

MINUTES  
CITY COUNCIL MEETING  
FRUIT HEIGHTS CITY  
910 South Mountain Road  
April 18, 2017

CITY COUNCIL MEETING

The City Council Meeting was called to order by Mayor Don Carroll at 7:02 pm.

The meeting was opened with the Pledge of Allegiance.

COUNCIL MEMBERS PRESENT: Council Members Diane Anderson, Gary Anderson, Julia Busche, Brandon Halliday, Scot Poole and Mayor Don Carroll were present.

STAFF PRESENT: City Manager Brandon Green, City Planner Jeff Oyler, and Recording Secretary Kelli Rollins were present. City Engineer Brandon Jones came later in the meeting.

VISITORS: Roger Timmerman, Darren Brenchley

AGENDA ITEMS:

2. DECLARATION OF CONFLICT OF INTEREST

3. APPROVAL OF MINUTES FROM PREVIOUS MEETING

*Council Member Julia Busche made a motion to approve the minutes of April 11, 2017. Council Member Diane Anderson seconded the motion and it was approved unanimously.*

4. SPECIAL PRESENTATIONS:

**4.1 Resident Darren Brenchley**

Mr. Darren Brenchley was not in attendance at this time. He arrived later in the meeting and was allowed to address the City Council.

5. NEW BUSINESS

**5.2 Discuss/Review/Approve/Deny FY 2016-2017 Budget Amendments**

City Manager Brandon Green walked through the budget amendments for the FY 2016-2017 budget. The overall budget is decreasing instead of increasing and the City will be moving about five-hundred and eighty thousand dollars from the general fund to capital projects. He walked through the increases and decreases in the different budget areas and answered questions from City Council. Their discussions included the cell tower rentals, class C roads, the water fund, storm drain fees, the solid waste fee refund and the expenses of snow plows and salt this winter.

*Council Member Scot Poole made a motion to approve the budget amendments for FY 2016-2017. Council Member Diane Anderson seconded the motion and it was approved unanimously.*

**5.1 Presentation on Options for Fiber in Fruit Heights**

Mr. Roger Timmerman, the executive director of Utopia Fiber, presented to the City Council a power point on Utopia fiber. He reminded the City Council that Utopia was an interlocal agency that provides fiber to cities in Utah. He acknowledged that there

had been issues in the past and that when Utopia first started in 2001 expenses were too high, and there were not a lot good service providers. In 2009 Utopia took a survey and the results showed that there was still a large demand for fiber so they decided to restructure management and do a bond refinance. Since then they have had enough profit to keep growing and the 2009 bond is paid in full.

Utopia partners with cities to provide the infrastructure needed for fiber for the residents and businesses in the city. They are not internet providers. According to the power point Utopia is appealing to customers because of the low cost, the customer service and the internet speed. They can provide faster, reliable service because they do not use a splitter, instead they connect to each home individually. Utopia has a 57% recommendation rate as compared with 10% for other broadband companies. The bill for the residents is usually sixty-five dollars with thirty going to the city and thirty-five to the service provider. The city determines how much they charge their residents.

The city owns Utopia within their city boundaries and Utopia can eventually become a revenue source for the city, if so desired. In the presentation, Mr. Timmerman showed an example of what this may look like for Fruit Heights City. They predicted that it would cost about \$3.1 million dollars to install the infrastructure. Most cities use a bond to pay for the initial costs. The monthly debt service would be about fifteen thousand and with 35% of the residents and 10% of businesses participating the monthly revenue would be seventeen thousand. Mr. Timmerman predicts that with the city of Fruit Heights the percentage of participants would be higher than 35% of participating residents.

The City Council asked questions regarding the lack of businesses in the City, the difficulty of crossing the highway and using the existing conduits and utility poles.

Mr. Timmerman recommended conducting a survey to gauge the interest of the residents of Fruit Heights. If it comes in as 60-70% then the risk to the City is gone. After the survey Utopia can do an in-depth feasibility study that would determine the actual price for the infrastructure. The survey and the feasibility study would be paid for by Utopia.

*City Engineer Brandon Jones arrived at the meeting.*

The Mayor, City Staff, City Council and Mr. Timmerman discussed other options for funding besides the City borrowing. Mr. Timmerman mentioned that Brigham City did a special assessment for only the properties who were interested in signing up for Utopia. The bond was therefore backed by the property owners and not the City. These early adoptees were given a special rate. Some residents paid it all up front in the amount of two thousand seven hundred instead of the monthly fee.

Mr. Timmerman also answered questions about the future of fiber and he showed that the numbers have been increasing every year. The City Council also inquired about the City being the ISP provider and were informed that it is difficult for a city to be the provider and there are a lot of requirements for that to be a possibility. The City Council also questioned the length of time that it would take to get the infrastructure in place. Mr. Timmerman estimated it would be about four months. The Mayor and City Council also expressed concern about the interest level with their older demographics.

The City Council asked for City Manager Green to post the power point presentation when he received it from Mr. Timmerman to dropbox so they could review the information.

#### **4.1 Darren Brenchley**

Mr. Darren Brenchley addressed the City Council. He had recently signed up with express bill pay. There was an issue where the first time his payment was processed it didn't go through. It went through the second time he tried but he was charged a \$25 fee. He reported that he had never had a late fee before this time.

City Manager Brandon Green reported that the Utility Clerk has kept a record of all of the transactions. He reported that the City charges \$25 for those payments that are returned because Express Bill Pay charges the City a bounced payment fee.

He read the contract agreed upon by each customer from Express Bill Pay whereupon they agree to the fact that in the case of a returned payment a fee would be issued by the City of Fruit Heights.

Mr. Brenchley reported that the payment went through before the bill was due.

Council Member Brandon Halliday noticed that the account number first put in Express Bill Pay was incorrect. Then a correct account number was put into Express Bill Pay. He also reported that before Mr. Brenchley signed up for Express Bill Pay he had been late before and the late fee was completely waived by the City at that time. Council Member Brandon Halliday suggested that the City split the difference and that Mr. Brenchley pay \$12.50 instead.

Mr. Brenchley requested a complete exemption for his error.

Council Member Halliday requested that Mr. Brenchley agree to pay at least the five dollars charged to the City by Express Pay.

The City Council discussed the matter further. They discussed the precedent that would be set and what would happen if they did this for everyone every time. They mentioned that he had already had a late fee waived before and in asking to have the returned payment fee waived again he was basically asking his neighbors to pay for him.

The Mayor and City Council determined that each City Council Member would email their recommendation to City Manager Green and that he would forward their recommendation to Mr. Brenchley.

#### **5.3 Discuss/Review/Approve/Deny FY 2017-2018 Tentative Budget**

City Manager Brandon Green presented the baseline for the FY 2017-2018 Budget. He will be adjusting Capital Budgets. In the next few months the Council will be going through the different budget areas. He informed the City Council that he used the actual budget from the last 10 years to determine the amounts for the new budget. The City Council asked questions about the sundry revenue account, cell tower rental, and Kaysville/Fruit Heights civic budget.

The City Council asked if any money had been budgeted for upgrades to the Council Chambers. City Manager Green reported that he would be presenting options to the City Council for anything from just the necessities which includes, microphones, recording and other electronic equipment to a few extras including new desks, flat screen monitors, communication systems in the basement and web casting capabilities. The City Council will be making those decisions.

*Council Member Diane Anderson made a motion to approve the tentative budget for FY 2017-2018. Council Member Scot Poole seconded the motion and it was approved unanimously.*

The City Council requested having a second strategic planning meeting on May 16, 2017. They plan on starting at 6:00 and having dinner. Agenda items can be addressed if needed.

The Mayor suggested inviting City Attorney Brad Christopherson to come and give the City Council some suggestions on how to facilitate some of the City's processes. He reminded them that not only is he the City's Attorney but he is also a City Council Member in another city.

## 6. OLD BUSINESS

### **6.1 Review/Discuss/Approve/Deny Dump Bed Replacement for 2007 GMC 5500**

City Manager Brandon Green mentioned that he received a second bid for the dump bed from Semi Service just today. He informed the City Council that Semi Service now works in electric instead of hydraulics. This bid does not include removing hydraulics from the existing truck bed.

Council Member Brandon Halliday inquired about there being any other vendors that will do this type of work. City Manager Green mentioned that there were none in the Salt Lake Valley but he could inquire in other places if the City Council. Council Member Brandon Halliday stated that he realized that comparative quotes are not available in many of the businesses that the City gets bids from and that makes comparable quotes difficult. Council Member Gary Anderson mentioned that getting multiple bids is good practice and a matter of principle.

The Mayor mentioned that in the future the City should consider the ease of the serviceability of the purchases that they make.

*Council Member Julia Busche made a motion to approve the Dump Bed Replacement with Legacy. Council Member Scot Poole seconded the motion and it was approved unanimously.*

### **5.4 Discuss/Review/Approve/Deny Awarding Contract for FY 17 Capital Projects**

Mayor Don Carroll reported to the Council that four companies bid on the City's Capital Projects. Three companies bid on all the projects and one company bid on just the large projects.

City Engineer Brandon Jones walked the City Council through the different projects and what the City will be doing for each of the three areas. He also mentioned that there would be stronger specifications for the roads.

The City Council asked questions about the depth of the road base on how the City would be making sure that the work will be done to the standards set by the City. Checking is shared by the City's Public Works department and Ben Slater from Jones and Associates. The City can also pay for independent testing to make sure they are receiving what was contracted. There will also be a preconstruction meeting with Dan, Darren and Ben Slater where they will come up with a plan to check on the progress and standards.

City Engineer Jones will be bringing the new requirements for the roads to the City Council for approval soon.

The Mayor and City Council and the City Staff discussed why it would be so difficult to put sidewalks on the west side of Mountain Road. City Engineer Jones mentioned that it would require easements into yards which would include more right of way issues. The slope would require retaining walls. The City would also have to move light poles.

The Schedule A project is installing and updating the storm drain on Mountain Road.

Schedule B is the curb and gutter on Green Road.

Schedule C is a storm drain and inlet boxes on Raymond Road.

Post Asphalt Construction was the low bid.

*Council Member Brandon Halliday made a motion to award the Capital Projects to Post Asphalt Construction for one million one hundred forty-seven thousand three hundred and forty-four dollars. Council Member Scot Poole seconded the motion and it was approved unanimously.*

The Mayor reminded the City Staff that we would like to have schedule A finished in a timely manner that would allow the Tour of Utah to come through the City. The City would also like to have conduit installed. City Engineer Jones will discuss the conduit ideas with City Manager Green.

## 7. CONSENT CALENDAR

## 8. UPCOMING EVENTS:

## 9. CITY STAFF AND CITY OFFICIAL REPORTS

City Planner Jeff Oyler reminded City Engineer Jones about the new state law that goes in effect on June 1 that will affect many of the City's ordinances and the City would have to justify the new road specs. City Engineer Jones was aware of the new laws and is aware and that the specs will be justified by traffic count, design life of 25 years, and soil type.

City Engineer Jones notified the Mayor and City Council that there shouldn't be any problems with right of way with any of the projects this year. He agreed to double check on the curb and gutter on the Lloyd's property.

Council Member Scot Poole mentioned that the City will need to provide twelve volunteers from the City for the parade. The Mayor agreed to contact the Youth City Council and the LDS Young Single Adult Stake for volunteers. Council Member Gary Anderson will contact Citizen Corp Council also. Parade applications will be filled out by City Manager Brandon Green.

Council Member Julia Busche encouraged the council members to be aware of certain face book pages, their contents and be informed. The City Attorney recommends avoid bantering on social media and to use the City's website for disseminating information. The City Manager mentioned that he was going to put the history of the Highway 89 Nicholls Road project on the City's website.

Council Member Diane Anderson reported that a few residents came earlier this evening and mentioned that they were worried about the deer problem. She also reported on the public meeting on the 13<sup>th</sup>. She summarized that the residents there had a great desire to be informed, expressed confusion on the relationship between the City and UDOT and how much power the City does or doesn't have. Some citizens expressed a positive response for what the City was doing and others expressed disappointment and frustration on how government works.

The Mayor expressed appreciation for the residents who kept their emotions in check and expressed their frustrations in a civil manner.

Council Member Brandon Halliday mentioned that he liked the City's new logo.

Council Member Gary Anderson mentioned that he was not getting texts. He also reminded the City Council about the shakeout happening on the 20<sup>th</sup>. He requested that items be added to dropbox 48 hours before the meeting. He realized that often the items are dependent upon others getting the information to the City Staff.

Mayor Don Carroll expressed appreciation to the City Council for the job that they do and the burdens that they carry because of this job. He reminded the City Council that it was going to be another summer of dust, construction, and delays. He requested that the plans be posted on the website for the residents.

## 12. ADJOURNMENT:

*Council Member Julia Busche made a motion to adjourn the meeting. Council Member Brandon Halliday seconded the motion. The meeting was adjourned at 10:04 pm.*

I HEREBY CERTIFY that the foregoing is a true, accurate and complete record of the Fruit Heights City Council meeting held April 18, 2017.

*Not approved until signed*

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April 18, 2017

Kelli Rollins, Fruit Heights Recording Secretary

Date approved by City Council: \_\_\_\_\_