

MINUTES  
CITY COUNCIL MEETING  
FRUIT HEIGHTS CITY  
910 South Mountain Road

March 7, 2023

WELCOME: Mayor John Pohlman called the meeting to order at 7:00pm

PLEDGE & OPENING CEREMONY: The Pledge of Allegiance was led by Mayor John Pohlman with Council Member Diane Anderson offering a word of prayer.

COUNCIL MEMBERS PRESENT: Mayor John Pohlman, Council Members Diane Anderson, Eileen Moss, and George Ray with Council Members Gary Anderson and Florence Sadler being excused.

CITY STAFF PRESENT: City Manager Brandon Green, City Planner Jeff Oyler, City Attorney Brad Christopherson, and City Employee Hailee Ballingham

VISITORS: YCC Mayor Lucy Groberg and YCC Sabrina Jackson

CITY COUNCIL TRAINING: None.

SPECIAL PRESENTATIONS:

*Youth City Council*

YCC Mayor Lucy Groberg and Sabrina Jackson reported that they had a YCC party with the Kaysville YCC where they played games and talked about upcoming projects. They also talked about doing a tour of Mountain High Teen Center program where Mountain High provides services for homeless teens in the District. The YCC is currently planning the easter egg hunt, doing a popsicle social later this year and potentially cleaning up bike trails around the city.

PUBLIC COMMENTS: None.

CITY BUSINESS:

*Open and Public Meeting Act and Ethics Training (Brad Christopherson)*

City Attorney Brad Christopherson provided training on the Open and Public Meeting Act. He explained that all meetings are open to the public unless they are closed meetings. A quorum in Fruit Heights consists of three City Council Members, cannot be the Mayor and two Council Members. There has to be 24-hour notice with an agenda; date; time & place with the exception of emergencies where as much notice as possible needs to be provided. The minutes and recordings of the meetings have to be permanently retained by the city and have to include certain things which are outlined in the Act.

## Closed Meeting

- Quorum + 2/3 vote (4/5 if entire Council is present)
- Must meet subject matter requirements in §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

- Discuss individual's character, professional competence, or physical or mental health (no recording, but affidavit of Mayor required)
- 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.

When does the Act apply? The act does not apply at chance social meetings, just don't talk about city business. Don't text during the meetings, those can be requested. Don't discuss city meetings or agendas over texts or emails.

City Attorney Brad Christopherson proceeded to provide training on the Municipal Officers' and Employees' Ethics Act explaining that it's not a ceiling, it's a floor. It outlines the basic standards of conduct of city employees.

### *Review/Discuss/Approve/Deny Annexation Ordinance for Rock Loft Ridge Estates*

City Manager Brandon Green explained that the annexation of the Rock Loft Ridge Estates has been talked about for a while. This is property that is unincorporated Davis County that just needs to be annexed into the City.

After some discussion regarding some wording changes within the Ordinance Council Member Diane Anderson made a motion to approve the Annexation Ordinance 2023-002 for the Rock Loft Ridge Estates annexing real property known as parcel number 11-112-006 extending the corporate limits of the city with the changes of the parcel numbers and the date as described with Council Member George Ray seconding the motion. The Council proceeded with a roll call vote with Council Members Diane Anderson, George Ray, and Eileen Moss voting in favor with Council Members Gary Anderson and Florence Sadler being excused. (26:54)

### *Review/Discuss/Approve/Deny Phases 2A & 2B of Rock Loft Ridge Estates*

City Planner Jeff Oyler explained that out of the many discussions that have been had is that from a geotechnical standpoint is that only 50% of the requirements have been done with the other 50% being pushed onto future lot owners. Those things include certain grading and improvements that must be followed to the letter. The CMT Geotechnical Engineers have left

themselves many ‘outs’ saying that if things aren’t followed to the letter then the conditions might change. After these discussions and reading the provided documents City Planner Jeff Oylar and City Manager Brandon Green talked about wanting to try to implement a series of affidavits that would be signed by certain parties.

Relating to the geotechnical requirements they would like to introduce three separate affidavits regarding the subdivision.

1. Affidavit signed by Matt Lowes the developer that he has disclosed to each lot owner all of the constraints and conditions of the geotechnical report and would also need to be signed by each lot owner saying that they are aware of those constraints and conditions at the time of purchase.
2. Affidavit signed by Reeve & Associates as the project engineers and CMT as the geotechnical engineers that confirms that each individual set of plans submitted to the City by individual lot owners conformed to the requisite portion of the geotechnical requirements. Secondly, those submitted plans will have a peer review by geostatic, so the engineer and CMT.
3. Affidavit signed by Reeve & Associates and by CMT stating that the as-built conditions on each lot comply with the plans that were submitted and approved on each lot. This affidavit will also contain the signature of the homeowner stating that they will not modify any of the grading or installation of required conditions. This affidavit would be recorded with the property and run with the land.

The idea is to put the city in the best position to protect themselves. It was discussed that an HOA will need to reinforce the regulations. It was discussed that 2A needs to be tabled until the roads are designed and approved by Haight’s Creek. It was discussed that something needs to be in place to protect the city, landowners, neighbors, and everyone.

*Council Member George Ray made a motion to table discussion of phases 2A & 2B of the Rock Loft Ridge Estates until after the meeting with Haight’s Creek with Council Member Eileen Moss seconding the motion. The motion was unanimously approved by the Council. (44:39)*

*Review/Discuss/Approve/Deny Interlocal Cooperation Agreement for 2023 Municipal Election Services with Davis County Elections Office*

City Manager Brandon Green provided background information on the contract they have with the Davis County Elections Office. He explained that the Council has to start thinking of dates to have the Caucus meetings. This is just the agreement to contract with Davis County Elections Office.

*Council Member Diane Anderson made a motion to approve the Interlocal Cooperation Agreement for 2023 Municipal Election Services with Davis County Elections Office with Council Member George Ray seconding the motion. The motion was unanimously approved by the Council. (47:23)*

*Review and Discuss Final General Plan Revisions*

City Manager Brandon Green explained that the Planning Commission will be holding a public hearing on March 28<sup>th</sup> to adopt the General Plan. The overall feeling from the residents is that they are content with the General Plan. (50:00)

*Review and Discuss 2022 Annual Audit Report*

City Manager Brandon Green explained that he got the paperwork back and reported that there were not any findings that required them to make any changes to processes. They continue to operate in the black and make a little bit of money where they can. Something that needs to be looked at in the next budget is an increase to the amount of money that we collect for the sewer rates and garbage cans because the city is having to contribute a small amount to those two funds to make sure that they balance. The auditor and everyone that looked at the annual audit report is pleased with the financial situation of Fruit Heights City. (52:01)

REVIEW AND APPROVAL OF MINUTES FROM PREVIOUS MEETINGS:

*February 7, 2023*

*After some discussion and proposed changes Council Member Eileen Moss made a motion to approve the February 7, 2023 City Council Meeting Minutes with Council Member Diane Anderson seconding the motion. The Council unanimously approved the motion. (55:03)*

CONSENT CALENDAR:

*February Check Register*

*February Budget Review*

Council Member George Ray reported that they looked good.

FOLLOW-UP ITEMS FROM PREVIOUS MEETING:

*YCC Tour of the County Jail*

Mayor John Pohlman reported that since 2020 they have not re-opened tours of the jail at this time.

*City Manager Application Process*

Mayor John Pohlman reported that applications have all been submitted and the process is going well. There are 13 applicants, and he feels that the quality of those applicants is pretty good. The resumes and cover letters have been sent to their committee which has until tomorrow to select their top 506 and then we will start interviewing them next week. The goal is to have a few people here by the 21<sup>st</sup> to present to the City Council and so that they can get to know them and interview them.

## CITY COUNCIL & STAFF REPORTS:

### *Mayor John Pohlman Update on Dispatch Center Consolidation*

Mayor John Pohlman explained that the County is working on decreasing the dispatch centers within the county and with South Davis Metro Fire and Layton both being unwilling to relinquish their dispatch centers then the County is getting rid of theirs. So Fruit Heights would go to the Layton Dispatch center but then taxation without representation would be in effect. They are working on that concern and nothing has been finalized with the proposal that there will be representatives from each city that will be on a budget and finance committee.

### *Update on the Water Infrastructure Grant*

Mayor John Pohlman provided an update on the Water Pressure Grant explaining that after a lot of back and forth and a lot of work from himself, his contact, City Manager Brandon Green, and Lincoln Hills we ended up getting fully funded on the East Oaks East Bench Water District Grant for one million dollars.

### *Darren Frandsen's Recognition at the 2023 Rural Water Conference*

City Manager Brandon Green explained that both Public Works Superintendent Darren Frandsen and he drove down to the 2023 Rural Water Conference in Saint George Utah and that Public Works Superintendent Darren Frandsen was the only person to receive the Rural Operator of the Year Award. Public Works Superintendent Darren Frandsen represents the City of Fruit Heights City very well. Thank you for the time and energy that you put into making sure that we receive the best water that we can. (1:07:01)

Council Member Diane Anderson reported that Council Member George Ray has the opportunity to conduct the next City Council Training.

Council Member George Ray asked if the Fire services could come and present at one of the Council Meetings.

Council Member Eileen Moss discussed the risk of flooding talked about in the Emergency Preparedness Committee.

Public Works Superintendent Darren Frandsen didn't have anything to report

Mayor John Pohlman announced that Weber Basin passed an amendment to fully fund, with Fruit Heights help, to re-pave all of that section of Mountain Road.

*Council Member Eileen Moss made a motion to adjourn the meeting with Council Member George Ray seconding the motion. The council unanimously approved the motion to adjourn the meeting at 8:15pm.*

## UPCOMING EVENTS:

March 28, 2023 – Planning Commission Public Hearing to adopt the General Plan.

*Not approved until signed.*

/s/ Brandon Green

Brandon Green, City Recorder

Date approved by City Council: April 11, 2023