with the Government Records
Access and Management Act

Electronic Communications During Meetings

LAW

- Area where OPMA and GRAMA overlap.
- GRAMA makes electronic communications sent or received by government officials public records if they concern official government business.
- OPMA requires meeting transparency and forbids private or secret deliberations.
- Taken together, these statutes make text messages, emails, and other electronic communications sent or received during public meetings both disclosable and illegal unless they are purely personal.

RECOMMENDATION

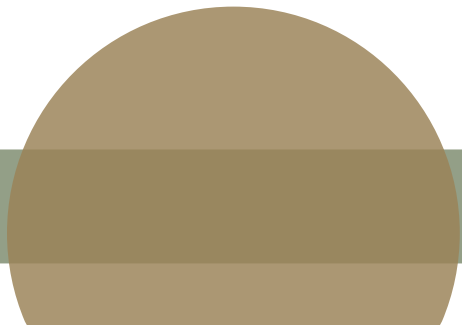
- While it is not illegal to send personal text messages during open meetings, it is generally not recommended to avoid unnecessary GRAMA requests or negative public perception.
- There have been various instances of council members texting during meetings, leading to unnecessary and costly GRAMA disclosure fights and the public perception that the council is using personal devices to circumvent the law. *See, e.g., [A Transparency Hang-Up: Are Public Records in Utah Hidden on Private Phones?](#), SALT LAKE TRIB. (June 16, 2021).*

Public Hearings

- Residents of the City have a right to be heard.
- Members of the public body are not required to respond to questions or comments.
- Public hearings are opened by motion and vote.
- On land use decisions, the applicant has a right to respond to public comment with information and argument.
- Public comment may be limited to a reasonable amount of time (e.g., a few minutes per person/topic)
- Public hearings are closed by motion and vote.
- No member of the public shall be heard until recognized by the chairperson.
- Speakers must state their name and address for the record.
- Any resident requesting to speak shall limit their comments to matters of fact regarding the issue of concern.
- Personal attacks made publicly toward any person, official, or employee are not allowed and are grounds for removal.

Ethics

If you ask, “where is the line?”, you are asking the wrong question.





Municipal Officers & Employees Ethics Act

Establishes the MINIMUM standards

Sets up a disclosure system for conflicts of interest

Describes crimes you can now commit as a public officer or employee

When is disclosure required?

Written

Regulated Business

Doing Business w/ City

Personal Interest or Investment

Assist/Advise on City Transaction*

Oral

Any of items on left

Open Meeting

BEFORE Discussion on Topic

*Disclosure must occur 10 days before agreement w/ City or 10 days before receipt of compensation (whichever is earlier)

● What crimes are available?

INFORMATION: Disclose or improperly use private, controlled, or protected information

PRIVILEGES: Use or attempt to use office for economic gain or to secure special privileges

GIFTS: Knowingly receive, accept, take, seek, or solicit a gift of substantial value or a substantial economic benefit tantamount to a gift.

ACCESS/ADVICE: Be paid to help someone w/ City business (w/o disclosure)

Discussion

Your spouse owns a real estate development company. That company has a re-zone application pending before the City. What do you do?

- A. Leave the dais and don't participate in the discussion.
- B. Announce the conflict and leave the dais and don't participate in the discussion.
- C. A, but during the hearing, as a member of the public during the public hearing, announce your support for the project.
- D. Make yourself available to the Council to answer any questions they may have on the application.

You attend church with a longtime friend who is developing his family's property. He stops by your home for a friendly visit the evening before the Council is to act on his application to rezone his property. What do you do?

- A. Hear him out, make no commitments.
- B. Hear him out, let him know where you currently stand.
- C. Invite him to speak with your spouse and excuse yourself.
- D. Tell him ex parte contacts are strictly, legally prohibited and invite him to leave.
- E. None of these are really the best option.

A developer has applied to re-zone property in the City. You are unfamiliar with the property or the surrounding neighborhood. The developer invites you to visit the property for a tour. What do you do?

- A. Decline a guided tour.
- B. Decline a guided tour but visit the property yourself to become more familiar with it.
- C. Accept the tour and invite the Councilmember from the relevant district.
- D. Accept the tour and document everything with your phone.

You work as the bookkeeper for your father's electrical company. You work part-time and are paid hourly. Last week you noticed in the invoices you are processing that your father's company is working on the Rock Loft Estates site. The invoice is not directed to the developer but to a contractor working for the developer. Are you required to declare a conflict of interest on the project?

A. Yes.

B. No.



Questions?
