

MINUTES  
CITY COUNCIL MEETING  
FRUIT HEIGHTS CITY  
910 South Mountain Road  
July 20, 2021

WELCOME: Mayor John Pohlman called the meeting to order at 7:04 pm.

PLEDGE & OPENING CEREMONY: The Pledge of Allegiance was led by Mayor John Pohlman, and the meeting was opened with City Manager Brandon Green offering a word of prayer.

COUNCIL MEMBERS PRESENT: Council Members Diane Anderson, Gary Anderson, Julia Busche, Eileen Moss and Mayor John Pohlman were all present. Council Member Jeanne Groberg was excused and arrived at 7:20 pm. Planning Commission Members Curtis Tanner (Chairman), Sam Brady, Carrie Carroll, Brian Bare and Kevin Paulsen were also present.

CITY STAFF PRESENT: City Manager Brandon Green, Public Works Superintendent Darren Frandsen, City Engineer Brandon Jones, City Planner Jeff Oyler and City Recording Secretary Amy Gardiner were present.

VISITORS: Laura Hubrich, Ron Hubrich, Nick Newbold, Kendall Newbold, Florence Sadler, Seth Taintor, Scott Justensen, Matt Lowe, Nate Reeve, Tim Thompson, Andy Harris and Paula Stephenson.

CONFLICT OF INTEREST: None.

3 MINUTE CITY COUNCIL TRAINING:

Council Member Gary Anderson taught that the Declaration of Independence, the Constitution of the United States and the Bill of Rights have a lot in common. The Bill of Rights is a reflection of the fear of an overly centralized government imposing its will on the people of the States. He said that the Bill of Rights is the first ten amendments to the Constitution. He reviewed the first ten amendments and taught what right each one protects.

SPECIAL PRESENTATIONS:

*Youth City Council*

Seth Taintor reported on current Youth City Council (YCC) activities including an upcoming blood drive, accepting applications for the YCC for the new school year (they have seven applications so far), and they have reviewed the YCC constitution and approved it. Mayor John Pohlman complimented the YCC on their work on the float for the 4th of July parade. They also discussed the upcoming 5K race that the YCC was helping plan for Founders Day.

PUBLIC COMMENTS:

Nick Newbold, a resident of Fruit Heights, gave a presentation about water conservation. He had a video that talked about the historic low levels of the Great Salt Lake. He reported that the main way to make a difference is to cut back on watering lawns. He also pointed out that grass can thrive again even after being watered twice a week for an extended amount of time. He took

questions from the City Council about how to handle different scenarios with neighbors and water conservation. He concluded by encouraging people to reach out to representatives about these issues.

#### WORK MEETING: (Planning Commission and City Council)

Mayor John Pohlman explained that there would be a presentation from the developers of the Rockloft Ridge Estates and then a presentation from the geotech engineers. He asked that questions be held until after the presentations. He reminded everyone that no decisions will be made tonight and the information is new to both the City Council and the Planning Commission. He then had everyone in the room introduce themselves.

Developer Matt Lowe introduced the project. He highlighted the following items:

- Nate Reeves, their engineer, has been working on this project a long time
- 87 lots - 3 on Mountain Road and 84 above Mountain Road
- There have been many versions of the layout and it has taken years to get to this point
- Unique challenge that the project lies above Haight Creek Irrigation - getting pressurized irrigation to the development is a challenge
- They will need to monitor how much water is being put on the hillside
- There are Geotech issues
- It has taken 2 ½ years to come up with a design that works for everyone
- There will need to be adequate setbacks from the major fault line that runs through the project

He also explained the proposed lots and layout, aqueduct and powerlines. He said that the lots are over 1/3 acre and they plan to contribute funds to build trails.

The Developers' engineer, Nate Reeve, reported that he was excited to be working with Weber Basin Water Conservancy District on a drought tolerant design. He also reported that there had been a lot of challenges and the developers have made good revisions on the plan.

Andy Harris, Geotechnical Division Manager at CMT Engineering Laboratories, presented a Geotech report for the proposed project. He reported that the Geotech report for this project is over 600 pages with the goal of establishing safe areas to build. He talked about faults, safe setbacks, debris flow, and many other issues. He also explained that they had tried to summarize six years of work into one drawing. In the drawing they had color-coded the different hazard requirements that would have to be dealt with including landslides, fault zones, and debris flow. He answered a few questions from both the City Council and the Planning Commission.

Tim Thompson, a senior Geologist at Geostrata, spent over 30 minutes presenting his findings for the City. He reported that it was a complicated project and there were different hazards sitting on top of each other and they had to address each one. He went over several slides to help explain different issues including: drainage, hazards, soil types, steep slopes, faults, sediments, deposits, restraints, design structures, fencing to catch gravel, grading to allow water to flow around homes, landslide deposits, slope stability, and debris flow. City Manager Brandon Green reported that the City staff is coming up with a time frame or schedule to present items to the Planning Commission. The Planning Commission has been working on an ordinance that deals with water usage including culinary water to be used for landscaping and water restrictions. Also, at the next Planning Commission meeting, they will be working on the rezoning request from A-1 to R-1-12 and the annexation of some property will need to be done as well. A hearing for the rezoning proposal will be held next week. Other items that the City

staff will be working on include the “Covenants, Conditions and Restrictions” (CC&Rs) for the project. He finished by saying this has been a six-year process, and the City wants to make sure it is comfortable with the development. He said the developer has gone above and beyond to address the City’s concerns and they have been good to work with

The City Council was given time to ask their questions and they were addressed. Some of the questions and replies included:

- Council Member Julia Busche asked about concerns with traffic and impact on the roads on Terrace Drive and 1800 East. Council Member Gary Anderson asked if faults will be aggravated by additional traffic and roads. City Engineer Brandon Jones replied that there is a difference between the capacity of the roads and the tolerance to the traffic.
- Council Member Eileen Moss asked what kind of access will there be to trails and also addressed the aqueduct and the ability to turn around near lot 29. Nate Reeves replied that no one will be allowed to build on top of the aqueduct —it is protected and outside of the buildable area.

The Planning Commission was also given time to address their questions.

- Kevin Paulsen asked questions about how the CC&Rs will work during the building process and after the homes are built and what will happen if the builders violate the tech report. He also asked about what power the HOA will have. Andy Harris and Tim Thompson addressed Kevin Paulsen’s concerns.
- Council Member Diane Anderson addressed the importance of the buyers being educated about issues and risks. Tim Thompson discussed steps they are taking with this project to protect the properties even 15 years from now.

Mayor John Pohlman thanked everyone for their time and work on the project.

*Council Member Diane Anderson made a motion to take a five-minute recess. The motion was seconded by Council Member Julia Busche and it was approved unanimously.*

*Council Member Eileen Moss made a motion to reconvene the City Council Meeting. The motion was seconded by Council Member Jeanne Groberg and it was approved unanimously.*

The meeting reconvened at 8:55 pm.

#### SPECIAL PRESENTATION:

##### *Founders Day Report*

Jerry LeBaron reported on his progress in planning the Founders Day event to be held on August 7, 2021. Some of the items he discussed with the City Council included the need to still find a band and additional food trucks - 2 have been secured, expecting a couple 100 people to attend, golf tournament, fireworks, condition of the grass, emergency responders attending, volunteers, and swag bags. Seth Taintor from the YCC also reported on the details of the 5K race that will take place that day as part of the celebration.

#### CITY BUSINESS:

*Review/Discuss/Approve/Deny UDOT Agreement for Pond Maintenance and Ownership*

City Manager Brandon Green took a minute to explain the five ponds this UDOT agreement covers. He explained that the agreement says the City will maintain those ponds.

CITY COUNCIL & STAFF REPORTS:

Council Member Julia Busche thanked the City staff for the firework signs that had been posted. She said the July 4th weekend was quiet and she was hoping for another quiet weekend with fireworks for July 24th. Council Members Eileen Moss and Gary Anderson and Mayor John Pohlman discussed issues the City handled in the past few weeks with fireworks.

Council Member Diane Anderson said she would follow up with Founders Day plans, and Council Member Jeanne Groberg added details about the 5K race that would be held.

City Manager Brandon Green announced that UDOT will open 400 North on August 2, 2021 and Nicholls Road will be closed shortly after that.

*Council Member Julia Busche made a motion to adjourn the meeting. Council Member Gary Anderson seconded the motion. It was approved unanimously, and the meeting was adjourned at 9:11 pm.*

I HEREBY CERTIFY that the foregoing is a true, accurate and complete record of the Fruit Heights City Council Meeting held July 20, 2021.

Not approved until signed.

/s/ Brandon Green

Brandon Green, City Recorder

Date approved by City Council: October 19, 2021