

MINUTES
CITY COUNCIL MEETING
FRUIT HEIGHTS CITY
910 South Mountain Road
April 9, 2019

7:00 P.M. STRATEGIC WORKING SESSION

1. WELCOME:

The Mayor called the meeting to order at 7:00 pm.

2. PLEDGE & OPENING CEREMONY

The Pledge of Allegiance was led by Resident Sue Logan 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, Brandon Halliday and Mayor John Pohlman were all present.

CITY STAFF PRESENT: City Manager Brandon Green, City Planner Jeff Oyler and Recording Secretary Kelli Rollins were present.

VISITORS: Sue Logan, Larry Logan, Gary Jones, Marilyn Lloyd, Scott Lloyd, Hoe Nielson, Shauna Morris, Janette Smith, Suzanne Anderson, Michelle Cox, Dan Cox, Bette Hubrich, Wynn Hubrich, Margie Stephenson, Dan Adkins, Don Rohbock, Del Scott, Alex Ames, Nancy Matherson, Oliver McPherson, Kimberly Wagner, Jamie Cox, Josh Boucher, JR Westmoreland, Melodee Westmoreland, Scott Nielson,

Mayor Pohlman moved "Approval of Minutes" before the "Public Comments"

3. APPROVAL OF MINUTES:

Council Member Jeanne Groberg made a motion to approve the minutes for March 19, 2019. The motion was seconded by Council Member Brandon Halliday and was approved unanimously.

4. PUBLIC COMMENTS:

Mayor John Pohlman mentioned that there were many concerns regarding the possible development of the Lloyd property. He reminded the residents that the City Council were discussing two different issues tonight. The first is the change of the property from a C-2 commercial property to an R-1-8 residential property. The other issue is about the side yard setbacks of an R-1-8 lot from eight feet from the property line to the home to five feet from the property line to the home leaving some homes with ten feet between them.

Resident Betty Hubrich asked for an overview of the recommendation from the Planning Commission. City Planner Jeff Oyler reported that the property in question was next door to the City Building on the northeast side and is almost 4 acres total. The owner was interested in developing the property but would prefer if it was re-zoned to a residential property in the R-1-8

zone. The lot size for an R-1-8 property is 8,000 square feet. Most of the lots in this development are 9,000 square feet and above. He reminded everyone that the subdivision is not up for approval. The only items on the agenda are the rezone and two proposed changes to the zone and the streets standards.

The first proposed zone change that need to be discussed include the set back on the side of the home being reduced from eight feet to five feet. The reasons for such changes are to allow larger homes on smaller lots. The growing trend in the county is for this change, allowing people to have three-car garages and larger homes but not having a large yard to maintain. In the City two years ago, the average lot was a quarter to a half of an acre. Now the average lots are nine to twelve thousand square feet. Reducing the size in setbacks is a common request by people building a home in Fruit Heights.

The second change being considered is changing the current street standard to specify cul-de-sac in the minor residential street portion and changing the specifications of the right of way in the width of the streets. There is already a "minor residential street" listed in the City Standards. The change would specify this was for use in cul-de-sac streets. The change in the width of the road standards would be two travel lanes at ten feet wide, two parking lanes at six feet wide and six foot back or curb sidewalks on both sides of the street. This change reduces the travel lane by two feet each and gets rid of the park strip. It is expensive to build and maintain roads so smaller roads are fiscally wise. The trend in other areas of the county is to have narrower roads.

These changes would not affect the overview of the community as there is so little developable land left in Fruit Heights City.

Resident Bette Hubrich mentioned that she is concerned about losing the parking strips. She was also concerned about the smaller road being inaccessible for emergency vehicles. City Manager Green mentioned that the cul-de-sac size is not changing. Those are standard and will not be a concern for emergency services.

Resident Melodee Westmoreland wondered if widening Highway 89 would take some of the property. The City Council and City Staff reported that UDOT will not be acquiring any more property. UDOT has all the property they need for the widening of the road. She also mentioned being concerned about the sewer right of way. City Manager Brandon Green reminded her that this was just about the zone change and that none of the utilities had been discussed. He also mentioned that all utilities will be addressed, and that Central Davis Sewer District will have to approve all sewer easements.

Resident Shauna Morris inquired about sound walls for the property. The City Council informed her that UDOT makes those decisions after they do sound studies to determine if they are needed. It was mentioned that some of those plans may be online at the UDOT website.

Resident Michelle Cox expressed concerns about the additional traffic in that location with only one access point. She stated that the park and churches in close proximity make for crowded parking lots and parking on the street already creates dangerous situations. She also stated that although other communities in the county or the country may have larger homes on smaller lots and no parking strips, but they are not a trend in Fruit Heights City. She is against the R-1-8 zoning change. She is not against it being rezoned to residential but doesn't think that R-1-8 is a good fit. Council Member Halliday reminded her that the City Council cannot dictate what the developer requests and that the owner doesn't have to have the Council's approval to build a commercial property because they wouldn't need a change in zone. As long as the owner complies with the ordinances of the City, he can build whatever he likes there. The City can't dictate what is brought to the Council for approval.

Resident Scott Edgar believes rezoning for a residential zone is in the best interest of the community but not necessarily an R-1-8. He quoted from the City's book of codes regarding developments in Fruit Heights and mentioned that the code mentions good neighborhoods, less congestion in the street and avoiding undue concentrations of population. He doesn't believe this development meets this criteria. He believes seeing the building that has happened since moving here and the high quality with the large homes and large lots that to change it at the tail end of the building out of Fruit Heights would be wrong. He believes that an R-1-8 zone is inappropriate for Fruit Heights and suggested that an R-1-12 would be a better fit. The City should not change codes for any developer as it would be against the resident's desires. He looked up the specifications of the R-1-8 zone and it mentioned affordable single-family homes. This will not be affordable housing. He believes an R-1-12 zone would be better because the City wouldn't have to change the codes and the standards of Fruit Heights would be maintained without other areas trends being foisted on the residents of Fruit Heights. He mentioned that he had informed a lot of his neighbors and that over a hundred mentioned they would be interested in signing a petition in having a more open development with less homes.

Resident Dan Evans asked about snow removal with no parking strips. It was explained that the wide sidewalks were partly for stacking snow and the residents would maintain a two-foot cleared area for walking. The residents on the north side of Mountain Road have had this type of sidewalk and it has worked for them. Mr. Evans also asked about utilities right of way not being in the parking strip. The City Staff mentioned that utilities are now located in the streets in all the new subdivisions and that utility companies come and dig them up when they need to repair the lines.

Resident Wynn Hubrich had three comments. The first was he 100% prefers residential zoning. Second was he loved the idea of this community with smaller lots and even a smaller home. His third comment was that he was totally against the Hidden Springs development and fought against it. He says now that he loves it. There are amazing, wonderful people there and very little traffic changes.

Resident Dan Cox stated that R-1-8 was too dense and that he is not buying that snow removal will work with the wider sidewalks and narrower street. He mentioned that if the City follows this trend now that in 2-3 years the homes will only be six feet apart.

Resident Melodee Westmoreland asked about c shaped gutters and was informed that none of these homes would have those types of gutters. They will be like all the gutters in the City.

Resident Scott Nielsen reported he has six-foot sidewalks with no parking strip at his home and he likes them. Snow removal isn't a real issue. Council Member Jeanne Groberg stated that the standards had changed to six-foot sidewalks had changed last summer. The Council had deliberated about them for months and the reasons they made the change include the water conservation that is occurring when people don't water their sidewalks and the street trying to water their parking strips. The sidewalk size isn't an issue being considered tonight.

Resident Nancy McPherson asked about the lot sizes for the other zones. The R-1-8 has a minimum of 8,000 sf, the R-1-10 has a minimum of 10,000 sf and the R-1-12 has a minimum of 12,000 sf.

Resident Suzanne Anderson mentioned that when the development went in behind her she struggled with the changes in the efficiency of her utilities and wanted the City Council to consider that problem when making their decision.

Resident Don Rohboch mentioned that large homes that close to Highway 89 will not be marketable.

Resident Harry Logan brought up the concern of fireworks in Fruit Heights City. He lives on Shady Lane and there are fireworks every year that land in his trees and on his roof and he is concerned that they will start a fire that cannot be stopped. He also expressed concern that people now light fireworks on any day that they choose. The City Council expressed appreciation and mentioned that they discuss this every year and debate banning fireworks in Fruit Heights everywhere or at least above Highway 89. He mentioned that the Davis County Fire Chief said it would take 25 minutes to get to Shady Lane. Sgt. Cox of the Sheriff's Department mentioned that Kaysville Fire is who Fruit Heights contracts with, and their goal is to arrive in six minutes.

Resident Bob Torres agreed with the fireworks concern.

Resident Scott Lloyd is the Lloyd property owner and gave a brief history of the property. He and his wife grew up here and they love this community. He and his wife have had the property up for sale for forty years and have had many people approach them about buying it. He had someone want to fill the four acres with storage units, but Mr. Lloyd couldn't do it. He had another developer offer to build 80 apartment units and they would make a lot of money, but he wouldn't do that either. He talked to City Manager Brandon Green and he suggested senior

housing. Mr. Colin Wright, the developer came up with this plan for 15 homes. Mr. Lloyd was grateful for the suggestions given tonight and agreed with many of them.

Mr. Greg Day, one of the developers is from Syracuse. He has worked many times with City Manager Green and City Engineer Brandon Jones and he considers Fruit Heights a wonderfully run City. He explained that currently the C-2 zoning would make it possible for Mr. Lloyd to build storage units, warehouses, office buildings, or townhomes without coming to the City for a rezone. The community that they want to build here would be an exclusive community and something that would be a good addition to the City. The homes would sell for about \$700,000. He explained that many people have already called and expressed a desire to build here and they have expressed the desire to have a three-car garage which is why they have asked for the smaller side set back. If the rezone is approved, then there is still a long way for the final subdivision approval. They have already taken preliminary feedback from the Planning Commission and implemented some of the changes.

Council Members Jeanne Groberg and Julia Busche asked Mr. Day why they were requesting an R-1-8 rather than a R-1-10. Mr. Day mentioned that the request from an C-2 to an R-1-8 is down zoning meaning that the land is much more valuable as a commercial use zone and it is next to a freeway which makes it not as desirable for larger lots. The R-1-10 would lower the number of lots by 4-5 homes.

Resident Margie Stephenson mentioned that at that price none of the residents would be able to downsize to that type of home. Some of the residents who spoke earlier asked question regarding the customization of the homes, the zoning required for senior housing, and the marketability of the homes. City Manager Brandon Green mentioned that the home density of this development would be the same as Richmond homes. Council Member Halliday reported that a new subdivision in Farmington with 55 homes on 8 acres sold out in three days. He mentioned that the younger generation is not interested in large yards and would prefer a smaller yard with less maintenance.

Resident Sue Logan mentioned that fireworks are a big concern and that the City should be ban them all together and keep everyone equal.

5. SPECIAL PRESENTATIONS

Mayor Pohlman moved City Information Items before the Public Hearing.

6. CITY INFORMATION ITEMS:

7.1 Discuss/Approve/Deny Rezone Request Lloyd Property from C-2 to R-1-8

The City Council discussed their opinions on the rezoning request. Council Member Diane Anderson believes with the current housing shortage that new housing is a welcome addition. She also pointed out there is no affordable housing in Fruit Heights City. Council Member Gary

Anderson is grateful that this has not become a commercial development which would have brought in revenue, been a better financial decision for the owner but would not have been beneficial for other residents of Fruit Heights. The R-1-8 zone keeps it more valuable to make up some of the loss for the owner. He mentioned that tabling the issue until next meeting would be a good option. Council Member Julia Busche also mentioned the lack of affordable housing and that these homes will be expensive. She expressed concern about 15 homes being too tight and that an R-1-10 zone sounds more reasonable. The parking in the City Offices area is already too crowded and dangerous. She agreed that tabling would be a good alternative. Mayor John Pohlman reminded the City Council that the Planning Commission unanimously approved the zoning change and recommended for approval. Council Member Busche also agreed that smaller streets for a cul-de-sac were a wise decision. She mentioned that narrower streets had a natural traffic calming effect. She feels that the smaller side setbacks are too small. Council Member Brandon Halliday mentioned that the R-1-8 zone fits the size and design of this property and that those who buy these lots have the choice to put in a smaller home. In his opinion the Council does not have a right to dictate what the owner can and can't do. They have a right to build whatever fits within the ordinances that the City has in place. Council Member Jeanne Groberg asked what the impact would be to the development if the smaller setbacks were not approved. The developer mentioned that the R-1-10 zone would mean the loss 4-5 homes. With the owner already down-zoning it would not be a wise financial decision. The side setbacks are just being requested because people are interested in larger homes with three car garages. The developer mentioned putting the smaller side setbacks as part of a development agreement so it wouldn't change future developments but City Manager Green and City Planner Oyler both mentioned that the City Attorney had told them the City cannot legislate zoning in development agreements.

Council Member Brandon Halliday made a motion to approve the request to change the Lloyd Property from a C-2 to an R-1-8 zone. The motion was seconded by Council Member Diane Anderson and it was approved by a 4-1 vote with Council Member Gary Anderson voting nay.

7.2 Discuss/Approve/Deny Amendment to the R-1-8 Zone.

Council Member Brandon Halliday made a motion to table the request to amend the R-1-8 zones side yard setback width.

There was a counter motion made by Council Member Julia Busche to deny the request.

The original motion made by Council Member Halliday to table the item was seconded by Jeanne Groberg and the vote was 2-3 against with Council Members Julia Busche, Gary Anderson and Diane Anderson voting nay.

The counter motion made by Council Member Julia Busche to deny the amendment was seconded by Council Member Gary Anderson and the motion carried at a vote of 3-2 with Council Members Brandon Halliday and Jeanne Groberg voting nay.

The motion to deny the request for amendment of the R-1-8 zone was approved.

7.3 Discuss/Approve/Deny Amendments to the Public Works Standards Amending Road Widths for Cul-de-Sac Roads

Council Member Brandon Halliday made a motion to approve the request to amend the Public Works Standards Road Widths for Cul-de-Sac roads. The motion was seconded by Council Member Jeanne Groberg.

Council Member Gary Anderson asked for the change in the standards to be explained in detail. City Planner Jeff Oyler and the City Council discussed that minor roads were already a part of the Standards and that this amendment would clarify that this applies only to cul-de-sac roads. They discussed that the park strips would be eliminated from the road cross section but would be made up for in the homeowner's property on the other side of the sidewalk. The top back of curb 37-foot width would remain the same as is already included in the minor road standards. They discussed the traffic calming effect and the economic and environmental impact of the narrower roads. Council Member Gary Anderson disagreed in this change being just a clarification and that it was a change.

The City Council voted, and the motion to approve passed unanimously.

The City Council took a five-minute break.

7. PUBLIC HEARING

Council Member Brandon Halliday made a motion to move into a Public Hearing. The motion was seconded by Council Member Gary Anderson and was approved unanimously.

There were not any comments from the Public.

Council Member Brandon Halliday made a motion to move out of the Public Hearing. The motion was seconded by Council Member Gary Anderson and was approved unanimously.

7.4 Discuss/Approve/Deny Budget Amendments to Current FY 2018-2019 Budget

City Manager Brandon Green reported that the City Council needed to look over and approve budget amendments every year. He is bringing the main changes to the City Council tonight and there will probably be one more batch of amendments needing to be done before June. There are some increases and some decreases. The biggest increase is for the park improvements from the surplus prior years fund and capital projects to the Park Improvement. The City is waiting on the secondary water metering and that money is being moved to a different line item within the irrigation fund to be used later. The City will need to increase the amount in storm water fund as some of the projects were over budget. The money is available in the fund so this amendment is just moving from one part of the storm water budget to another. The money to

buy the trucks approved a few weeks ago needs to be transferred to the correct account within the vehicle fund. The revenue and expenditures will balance.

7.5 Discuss/Approve/Deny FY2019-2020 Tentative Budget

City Manager Green presented the tentative budget and mentioned that the front-end loader that will be needed next year does not yet have solid numbers. One of the capital projects the City is hoping to do include curb and gutter on the west side of Highway 89 from Nelsons up to Raymond Road. The City Staff are waiting to hear about the grant they applied for from the County that would help with the sidewalks. The City Council also asked about the grants for the bike trail and City Manager Green reported that he can apply for reimbursement after the signs are installed and the City has spent 75% of the total projected amount. The donations for the park and for the bike trail are listed on the budget and have all been spent. There is also a couple of water projects including Nicholls park on the east side that the City needs to finish before UDOT starts Highway 89 construction so that will be ready to tie into the new line. Half of Ellison Farms water lines are also slated to be done so it will be ready to tie in under Highway 89.

Mayor Pohlman asked the Council Members to review the budget and email questions to City Manager Green. City Manager Green also asked them to determine if the City should hold a Truth in Taxation hearing this year. Costs for all projects are going up and the City doesn't have the budget to do the projects that need to be done. He reminded the City Council that costs will be going up for sewer, garbage, garbage hauler and culinary water this year. Last year the City did not raise the culinary water rates and if they don't raise them this year then the City will be supplementing the water costs from other funds.

Council Member Diane Anderson made a motion to approve the Budget Amendments for FY 2018-2019. The motion was seconded by Council Member Julia Busche and was approved unanimously.

Council Member Brandon Halliday made a motion to approve the Tentative Budget for FY 2019-2020. The motion was seconded by Council Member Diane Anderson and was approved unanimously.

8. INFORMATION ITEMS/ UPCOMING EVENTS:

The next meeting April 23.

9. CITY STAFF REPORTS

City Manager Brandon Green reported that the bike trail was very popular. He reported that the Easter Egg Hunt is coming on the 20th at 10:00 am. Food Truck Night has started. The Shake Out is on April 18th. The grading on the playground has been started.

April 9, 2019

CITY COUNCIL/MAYOR'S ITEM

10. COMMUNICATION ITEMS
11. ELECTRONIC MEETING: was not held.
12. CLOSED MEETING: was not held.
13. ADJOURNMENT

Council Member Diane Anderson made a motion to adjourn the meeting. Council Member Brandon Halliday seconded the motion and it was approved unanimously and the meeting was adjourned at 9:56 pm.

I HEREBY CERTIFY that the foregoing is a true, accurate and complete record of the Fruit Heights City Council Meeting held April 9, 2019

Not approved until signed



Kelli Rollins, Fruit Heights City Recording Secretary

Date approved by City Council: April 23, 2019