

MINUTES
CITY COUNCIL MEETING
FRUIT HEIGHTS CITY
910 South Mountain Road

June 6, 2023

1. WELCOME: Mayor John Pohlman called the meeting to order at 7:09pm.
2. PLEDGE & OPENING CEREMONY: The Pledge of Allegiance was led by Mayor John Pohlman with Council Member Florence Sadler conducting the opening ceremony by offering a word of prayer.
3. COUNCIL MEMBERS PRESENT: Mayor John Pohlman, Council Members Gary Anderson, Diane Anderson, George Ray, Florence Sadler, Diane Anderson, and Eileen Moss
4. DECLARATION OF CONFLICT OF INTEREST:
5. Council Member Eileen Moss declared a conflict of interest on ADU's
6. CITY STAFF PRESENT: City Manager Jacob Smith, City Planner Jeff Oyler, Assistant City Manager Darren Frandsen, Deputy Recorder Hailee Ballingham, Recording Secretary Lindsay Golightly. City Attorney Brad Christopherson attended remotely via electronics at 9:55pm.
7. VISITORS: Mark Cottrell and Celeste Cottrell, Ella Williams, Grayson Davis
8. CITY COUNCIL TRAINING: None.
9. SPECIAL PRESENTATIONS:
10. *YCC*
11. Youth City Council members Ella Williams and Grayson Davis reported that there was a popsicle social with some activities for the school kids that went well last week and turned into a whipped cream fight. They also reported that this month they are planning a trail clean-up for the trail at Nichols Park.
12. *Update on Land Use Legislation (Jeff Oyler)*
13. The City Planner, Jeff Oyler, reported that this year's legislation had the most land use regulation changes. House Bill (HB) 364 states the city has to report back that the city adopted AND put the moderate-income housing plan into action. The City's report has to demonstrate that the action taken is relevant to making meaningful progress towards the specified city's implementation plan. If we do not report back these things, then there are fines that accrue per day for the year that we as a city are not compliant.
14. House Bill 406 talks about pavement width on residential roads, lot line adjustments between two lots do not require an amended subdivision plat, development agreements cannot take away a developer's right by state law then we have to notify them of that, and you can no longer stack moratoriums.
15. Senate Bill 174 talks about how the City is required to designate an Administrative Land Use Authority to review subdivision applications that cannot be a member of the City Council. There is now a two-step subdivision process requiring a preliminary application that has to be reviewed within 15 days of the completion of the application. You can hold

a public hearing, but you don't have to, and it's not recommended. After which there is a Final Subdivision Plat review within 20 days with a maximum of 4 review cycles.

16. See Addendum 1 at the end of this document for the specific information City Planner Jeff Oyler provided.
17. *Council Member Florence Sadler made a motion to move to a public hearing with Council Member Diane Anderson seconding the motion. The Council unanimously approved the motion to move into a public hearing. (33:02)*
18. PUBLIC COMMENTS: None
19. PUBLIC HEARING:
20. *FY23 Budget Amendments*
21. *FY24 Adoption of Final Budget*
22. *After receiving no public comments on either topic Council Member George Ray made a motion to move out of a public hearing with Council Member Florence Sadler seconding the motion. The motion was unanimously approved by the Council. (33:41)*
23. CITY BUSINESS:
24. *Review/Discuss/Approve/Deny FY23 Budget Amendments*
25. City Manager Jacob Smith explained that budget amendments are necessary only for two reasons: The City is bringing in more revenue and/or if the City goes over the 35% fund balance limit which could result in fines. He explained that the increase in revenue is because we are bringing in more property and sales taxes than we previously planned for, and that increase is being allocated to different areas such as the retirement payout for the previous City Manager and other general costs. City Manager Jacob Smith explained that some expenses were not previously allocated to the correct fund areas for coding purposes and those have been rearranged to make more sense, to be the most correct, and be easier to track and follow specific areas of the budget. City Manager Jacob Smith proceeded to go through the different areas of the budget explaining that things are being projected higher so that we don't overspend our budget for each specific area. He also explained that in different areas grant funds and expected costs were changed a little bit to be more accurately represented.
26. *Council Member Eileen Moss made a motion to approve the 2022-2023 Budget Amendments with Council Member Gary Anderson seconding the motion. The Council unanimously approved the motion. (46:10)*
27. *Council Member Diane Anderson made a motion to approve Resolution NO. 2023-05 Amending the 2022-2023 Budget of Fruit Heights City with Council Member George Ray. This motion was approved by roll call vote with Council Members Gary Anderson, Diane Anderson, Eileen Moss, Florence Sadler and George Ray. (46:50)*
28. *Review/Discuss FY 24 Final Budget*
29. Mayor John Pohlman explained that we cannot approve or deny the final 2023-2024 budget tonight because we do not have the final numbers-which will be brought up tomorrow so we can vote on this next time.
30. City Manager Jacob Smith explained that some of the bigger increases are in the Admin Cost-Share because it just changes where the funds are being allocated from, those funds are not new or additional, it was just moved to a more correct account creating a more accurate record.

31. Council Member Gary Anderson sought clarification on the overall increase in the General Fund balance. City Manager Jacob Smith explained that those funds were moved from the enterprise funds to the general fund to be more accurate. Mayor John Pohlman explained that before there was an employee just assigned to water, but that same employee wasn't doing just water related jobs but that their salary came only from the water fund. Now the salaries are allocated to a general fund with different percentages being pulled from different funds related to an estimated percentage of how much time was being spent in those other categories. The money in the individual funds that was being used to pay employees has been moved to the general fund and now the employees are being paid by the general fund to make accounting clearer and easier to track.
32. Council member George Ray asked about the inspection and fees on the revenue page account numbers 10-34-130, 10-34-240 accounts on the FY 2022-2023 reporting that he thinks a projection data adjustment needs to be made.
33. Council Member Eileen Moss would like to discuss some things with City Member Jacob Smith about the Emergency Preparedness department that needs to be funded.
34. Council Member George Ray asked about the vehicle and equipment fund on account number 61-3-100 there is proposed budget and projected interested earnings are very different from 2023 to 2024 with the \$20,000 from \$2,000 are very different numbers within one year's time. It was explained that there are some vehicles that are expected to be purchased and some to be sold this year and that is why those numbers are so different.
35. Council Member Eileen Moss asked about account number 10-72-615 to change the name from Youth Recreation to Youth City Council. Additionally asking which account the funds we pay the lobbyist that gets us grants comes from-or do we charge different departments depending on grant we get. City Manager Jacob Smith answered that right now it is from the water fund, which is where we have received all the grants, but if that changes then it will be reevaluated.
36. Council Member George Ray asked if there is a concern about the amount at Zions being above the protected FDIC amount? City Manager Jacob Smith responded that it was only there for a short time for the purchase of a vehicle and isn't a normal occurrence.
(1:11:10)
37. *Review/Discuss/Approve/Deny Accessory Dwelling Unit Fee Schedule*
38. Darren Frandsen has gone around and asked surrounding cities about what they charge for an accessory dwelling unit fee schedule. Surrounding cities charge various amounts as a one-time fee, some do inspections and affidavits alongside those fees. They are using code enforcement when they hear of people that have these units. Assistant City Manager Darren Frandsen wrote up an Internal ADU Owner Occupancy Affidavit.
39. Council Member Eileen Moss declared her conflict of interest and stated that ADU's can help with the push for moderate income housing. Council Member Eileen Moss also mentioned that she felt that the City was asking people with ADU's to jump through a lot of hoops, and she feels that there may be better compliance if we can reduce the number of hoops people have to go through to be legal. Council Member Eileen Moss asked if we could charge the same yearly fee as rental homes for a license to show that it is legal. It would be a way to monitor without actually monitoring and a way to show progress towards moderate income housing.

40. Assistant City Manager Darren Frandsen asks that we approve an \$150 one-time fee with an internal accessory unit affidavit and a \$20 annual license fee.
41. Council Member George Ray asked that we add to the affidavit the wording: this affidavit is supported under city code ___, Title 10 Accessory Dwelling Units.
42. *Council Member Diane Anderson made a motion to approve the Accessory Dwelling Unit Fee Schedule with a \$150 one-time fee for an internal accessory until and a \$20 annual fee with Council Member Gary Anderson seconding the motion. Council Members Gary Anderson, Diane Anderson, George Ray and Florence Sadler approving the motion with Council Member Eileen Moss abstaining from the vote due to a declared conflict of interest. (1:27:05)*
43. REVIEW AND APPROVAL OF MINUTES FROM PREVIOUS MEETINGS:
44. *May 16, 2023*
45. *Council Member Diane Anderson made a motion to approve the May 16, 2023 minutes as amended with Council Member Florence Sadler seconding the motion. The motion was unanimously approved by the Council. (1:28:45)*
46. *May 18, 2023*
47. *Council Member Florence Sadler made a motion to approve the May 18, 2023 minutes with Council Member George Ray seconding the motion. The motion was unanimously approved by the Council. (1:29:26)*
48. FOLLOW-UP ITEMS FROM THE PREVIOUS MEETING:
49. *Sherriff Contract Discussions*
50. Council Member Florence Sadler reported that they had a good meeting with the Sherriff's office and discussed that prices and costs are increasing. She hopes that the County is being fair as they reported that they haven't been charging us enough. Mayor John Pohlman reported that we are now able to contract hourly again and proposes that we decrease our hours to 5-6 hours a day instead of 8-10 hours to see if we can keep things within those needs and costs. (1:35:05)
51. *Haight's Creek Discussions*
52. Mayor John Pohlman tabled this discussion for the closed meeting.
53. *Fourth of July*
54. Council Member Diane Anderson cannot provide an update on the Fourth of July parade at this time. There is an application online to participate but they are not sure what they are doing if they are on a float or walking alongside to honor the tragedy of last year. Mayor John Pohlman requested that Council Member Diane Anderson do the application for the parade for the City Council and the YCC. (1:38:45)
55. *Landslide Discussions*
56. Mayor John Pohlman reported that the developer has put up some mats to help with the mudslide and things are going well.
57. *Founders Day*
58. Council Member Florence Sadler said Founders Day will be held on Saturday August 26, and they want to have the festival here at the city building with a car show and food trucks, chalk drawing contest, quilt show, music of some kind. Simple but fun. The City Council is handing out ice cream cones, the emergency preparedness committee will be present.

59. Council Member Eileen Moss asked if the City Council candidates could have some space to mingle with residents and so residents could get to know them. (1:45:30)
60. *Restarting Cemetery Committee*
61. Mayor John Pohlman explained that we have received a grant and reported that Council Member Moss has talked to some residents that would like to donate to the cemetery fund. Darren Frandsen is going to over-see this along with Council Member Eileen Moss and Council Member Diane Anderson are a part of the committee. There is some incentive for donors and the goal is to fund \$300,000 to start construction this fall/next spring.
62. Celeste Cottrell asked if there had been any studies done on the rocks in the area? It was explained that there had been studies done and nothing significantly large had been found.
63. CITY COUNCIL & STAFF REPORTS:
64. George Ray would like to reiterate with the budget conversation that the people that really matter with the budget are the staff, and he would like to thank them for their responsibility.
65. Assistant City Manager Darren Frandsen reported that Mountain Road is scheduled to start being paved and should be finished by this weekend.
66. *Pursuant to Title 32, Chapter 4 of the Utah Code, the Fruit Heights City Council will hold a closed meeting to discuss pending litigation and property. Council Member Eileen Moss made a motion to move into closed meeting to discuss pending litigation and property with Council Member Diane Anderson seconding the motion. The motion was unanimously approved by the Council. (1:52:07)*
67. CLOSED MEETING:
68. *By Motion of the Fruit Heights City Council and pursuant to Title 32, Chapter 4 of the Utah Code, the Fruit Heights City Council will hold a closed meeting for purposes outlined under the code.*
69. UPCOMING EVENTS:
70. June 15, 2023 – Special City Council Meeting
71. June 19, 2023 – The City Office will be closed in honor of Juneteenth
72. June 20, 2023 – City Council Meeting
73. June 27, 2023 – Planning Commission Meeting
74. *Council Member Diane Anderson made a motion to close the closed meeting with Council Member Eileen Moss seconding the motion. The motion was unanimously approved by the Council at 10:07 pm.*
75. *Council Member Eileen Moss made a motion to adjourn the meeting with Council Member George Ray seconding the motion. The motion was unanimously approved by the Council and the meeting was adjourned at 10:08 pm.*

Not approved until signed.

/s/:



Jacob Smith, City Recorder

Date approved by City Council: 6/20/2023