

MINUTES
CITY COUNCIL MEETING
FRUIT HEIGHTS CITY
910 South Mountain Road
July 14, 2015

CITY COUNCIL MEETING 00:00:00

The City Council Meeting was called to order by Mayor Don Carroll at 7:08 pm.

The Pledge of Allegiance was led by Mayor Don Carroll and Council Member Craig Hill led the opening ceremony with a prayer.

COUNCIL MEMBERS PRESENT: Council Members Diane Anderson, Julia Busche, Craig Hill, Scot Poole, Eileen Moss and Mayor Don Carroll were present.

STAFF PRESENT: City Manager Brandon Green, City Planner Jeff Oyler, City Attorney Brad Christopherson and Recording Secretary Kelli Rollins.

VISITORS: Bernie Rollins, Kent Hunsaker, Barbara Hunsaker, Craig Poll, Gary Fox, James Lamb, Janna Lamb, Brent Thomas, Joy Thomas, Sue Logan.

AGENDA ITEMS:

2. APPROVAL OF MINUTES FROM PREVIOUS MEETING

Council Member Julia Busche made a motion to approve the minutes of June 16, 2015 with corrections. Council Member Craig Hill seconded the motion and it was approved unanimously.

3. SPECIAL PRESENTATIONS- Items from the Public

Mr. Jim Lamb brought three items to the Council. First he mentioned that communication needs to be improved. The City Council Meeting agenda needs to be added to the website before the meeting. Second, he mentioned that the Nicholls Park restroom needs be improved. Finally he asked that when there is a resident who has paid money to reserve the bowery they should not have to ask other people to leave.

The City Council discussed Nicholls Park and the vandalism, lighting, signs and the Mayor requested that this issue be added to a future agenda.

Mr. Gary Fox apologized to the City Council for his outburst last meeting. He mentioned that he was planning on meeting with City Manager Brandon Green about some issues.

City Manager Brandon Green mentioned that resident, Fred Berghold, has come to the City Council with his concerns regarding SWAT teams being deployed in Fruit Heights City. There is a policy in place and the City Manager asked the Sheriff to come clarify that policy and answer any questions.

Sheriff Richardson spoke to the City Council about how emergency situations are all very fluid and evaluated on a case to case basis. He mentioned that four and a half years ago there was a threat matrix created and that threat matrix is used throughout the state and determines the reaction. If there is an imminent threat to life the SWAT will be deployed. He mentioned that none of their equipment is "military". All of their equipment is specialized for law enforcement. They do not have equipment that will "shower" bullets. They know that there is a lawyer attached to every bullet. The policy is if SWAT is being deployed to Fruit Heights City the Sheriff's office will call City Manager Brandon Green and he is responsible for notifying the Mayor. The Sheriff mentioned with the incident a few weeks ago the SWAT team supervisor made the call to respond and he did not adhere to the policy in place. He mentioned that the City can choose to not have SWAT respond but that then that makes the City liable for any problems. The Sheriff reassured the City Council that they act in the safest manner possible. They deal with the problem but also try to keep the community safe. One of the best ways to do that is to work hand in hand with the community. He mentioned reverse 911 calls that would be done by the Mayor. The Sheriff mentioned that armored vehicles that people are sometimes concerned about are used 99% of the time for protection and evacuation. The Mayor mentioned that some of the citizens want decisions to be made by an elected official but that those officials do not have the training necessary and are not qualified to make those kinds of decisions. The Sheriff mentioned he has thirty years of training and experience and that he does not want to take a life. He mentioned that residents are welcome to call him with any questions and concerns. He is going to get a copy of the threat matrix to the City Council.

Council Member Eileen Moss mentioned that a representative from the Sheriff's office had not been to give a report to the City Council since February. The Sheriff mentioned that his office is switching over to an app that will help with their transparency and all the reports will be available on that app. Council Member Julia Busche mentioned that maybe once a quarter a deputy could still come to present the report.

The Sheriff also mentioned that the City invested in some cameras for Nicholls Park and if they expand the service for the signal then the Sheriff's dispatch can also see the video feed. He also reassured everyone that Nicholls Park is a safe park. City Manager Green mentioned that they are trying to fix the camera problem at the park. It is too slow and the cameras freeze up. He mentioned that there will need to be a conversation about switching to fiber or Comcast.

Ms. Sue Logan mentioned that Mr. Fox had nothing to apologize for since this country has freedom of speech.

4. NEW BUSINESS

4.1 Davis County School District Bond Presentation

Mr. Craig Carter and Mr. Craig Paul presented a proposal for a bond to be put on this fall's ballot. They are asking for Fruit Heights City Council to consider passing a resolution to show support of this bond being put on the ballot. They also handed out cards for any of the City Council to sign to show their support. They showed a video about why there is a need for a new bond. There is a need for 15 new elementary schools, 3 junior highs and 1 high school in Davis County. The new high school would be located in Farmington and would alleviate the overburdened Davis and Viewmont high schools. There are also numerous school that need to be remodeled. The bond would not be in addition to the 2009 bond but would instead take the place of that bond. The bond would be used for construction only. It would be on average \$3 a year increase per home owner.

The City Council mentioned some of the comments that were brought up regarding the school board in the last public meeting. They questioned if there was not a more cost effective plan that would be 1 standard elementary school, 1 standard junior high and 1 high school plan that would save on architect costs. Mr. Craig Carter mentioned that there was a prototype that was updated every 8-10 years. Mayor Don Carroll questioned why they were trying to pass the bond this year and they discussed how they actually did want to pass it last year. The reason for this is that by 2018 Viewmont and Davis will have 2,400 and 2,800 students, they have waited as long as they can. Council Member Julia Busche questioned how they planned to get the public support. Mr. Carter mentioned that they will be doing many focus groups and cluster groups as well as social media campaigns and visiting City Councils. When questioned about a Plan B if the bond fails Mr. Carter mentioned that many schools will have to go to year round, hours for school will be extended with some students starting earlier and other students staying later, more portables in already crowded parking lots and roving teachers as possible solutions.

4.2 Discuss/Approve/Deny Updated Contract with Davis County Animal Control

City Manager Green brought to the City Council the fact that come January 1, 2016 the County will be charging the cities the majority of the costs of Davis County Animal Control. He mentioned that it has yet to be determined how the charges will be divided but there will probably have to be an amendment to the budget. Mayor Carroll mentioned that the County is hoping for the cities to start paying 80% of the costs but that somewhere between 50-70% would be more likely.

City Manager Green mentioned the aging infrastructure as part of the change. He said that at a future meeting the Council will need to discuss how often the City utilizes this service and if this service is something we would rather provide for ourselves.

4.3 Discuss/Approve/Deny Contract with Farmington City for Justice Court Services.

City Manager Green reminded the City Council that the current Davis County Justice Court would be dissolved by December 31, 2015. Farmington has agreed to host the Justice Court if all the current cities stay a part this court. So far they have verbal agreements from all but two of the cities. The Justice Court will be located at the same place and they do not plan on changing the charges on anything at this time. It will remain a 50/50 split on revenues. We would pay for our own prosecuting attorney. City Manager Green encouraged the City Council to read and become familiar with the agreement from Farmington City.

4.4 Discuss/Approve/Deny Request to Pay Eastoaks SID

City Manager Green proposed to the City Council that the City pay off their loan for the secondary water on Eastoaks Drive. The City would take money from the water fund to pay the loan in full. He mentioned that the accounting firm, Woods and Richards looked over the loan and recommended paying this loan. It is in the current budget to do so and there would not be any pre-payment penalties. The City Council and City Staff discussed past payment history as well as residents current loan standings.

Council Member Craig Hill made a motion to approve the payment of the Eastoaks SID loan in the amount of \$150,000. Council Member Scot Poole seconded the motion and it was unanimously approved.

Council Member Julia Busche inquired to what the auditor had recommended as far as credit for those residents who paid off their loans early. City Manager Green mentioned that the auditors said there would not be any credit due as the interest collected is less than the interest that the City would be paying. He also mentioned that the check should be in the mail on Friday.

4.5 Discuss/Approve/Deny Updates to Title 6 Chapter 7

City Manager Brandon Green reminded the City Council of the Title 6 Chapter 7 Good Landlord ordinance. This ordinance would apply to entire homes rentals and helps both the City and the Landlord to have good renters in the City of Fruit Heights. If the landlord takes the class then all but a small filing fee of the business license fee would be waived. With current city prices that would be \$45 they would save. Mr. Jim Lamb mentioned that he was a "Good Landlord" in Ogden City and that it enabled him to do background checks. He had to attend the class and certify every other year. The City Council questioned Mr. Lamb about how it was enforced and he mentioned that it is usually other residents who report violations and problems. Mr. Scot Poole mentioned that in such a small city there would not be a way to enforce the violations. City Manager Green reminded the City Council that although the City doesn't have a lot of problems this ordinance will give the City something to enforce when there is a problem. The City Council discussed how to identify rental homes and what kinds of

problems are violations. Council Member Eileen Moss expressed concerns over how stringent the rules are as to whom landlords can rent their homes. Council Member Julia Busche reminded the Council that this is a voluntary program and none of the landlords will be forced to participate. The \$45 a year is not prohibitive. Upon questioning City Manager Green stated that UDOT rents several homes in Fruit Heights and they are the largest problem. Mayor Carroll believes that we need some kind of ordinance in place that gives the City the ability to take some action. Council Member Scot Poole asked for some specifics on the guidelines on yards and vehicles.

Council Member Julia Busche made a motion to approve the update to Title 6 Chapter 7. Council Member Craig Hill seconded the motion.

Council Member Eileen Moss expressed concerns over the potential harm this ordinance could cause to at risk populations. Council Member Scot Poole believes that the program is not voluntary since the landlords would be required to pay. He would like to see the City opt out of certain aspects of this ordinance. He believes the social costs have not been considered.

A roll call vote was taken:

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|--------------------------------------|------------|
| <i>Council Member Julia Busche</i> | <i>Aye</i> |
| <i>Council Member Craig Hill</i> | <i>Aye</i> |
| <i>Council Member Diane Anderson</i> | <i>Aye</i> |
| <i>Council Member Eileen Moss</i> | <i>Nay</i> |
| <i>Council Member Scot Poole</i> | <i>Nay</i> |

The motion was approved.

The City Council went on to discuss how they would like to further discuss this ordinance and amend it but the framework is there. They requested that they put it on the agenda again in the near future.

4.6 Request by Parks Department to Purchase 2 Riding Mowers

City Manager Brandon Green reminded the City Council that the Parks Department was in need of 2 new riding mowers. The City currently owns 2, one is 16 years old and the other is 20. They are so old the City can no longer order parts. One is no longer working. Council Member Scot Poole questioned how often the mowers are used and if they really needed two of them. City Manager Green answered that they were used every day for 4-5 hours.

Council Member Scot Poole made a motion to approve the purchase of one riding mower at the price of \$13,967.00. Council Member Eileen Moss seconded the motion and it was approved unanimously.

4.7 Discuss/Review/Approve/Deny Request to Donate to the Davis County Library

City Planner Jeff Oyler reminded the City Council that the new Kaysville Branch of the Davis County Library was nearing completion and the board was proposing instead of the small fruit orchard a small seating area with a concrete path, four benches and some trees for shade. If Fruit Heights City was interested in donating five thousand dollars to cover the constructions costs of this area there would be a plaque installed mentioning Fruit Heights City. The grand opening of the library is scheduled for the first week in August so there is no time to think of other ideas.

The City Council discussed where this money would come from in the budget and if the amount was too high.

Council Member Craig Hill made a motion to approve the donation of \$5,000 to the Davis County Library, Kaysville Branch. Council Member Diane Anderson seconded the motion.

A counter motion was made by Council Member Eileen Moss that the City would donate \$3,000 and the board could figure out something else for it to go toward. Council Member Julia Busche seconded it. A vote was taken and it passed with three ayes and two nays from Council Members Craig Hill and Diane Anderson.

The Council took a five minute recess at this point.

4.7 Review FY 2015-2016 Budget prior to Truth in Taxation Hearing

City Manager Brandon Green presented the FY 2015-2016 budget. The City Council asked some questions about the Truth in Taxation hearing that will be August 4 at 7:15 pm. They asked questions about what different amounts were set aside for in the budget. The City Council asked about the air conditioning for the City Offices. The units in place currently have stopped working but they have been installed for twenty-two years. The Mayor asked City Manager Brandon Green to create a one page information page to hand out at the meeting on August 4. They discussed advertising the hearing in the paper, and posting at City Hall, the City website, and also on the water bill.

5. NEW BUSINESS 02:46:07

5.1 Discuss/Approve Expenditures for the Tour of Utah

City Manager Brandon Green reminded the City Council that the Tour of Utah would be coming down Mountain Road. The event will be televised and the Fruit Heights portion of the race will be about 13 minutes long. City Manager Green asked the City Council what they would like to do for community and City involvement. The County has sent an interlocal agreement outlining the City's responsibilities for the race. The insurance is covered by the County. The City Council discussed banners, feathers, and

painting on the roads, mesh netting, stickers, and flags used by the Scouts. They also discussed official Tour signs as opposed to Fruit Heights City signs that could be reused.

Council Member Eileen Moss made a motion to approve the City Staff spending \$2,000-\$2,500 for marketing materials for the Tour of Utah including 2 official Tour of Utah feathers. Council Member Diane Anderson seconded the motion and it was approved unanimously.

The City Council discussed informing the residents and putting links on the website and advertising on social media.

5.2 Discussion regarding upcoming Founder's Day Celebration

City Manager Brandon Green asked for input on what to do with the sand pile on the City Property. It was suggested it be weeded and leveled. The Mayor, City Council and City Staff discussed the dedication of the Louis and Harold Gailey Memorial Trail. They determined it would be done at 6:30 pm. City Manager Green was tasked with finding out specifics on how the Gailey family would like the sign worded. The Mayor will also recognize the Unsung Hero. City Manager Green will verify with the Sheriff and Fire department that they will be there. The 5k, proposed bike race, a third food vendor were discussed. The City Council determined that they would prefer nametags rather than shirts.

6. CONSENT CALENDAR

6.1 May Check Register

The City Council reviewed the Check Register for May and asked about Craythorne Inc. which was for the Storm water utilities on Green Road. City Manager Green agreed to double check on what the Habitat Preserve check paid. He believed it was a developer.

Council Member Eileen Moss made a motion to approve the May Check Register. Council Member Diane Anderson seconded the motion and it was approved unanimously.

6.2 June Check Register

The City Council reviewed the Check Register for June and asked about the two different Honey Bucket charges which were for two different sites.

Council Member Craig Hill made a motion to approve the June Check Register. Council Member Diane Anderson seconded the motion and it was approved unanimously.

7. UPCOMING CALENDAR EVENTS: 03:40:21

7.3 Fruit Heights Caucus Meetings August 11, 2015

The City Council questioned if the LDS Stake Presidents had responded concerning the City of Fruit Heights request to not have meeting on Caucus night. It was determined that they were still waiting to hear back from them. The City Council asked that other denominations be notified as well. The Caucus's will also be advertised at Founder's Day. Chairmen and Secretaries for the meetings were discussed and City Manager Green has been calling people who have served in that capacity before. It is a lot of work and must be done a certain way. Council Member Eileen Moss suggested sending a separate paper in with the August bill explaining the caucus. Council Member Diane Anderson also mentioned that the City Youth Council could take flyers around regarding the vote by mail and the caucus.

8. DEPARTMENT AND CITY OFFICIAL REPORTS: 03:40:25

8.1 City Engineer's Report

There was not a report given.

8.2 City Planner's Report

There was not a report given.

8.3 City Manager's Report

City Manager Green mentioned that the east bench development is moving ahead. He also notified the City Council that proposals for the property next door to the City Offices have been discussed. Council Member Julia Busche requested that the sprinklers be turned off during fireworks.

8.4 City Council Member's Reports

Council Member Diane Anderson requested that a formal apology be sent to Blaine Taylor regarding the mix up of dates honoring him. He will be honored in a ceremony on August 18th at 6:00 pm in the basement. The City Council discussed honoring everyone all at the same time rather than at a separate City Council meeting. Council Member Diane Anderson thanked the City Manager for the signs on the cars for the parade and for the candy.

Council Member Craig Hill mentioned that some of the prizes for Founders Day needed to make sure they were given only to adults.

8.5 Mayor's Report

Mayor Don Carroll thanked the City Council for their support and for being involved in the community events. He talked about Kaysville/Fruit Heights Idol and how fantastic it turned out to be. He mentioned that about a third of the contestants were from Fruit Heights City.

10. CLOSED MEETING

A closed meeting was not held.

11. ELECTRONIC MEETING

An electronic meeting was not held.

12. ADJOURNMENT:

Council Member Eileen Moss made a motion to adjourn the meeting. Council Member Julia Busche seconded the motion. The meeting was adjourned at 10:45 pm.

I HEREBY CERTIFY that the foregoing is a true, accurate and complete record of the Fruit Heights City Council meeting held July 14, 2015.

Not approved until signed



Kelli Rollins, Fruit Heights Recording Secretary

Date approved by City Council: Aug 4, 2015