

MINUTES
CITY COUNCIL MEETING
FRUIT HEIGHTS CITY
910 South Mountain Road

April 11, 2023

WELCOME: Mayor John Pohlman called the meeting to order at 7:07 pm.

PLEDGE & OPENING CEREMONY: The Pledge of Allegiance was led by Council Member George Ray with Council Member Florence Sadler offering a word of prayer.

COUNCIL MEMBERS PRESENT: Mayor John Pohlman, Council Members Eileen Moss, George Ray, and Florence Sadler. Council Member Gary Anderson attended remotely.

CITY STAFF PRESENT: City Manager Brandon Green, City Planner Jeff Oyler, Public Works Superintendent Darren Frandsen, City Employee Hailee Ballingham, and Recording Secretary Lindsay Golightly

VISITORS: Dave Rendon, Mr. And Mrs. Phil Rodgers, Cynthia Denkers, Susan Darger, Kevin Stapp, and Brian and Sandra Law, Kris Christensen, Lydia Ray, Joe Christensen and one other couple.

CITY COUNCIL TRAINING: Council Member Florence Sadler provided training on referendums and initiatives. An initiative gets members to gather signatures to get the government to do something the citizens want and a referendum gets the government to not do something. Citizens can get packets for both from the city. If there is enough time in a meeting for both sides to be heard, then each member of the council can explain why they voted the way they did.

SPECIAL PRESENTATIONS:

YCC

Lydia Ray – the Easter Egg hunt was postponed due to the snow and is moved to April 29 at 10:00 am. They are getting together with Centerville YCC to do an activity soon and are working on planning a popsicle social sometime in May. In June they are planning a trail clean up activity and on July 29th will be organizing a blood drive. YCC Member Lydia Ray asked if the YCC is invited to be in the parade this year. Mayor John Pohlman replied that their liaison will get back to them. She also asked if there was going to be a Founders Day Festival this year to which Mayor John Pohlman responded that he didn't know for sure either way. (6:20)

PUBLIC COMMENTS:

Brian Law wanted to make a comment on the General Plan. As an owner of property down in the hollow off Green Rd and with the city wanting to put a trail down there, he is strongly opposed to the general plan. Regarding flood control, “so what if that floods, it is the natural flood plain.” When they last went down there to do flood control, they actually damaged the surrounding

ecosystem. They do need to maintain the culvert that goes under the highway. He is more concerned about a potential mudslide coming down from Bair Canyon. (10:44)

PUBLIC HEARING: None

CITY BUSINESS:

Review/Discuss/Approve/Deny Updates to the Fruit Heights City General Plan

Council Member Eileen Moss reported that she was able to send several texts regarding suggestions to Brandon Green, Brandon Green reported that he corrected the errors but some were correct in nature. Council Member Eileen Moss continued and added that at the time the trail was added to general plan it was thought that Green Road was going to be a major road, however it looks like it is no longer going to be a major road. Because Green Road isn't going to be a hazardous place to walk or ride bikes like it was thought to be she doesn't see why that trail needs to remain in the plan. Why does the proposed trail needs to be shown to go through private property? She is failing to see the need to have that line go through those property owners' property because Green Road is not going to be a hazardous place for people to ride bikes, walk, or travel to 89. She doesn't understand the what the difference is as to if people are walking down in the gully versus up on top on the road. She believes Max Green was treated poorly at the Planning Commission, that it was a very cavalier attitude that said give up your property. She hopes that if we can't take the line off the map then to add as a city a statement that we would never exercise eminent domain to take that property.

Council Member Eileen Moss made a motion to remove the line from the Fruit Heights City General Plan. The motion was not seconded. (15:45)

Council Member Florence Sadler asked if we could do an 'If/Then' statement regarding that proposed trail.

Mayor John Pohlman feels strongly against just taking property, but to take it off the General Plan would be short sighted, because if in a generation or two people want that trail, then it would allow them to do that.

Council Member Eileen Moss explained that right now we don't have the power to take land for a trail, however lawmakers this year proposed changing that. Council Member Eileen Moss would like to make a substitute motion saying that, as part of our trail verbiage at the beginning of our trail section, that as a City we have no interest in taking land for the trail through eminent domain. Mayor John Pohlman asked, what if we have everyone but one property owner wanting a trail which is holding back the trail development? So, we still go in and make an offer and force a purchase to continue the project. He doesn't necessarily like that idea or see it happening, but he doesn't want to adopt something as an ordinance about something we might regret in the future.

Council Member George Ray made a motion to approve the Fruit Heights City General Plan as proposed with Council Member Florence Sadler seconding the motion. City Manager Brandon Green proceeded with the roll call vote with Council Member Eileen Moss opposing the motion and Council Members Florence Sadler and George Ray approving the motion to approve the General Plan. (20:00)

Request to Reconsider Zoning/Density for East Mountain Townhomes (Joe Christensen)

City Manager Brandon Green provided background information regarding this development, that it went to planning commission and was denied, but brought to city council and was a motion made to move the units down to 6, also to change to how it sat on 650 N. Joe has gone back and made some changes turning homes around so the front was to the road. The staff recommendation is that this meets the ordinances.

Council Member Eileen Moss stated that in the training that a motion could not be brought back up unless someone prevailing against the motion brought it back forward. City Manager Brandon Green said the Attorney said that if he made the changes then he could bring it back up.

Joe mentioned that at the last meeting Mayor John Pohlman said they would like to work together on this. He said that one of the issues was viewing the back of the homes from the street.

Mayor John Pohlman stated that he listened to the Planning Commission meeting and that the surrounding neighbors that he was sitting by said you didn't talk to them or listen to their concerns. Joe said he talked to the neighbors. He then asked if more things changed other than flipping around the front doors?

Joe Christensen reported that he had no contact with the Rogers and some attempts with Dave Rendon but nothing happened. In a short conversation with Dave Rendon while standing in his driveway last fall, Dave Rendon asked for a fence on his property and 4 trees to grow to block his view of those homes from his yard. He stated that they had tried to move the units around in different configurations to work with other recommendations but that this was still the best fit for those units. (29:21)

Sue Darger, feels like it's encroaching on the R-12 zone, because that's how it's always been. If we don't draw the line somewhere then why not just keep going up forever. (30:25)

Mayor John Pohlman asked if it is a rezone request from a R-1-12 to an R-3 tonight, to which City Manager Brandon Green replied that it was. City Planner Jeff Oyler added that if the rezone was approved here then the request still must go back to the Planning Commission for the subdivision approval itself and a public hearing. He is also concerned that if you don't approve a specific number of units then the developer can put however many units he wants unless that is specified in the development agreement. Both the subdivision and development agreements have to start over at the Planning Commission level.

Mayor John Pohlman stated that the Council requested a development unit agreement and was brought back with the same rezone agreement.

Florence Sadler stated that one of the takeaways from the commission meeting is that we need to show consideration as a city to higher density housing.

Eileen Moss reminded the Council that this is not a project that will help our moderate income level housing, the developer has said so himself. There is no reason that the city must do high density housing for high density housing's sake. There's no reason that the city must give the developer the gravy, as he said himself. Not one of those three prevailing votes is bringing this

back up to this level. We should ask the City Attorney if this matter can even be brought back at this time.

Council Member Eileen Moss made a motion to table the discussion on the East Mountain Townhomes with Council Member Gary Anderson seconding the motion. (41:04)

Mayor John Pohlman reiterated that what we really need is a rezone with a site plan. We also need to understand that we can't mandate or dictate moderate income housing, as long as it is meeting our ordinances then we have to accept or deny the request. The reason for denial can't be nonsensical or frivolous in nature and needs to be able to hold up in a court of law.

City Planner Jeff Oyler asked the direction for the staff, 6 months ago it was that the Council would accept 6 units, and tonight the direction is that the discussion needs to be tabled until they can find out if it can be brought before the council if no one on the prevailing side wants to bring it up.

After some discussion the motion that Council Member Moss made to table the discussion on the East Mountain Townhomes that Council Member Gary Anderson seconded was voted upon. Council Members Eileen Moss, Gary Anderson, and George Ray moved to approve the motion with Council Member Florence Sadler opposing the motion. The motion to table the discussion passes. (44:53)

Review & Discuss Davis County Sheriff Contract for Fiscal Year 2023-2024

Mayor John Pohlman asked for the City Council's help, reporting that he had been in contact with the County and that rates are increasing significantly. He wants to know what they feel their responsibility is to provide for safety for the residents of Fruit Heights.

Council Member George Ray asked do we know what service levels are mandated by law to provide those types of services. Mayor John Pohlman responded that he knows we shouldn't go without anything but that we also don't have to go with whatever we are told to pay without looking at other options. Now that paramedic services are covered by Farmington Fire we don't have that same obligation to go with the County's services with their planned 125% increase in cost over the next 4 years.

Brandon Green - when things shifted from the county to Farmington Fire for paramedic and other things then we are no longer bound to the County for those services. We have historically contracted for 8-9 hours a day every day for a total of around 3,000 hours for the year. He is concerned that now any extra hours cannot be moved around with the other services then once those hours are used up are they just going to stop responding or send the city a bill for the overage? As a City Manager it makes him nervous to potentially go over the budget. Does it continue to make sense to continue contracting that way, or do we combine with South Weber that has similar problems and get better coverage. Or do we go with a neighboring city. Right now we don't have a neighboring city that is willing to take us.

Mayor Pohlman asked what police and highway patrol really do to prevent crime in a city. They write tickets and help to prevent planned crimes, but don't stop crimes of opportunity which is most of what we experience within our city. We need to live with whatever decision we make.

Eileen - how many additional housing units do we have now, and has the increase in police usage increased and correlated with that growth as well? This would be something to consider and look into.

City Manager Brandon Green explained that combining would put 5 deputies assigned to Fruit Heights and South Weber but still tied to the county. But we would be splitting our district with South Weber.

Mayor John Pohlman threw out ideas like hiring one person within the city to do that. He doesn't feel comfortable with making a decision at this point. Nothing must be decided until June, so there is still some time to explore options and think about things. Right now, our options are to contract hourly, contract with another city, combine with South Weber and split 5 deputies over 24 hours, or hire someone within the city.

Mayor John Pohlman asks how effective those contracted hours are, he often sees the deputies sitting in the UTA Park and Ride or the Cherry Hill parking lot.

City Manager Brandon Green explained that for budgeting purposes the hourly contract amount will be used.

Mayor John Pohlman stated that this is something that will be brought back and needs to be decided before June. (1:16:33)

Review/Discuss/Approve Robinson Waste Price Increase for Fiscal Year 2023-2024

City Manager Brandon Green explained that inflation is behind the increase in service costs. The costs will increase a little bit more than shown because we are currently supplementing this cost from the general funds.

Mayor asked if we had sought out any other bids, City Manager Brandon Green said no, but we can.

Council Member George Ray moved to approve the Robinson Waste Price Increase for Fiscal Year 2023-2024 with Council Member Eileen Moss seconding the motion. The motion was unanimously approved by the Council. (1:19:48)

REVIEW AND APPROVAL OF MINUTES FROM PREVIOUS MEETINGS:

March 7, 2023

Council Member Florence Sadler made a motion to approve the March 7, 2023 City Council meeting minutes with Council Member George Ray seconding the motion. The Council Unanimously approved the motion. (1:22:24)

March 21, 2023

Council Member Florence Sadler made a motion to approve the March 21, 2023 City Council meeting minutes with Council Member George Ray seconding the motion. The Council Unanimously approved the motion. (1:22:47)

CONSENT CALENDAR:

March Check Register

March Budget Report

Council Member George Ray hasn't had a chance to look at them and will report on them next month. (1:23:53)

UPCOMING EVENTS:

April 18, 2023 – City Council Meeting (Tentative)

April 25, 2023 – City Planning Commission Meeting

CITY COUNCIL & STAFF REPORTS:

Council Member Eileen Moss reported that the Citizen Corps Council (CCC) wanted to do emergency demonstrations whenever Founders Day is. They have also discussed potentially holding an emergency preparedness fair at some point. On April 21 at 10:15 am is the state annual Shake Out event, just a reminder to put out the green sign signaling that you are ok. At some point they would also like to do a tour of the firehouse facilities and was wondering if any of the Council Members would like to come as well. It was also nice to recognize Chief Love as he came up to the emergency on Mountain Road this last week.

City Planner Jeff Oyler in response to the dilemma, if Joe Christensen could bring the issue back to the City Council. He couldn't find a state code reference, but in the City Code about appeal it appears that Joe Christensen can ask one of you to bring it up at a meeting and then it's ok.

Public Works Superintendent Daren Frandsen reported that they are just finishing up a lot of small projects and that staffing is good right now.

City Manager Brandon Green This Saturday there will be some bikers up at the Fruit Loops trail in the morning until mid-day, there will be some trucks allowing some bikers to demo up there. It was a mess last time because of food trucks, but those will not be brought again this year. We are working on getting Mountain Road repaved; landscaping of 650 and Quail Ridge and 1800 is on the city's radar. They can't start landscaping until they start cutting sod for the year.

Pursuant to Title 52, Chapter 4 of the Utah Code, the Fruit Heights City Council will hold a closed meeting for purposes outlined under the chapter. Council Member Eileen Moss made a motion to move into a closed meeting with Council Member Gary Anderson seconding the motion. The motion was unanimously approved by the Council.

After the closed meeting meeting, Council Member Moss made a motion to adjourn. Council Member Ray seconded.

Not approved until signed.

/s/:

Brandon Green, City Recorder

Date approved by City Council:

