

MINUTES
CITY COUNCIL MEETING
FRUIT HEIGHTS CITY
910 South Mountain Road
September 7, 2021

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

PLEDGE & OPENING CEREMONY: The Pledge of Allegiance was led by Council Member Gary Anderson, and the meeting was opened with Council Member Julia Busche offering a word of prayer.

COUNCIL MEMBERS PRESENT: Council Members Diane Anderson, Gary Anderson, Julia Busche, Jeanne Groberg, Eileen Moss and Mayor John Pohlman were all present.

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

VISITORS: Chris Williams, Hannah Williams, Chuck Stephenson, Paula Stephenson, Stacy Halliday, Sabrina Jackson, Maddie Morris, Brandon Halliday, Jennifer Byers, Jeniel Byers, Shelly Morris, Theresa Kay, Adeline Hiemstra, Laura Hubrich, Darlene Comingore, Carol Elliot, Scott Groberg, Lucy Groberg, Emma Jones, Mia Simmons, Mary Simmons, Colby Cox, Adlen Groberg, Matthew Iverson and James Balf were present.

3 MINUTE CITY COUNCIL TRAINING:

Council Member Eileen Moss presented a training on exaction and quoted information found in the Utah League of Cities and Towns handbook. She taught that exaction is the taking of property as a condition of giving approval for a permit or development. The exaction must have a connection to the projected impacts of the proposed development and be proportional to the impact created by the proposed development. She talked about two Supreme Court cases that set limits on governments -- Nollan v. California Coastal Commission and Dolan v. City of Tigard. She closed by saying it is important the City only take what they legally can.

CONFLICT OF INTEREST: None.

PUBLIC COMMENTS: None.

SPECIAL PRESENTATION:

Recognition of 2021-2022 Youth City Council and Administration of Oath(s) of Office

The 2021-2022 Youth City Council were invited to the front of the room to be recognized and to receive the administration of the Oath of Office from City Manager Brandon Green. They also had a group photo with leaders Chuck and Paula Stephenson and Council Member Jeanne Groberg.

Review of Founder's Day 2021

Council Member Diane Anderson recognized Dennise and Jerry LeBaron for chairing the City's Founders Day celebration and creating a successful event. She invited them to stay on as the Chairpersons for one more year in 2022.

Jerry LeBaron reported on Founders Day. He said it was a successful event. They registered all the families that attended -- 103 families and an estimated 400 people. He would like to target having 200 families attend next year. The events that he considered to be successful included: face stencils, the train, laser tag and archery, the magic show, swag bags, a variety in ages, the location of the band (east of the restrooms), costs were down, Fawn Morgan's historical display, the trained K9 dogs, and the fireworks. The items he felt could use improvement included: having more than one food truck and a band with a "big band" sound. He mentioned he would like to add for next year a farmers market and a boutique. The financial grant Council Member Julia Busche was able to obtain from the State was helpful and appreciated.

CITY BUSINESS:

Review/Discuss/Approve/Deny Larkin Subdivision (Jeff Oyler)

Council Member Eileen Moss commented that she felt she did not have time to review the documents pertaining to the discussion about the Larkin Subdivision and the Rockloft Ridge Estates because she had received them just before the meeting. She would like to receive the information on Friday afternoon.

City Planner Jeff Oyler presented information about the proposed Larkin Subdivision noting the existing old home had been torn down, the property would be divided into two lots and the utilities are available for the property on Green Road.

City Planner Jeff Oyler further commented the subdivision is generally like most City subdivisions except in two ways. First, Davis County Flood Control is requiring a 30 ft. easement on the creek that runs through the property. This is based on a county-wide ordinance in case the creek floods, the county can have access to do work on the creek. The second exception is the City staff is requesting a 20 ft. easement that can be within the existing 30 ft. flood easement for access from Nicholls trail to other trails east in the City. He mentioned that this access has been part of a 25-year old master plan, and it would provide an important east/west trail connection. He reminded the City Council that when properties like this are being developed, that is the time for the City to implement the master plan. The overall trail plan will not be implemented until all the needed property is acquired.

City Planner Jeff Oyler answered questions from the City Council about the development. Mr. Larkin then addressed the City Council and City Staff. He told the history of the property, which has been in his family for four generations and he bought the property 22 years ago. He presented his concerns including believing the county's 30 ft. easement for flooding was excessive and being concerned about a public walking trail going through his property. He brought up issues residents have with the same kind of trail that already exists on the west side of U.S. 89. He felt like the City was overstepping its power.

The City Council continued to discuss the issues facing the Larkin subdivision and decided it was in the best interest to table the matter to give time to research the City's master plan and the issues at hand.

Following discussion, Council Member Eileen Moss made a motion to table the Larkin Subdivision. The motion was seconded by Council Member Julia Busche and it was approved unanimously.

Review and Discuss the Rockloft Ridge Estates

City Manager Brandon Green reported to the City Council that he and his staff want to keep things moving with the Rockloft Ridge Estates so he has scheduled a work meeting for the City Council and the Planning Commission to meet on the second Tuesdays of September and October to review and ask questions about the development. The work meetings are open to the public but not open to public comment. He wants to make sure the City Council is getting an adequate opportunity to consider issues and ask questions. He anticipates the rezoning of the property will be presented to the City Council in the September 21, 2021 meeting.

City Manager Brandon Green also said that there are a lot of moving parts for this development, and the City staff is working on many details including: the development agreement, the water ordinance change and Weber Basin Water, the Declaration of Covenants, Conditions, and Restrictions (CC&Rs), and the annexation agreement.

City Council Gary Anderson discussed the work he had done to understand the development. He had made an Excel spreadsheet that he shared with the other Council Members that mapped out the size of each lot in the proposed development. He pointed out that 60 of the lots are under .5 acre and 36 lots are under .4 arce and close to .33 of an acre. He said that if the lot sizes were bigger it would be more spread out and reduce the traffic load on existing streets.

The City Council discussed Gary Anderson's concerns and how it will be affected by the upcoming vote on rezoning the property to R-1-12. It was decided that everyone would bring their concerns to the upcoming work meeting.

REVIEW AND APPROVAL OF MINUTES FROM PREVIOUS MEETINGS:

City Council Meeting August 3, 2021

City Council members discussed the draft minutes that previously had been provided to them for the August 3, 2021 City Council Meeting and no corrections were suggested.

After brief discussion, Council Member Diane Anderson made a motion to approve the minutes for the August 3, 2021 City Council meeting. The motion was seconded by Council Member Jeanne Groberg and it was approved unanimously.

City Council Meeting August 17, 2021

City Council members discussed the draft minutes that previously had been provided to them for the August 17, 2021 City Council Meeting and suggested minor changes.

After brief discussion, Council Member Julia Busche made a motion to approve the minutes for the August 17, 2021 City Council meeting as corrected in the preceding discussion. The motion was seconded by Council Member Jeanne Groberg and it was approved unanimously.

CONSENT CALENDAR:

August Check Register

Council Member Eileen Moss reported that she had met with City Manager Brandon Green to go over the check register for August. The only expenses that were not typical related to the Founders Day event. Otherwise everything else was typical and went according to plan.

INFORMATION ITEMS/UPCOMING EVENTS:

Mayor John Pohlman reviewed the upcoming events including:

September 14 , 2021 -- City Council Work Meeting

September 21, 2021 -- City Council Meeting

September 28, 2021 -- Planning Commission Meeting

October 5, 2021 -- City Council Meeting

October 12, 2021 -- City Council Work Meeting

CITY COUNCIL & STAFF REPORTS:

Mayor John Pohlman and City Manager Brandon Green lead a discussion about possible dates for Meet the Candidates nights. The three possible dates the City Council came up with were September 22, September 29 and October 7. City Manager Brandon Green was going to reach out to the candidates and see which two dates work best.

Mayor John Pohlman reported that City Manager Brandon Green and himself had attended two cottage meetings with residents to discuss the potential development - Rockloft Ridge Estates. They have one more cottage meeting to attend.

Council Member Eileen Moss asked City Manager Brandon Green for an update on the grants he is currently working on. He responded to her question.

Council Member Julia Busche reported that the Citizen Corps Council will be having a social event to get to know the new area coordinator. She also thanked the City staff for the new tables and benches at the Castle Heights Park.

Council Member Diane Anderson asked City Manager Brandon Green about the registration for the upcoming Utah League of Cities and Towns Annual Convention. She reported about the success of Founders Day and reported on what was included in the SWAG bags. She also expressed her appreciation to the City staff for all they did for Founders Day. She asked the City Council for recommendations for next year's co-chairs with the LeBarons since it will be the LeBarons' last year.

Council Member Jeanne Groberg talked about what a fun night it was for the 18 members of the 2021-2022 Youth City Council to be recognized and sworn in. They have had their first team building meeting and will be meeting and making plans for the upcoming year.

Public Works Superintendent Darren Frandsen gave an update on the storm drain on Oakmont and the sewer and water lines on Lloyd Road. He also replied to questions from Council Member Eileen Moss and Council Member Julia Busche about the safety of the 400 North area including the need for lighting and permanent signs. There were also concerns about the fact

there is no type of barricade by the detention basins.

City Manager Brandon Green reported on the National Day of Service that is scheduled for the upcoming Saturday, September 11. The biggest projects in the City will take place at Nicholls Park and the Gailey Trail. The projects are posted on Justserve.org and start at 8:00 am.

Council Member Eileen Moss made a motion to adjourn the meeting. Council Member Diane Anderson seconded the motion. It was approved unanimously, and the meeting was adjourned at 8:48 pm.

I HEREBY CERTIFY that the foregoing is a true, accurate and complete record of the Fruit Heights City Council Meeting held September 7, 2021.

Not approved until signed.

/s/ Brandon Green

Brandon Green, City Recorder

Date approved by City Council: September 21, 2021