

MINUTES  
CITY COUNCIL MEETING  
FRUIT HEIGHTS CITY  
910 South Mountain Road

October 3, 2023

WELCOME: Mayor John Pohlman called the meeting to order at 7:02 p.m.

PLEDGE & OPENING CEREMONY: The Pledge of Allegiance was led by Council Member Florence Sadler with City Manager Jacob Smith conducting the opening ceremony by offering a word of prayer.

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

CITY STAFF PRESENT: City Manager Jacob Smith, Assistant City Manager Darren Frandsen, City Attorney Brad Christopherson, Deputy Recorder Hailee Ballingham, and Recording Secretary Lindsay Golightly.

VISITORS: R. Shon Stevenson, Mark Cottrell, Celeste Cottrell, Leslie Roberts, Darcie Trimble, Steve Trimble, Jim Crismer, Jeremy Cantor, Will Langland, and Tyson Davis

CITY COUNCIL TRAINING:

Council Member Eileen Moss conducted a training regarding the ethics training the city attorney provides. She talked specifically about avoiding all conflicts of interest within meetings. A State Representative suggested that the State pay for a conflict-of-interest statement within the City Councils. Council Member Eileen Moss read the minutes from a council meeting in Utah, giving an example where there was a connection within the city without disclosing a conflict of interest and violated ethics. Conflict of interest training is important to avoid legal repercussions and to serve our community the best we can.

SPECIAL PRESENTATIONS:

YCC Members Will Langland and Tyson Davis reported that there will be a trunk-or-treat event on Friday, October 27, at the city building, from 4-5 pm. In the November YCC meeting, the YCC will conduct a mock election with a debate with another city's YCC. In December, the YCC will conduct a food and clothing drive. More details to follow. The YCC asked if any council members are willing to decorate a trunk, come in costume, and participate in the trunk or treat event.

PUBLIC COMMENTS: None.

PUBLIC HEARING:

*Municipal Code Update Title 6A Business Regulations*

*Council Member Eileen Moss made a motion to move to a public hearing with Council Member Gary Anderson seconding the motion. The council unanimously approved the motion.*

City Attorney Brad Christopherson explained that the municipal code is a lengthy code that is currently being updated to reflect legislative changes. He explained that the City is adopting a new format and reorganizing the code. This particular code regulates business licenses. He further explained that federal law requires the City to have a code to regulate sexually oriented businesses. In our city, the only area where those types of businesses would be allowed due to zoning, is the city shop area. The City has had to update the sale of alcoholic beverages codes to reflect the changes to the state code. All of the proposed changes to Municipal Code Title 6A Business Regulations are to update the law to reflect the changes that the State has made in the last few years.

Council Member Florence Saddler asked if there is anywhere in the City where the sale of alcohol is legal. City Attorney Brad Christopherson explained that the golf course is the only place in the City permitted to sell alcohol. Anyone else wanting to sell alcohol, ie. food trucks, would need to work with the City for a license.

Council Member Eileen Moss made some grammatical suggestions.

Council Member George Ray asked why a certain line was made 'not public'. City Attorney Brad Christopherson explained that sometimes business phone numbers are not made public, like a personal phone number for business owners. There was some discussion explaining why some of the information might be considered private and would need to be classified as "private." He then commented that the definition of escort in our code is different than the State's definition of escort. City Attorney Brad Christopherson explained that the State's definition is broader while the City has a more defined description of an escort.

*Council Member Florence Sadler made a motion to close the public hearing with Council Member Diane Anderson seconding the motion. The motion was unanimously approved by the Council. (27:00)*

*Council Member Eileen Moss made a motion to approve Ordinance 2023-04 amending the Fruit Heights City Municipal Code Title 6A Business Regulations with Council Member Diane Anderson seconding the motion. The Council unanimously approved the motion by roll call vote. (28:40)*

#### CONSENT CALENDAR:

Council Member George Ray reported that there was nothing new since the previous meeting.

CITY BUSINESS: None.

#### REVIEW AND APPROVAL OF MINUTES FROM PREVIOUS MEETINGS:

*September 19, 2023 Minutes*

*After some discussion, Council Member Eileen Moss made a motion to approve the September 19, 2023 minutes as corrected with Council Member Gary Anderson seconding the motion. The council unanimously approved the motion.*

UPCOMING EVENTS:

October 17 – City Council Meeting

October 24 – Planning Commission Meeting

October 27 – Trunk or Treat at the Fruit Heights City Building from 4-5 pm

CITY COUNCIL & STAFF REPORTS:

Council Member Florence Sadler asked who should respond when an email comes in from a citizen. Mayor John Pohlman explained that when it is directed at him, he should be the one to respond. Otherwise, it was decided that Council Member Florence Sadler is now responsible for responding to general messages to the Council.

Council Member Eileen Moss reported that she met with Council Member George Ray about the check register and then asked if the whole council could have access to those receipts and files. Mayor John Pohlman responded that he doesn't have a problem with that, but that members need to go to Council Member George Ray with any questions so he can ask the appropriate person and report back to the Council regarding those questions. After some discussion, Council Member Eileen Moss asked about the potential for having smaller lot sizes regarding zoning in the city and asked if the planning commission could put together something to give the council members more of an option for zoning.

Mayor John Pohlman thanked Council Member Eileen Moss for recognizing Bob Fowler at the CCC Meeting. He also thanked Diane Anderson for doing good work with the YCC. Mayor John Pohlman reported that they are working on items regarding active transportation and trail use finished before development begins and houses are built.

Assistant City Manager Darren Frandsen reported on speed control within the City. He reported that the speeds at Lloyd Road were an average of 33mph. He also reported that we will finish our walkthrough with UDOT soon.

Council Member Eileen Moss thanked Assistant City Manager Darren Frandsen for working on the speed sign on Mountain Road and asked about the one on Nicholls Road. Assistant City Manager Darren Frandsen stated that the sign is battery-powered and they are working on getting it fixed.

*Council Member Eileen Moss made a motion to adjourn the meeting with Council Member Gary Anderson seconding the motion. The Council unanimously approved the motion and the meeting was adjourned at 7:46 pm.*

*Not approved until signed.*

/s: Hailee Ballingham

Hailee Ballingham City Deputy Recorder

Date approved by City Council: 11/7/2023