

MINUTES
CITY COUNCIL MEETING
FRUIT HEIGHTS CITY
910 South Mountain Road
September 3,2019

7:00 P.M.

1. WELCOME:

The Mayor called the meeting to order at 7:04 pm.

2. DECLARATION OF CONFLICT(S) OF INTEREST: None

PLEDGE & OPENING CEREMONY”

The Pledge of Allegiance was led by Council Member Diane Anderson, and the meeting was opened with Council Member Julia Busche offering a word of prayer.

COUNCIL MEMBERS PRESENT: Council Members Diane Anderson, Julia Busche, Jeanne Groberg, Brandon Halliday and Mayor John Pohlman were all present. Council Member Gary Anderson asked to be excused.

CITY STAFF PRESENT: City Manager Brandon Green, City Attorney Brad Christopherson, City Public Works Superintendent Darren Frandsen and Deputy Recorder Robin Jaramillo were present.

VISITORS: Jill Ashmead, Jerry LeBaron, Andy Busch, Melissa Clegg, and Sue Logan

3. PUBLIC COMMENTS:

- 4. APPROVAL OF MINUTES:** Minutes for the August 20, 2019 Meeting was tabled because the minutes did not get included in the City Council packet for review.

5. SPECIAL PRESENTATIONS:

Council Member Groberg presented the LeBaron's with a card and gift thanking them for their willingness to serve as this year's Founders Day Chairs. Jerry LeBaron thanked the City for the opportunity to oversee Founders Day and stated that they learned some things and that they will be overseeing it again next year. Mayor Pohlman thanked the LeBaron's for all their hard work.

6. PUBLIC HEARING:

7. CITY BUSINESS:

- a. Approve /Deny/Final Plat for Baer Creek Subdivision: City Manager Brandon Green has been working with Jill Ashmead on the two-lot Baer Creek Subdivision for an easement along the creek for future flood control and trail. The city asks for a 30 ft. easement along property from the center of the creek to the edge of the easement, Davis County flood control requires a 20 ft. easement for stream maintenance and flood control. Currently the City or County do not have the ability

to access Bair Creek for maintenance or flood control due to trees and vegetation overgrowth. At the last Planning Commission meeting they discussed and approved the subdivision with the proposed easement along Bair Creek. Jill Ashmead, who was also present at the Planning Commission meeting, requested that the subdivision with the easement be approved as presented by City staff. The required easement will only affect the Ashmead property at this time and does not affect any other property.

Council Member Diane Anderson made a motion to approve the final plat for the Baer Creek Subdivision with the needed legal description for the easement and all required signatures to also be on the subdivision plat. Council Member Jeanne Groberg second the motion, and the vote was unanimous.

- b. Review and Discuss Title 6A Business Regulations:
City Attorney Brad Christopherson presented to the council revisions to Title 6-A; Business Regulations. Attorney Christopherson discussed with the council the changes and updates that were made to this Title 6A and answered their questions. City Manager Green stated that he and the City Attorney will continue working on updates to the cities ordinances and will hold a public hearing to approve and adopt several ordinance updates.
- c. Review and Discuss Title 10A Zoning Regulations/Group Homes and other Treatment Facilities: City Attorney Brad Christopherson stated there was an application for a residential treatment facility, the first one in our City and explained some of the legal challenges associated with residential treatment facilities. Attorney Christopherson explained that Federal Law protects all classes of people and that the law trumps State and City laws. The law is written such that the City's Ordinances cannot discriminate against; Group Homes, Mental Illness, Drug Addiction or any other Disability as outlined by the Law. The City has the ability to impose some regulations on such facilities which could include off street parking and the distance one Group Home can be located from another Group Home. City Manager Green informed the City Council that the City Ordinances cannot can't stop the home from being used, but we can limit the number of persons or beds in the home (not including staff or the family that owns the home). An application has been received by the Office, City Planner, Jeff Oyler, has been in contact with the applicant and has requested that the applicant provide the City with some information. City Manager Green believes that Mr. Oyler is still waiting for the requested information.
- d. Review/ Discuss/Approve/Deny Request to purchase a new pickup truck: Public Works Superintendent, Darren Frandsen received bids for three trucks; Chevy, Ford, and Toyota. Darren reviewed the bids and is recommending that the City Council approve the purchase of the Chevy Colorado for a purchase price of \$28,000.00

Julia Busche made a motion to approve the purchase of the Chevy Truck for \$28,000.00. Council Member, Diane Anderson, second the motion, vote was approved unanimously.

8. CONSENT CALENDAR:
Budget Reports

9. INFORMATION ITEMS/ UPCOMING EVENTS:

10. CITY STAFF REPORTS:

- a. Public Works, Superintendent Darren Frandsen, stated the upper section of the Ellison Farms water line replacement is almost finished. They will be doing bacteria sample testing on the new culinary lines this week. Mr. Frandsen estimates that the project will be completed on time and by November 15, 2019.

The Nicholls Road project still had several challenges with conflicting utilities that continued to slow the project down the past few days. Mr. Frandsen noted that the project on Nicholls Road is behind schedule but that the contractor will continue working hard to meet the completion date. The City has requested that the contractor bring on a second crew come in and help to get the project back on schedule.

The curb, gutter and sidewalk project on Green Road has started. Post Construction has been making preparation for the installation of the curb and gutter. Right now it appears that Post Construction will meet their completion date of October 19, 2019.

Weber Basin had another leak on their culinary distribution line that is running in Mahogany Drive. Weber Basin Water is considering replacing the water line in this area because of the number of repairs that they have made to the line in recent months. Once Weber Basin has a plan, they will contact the City to work out some details and review possible options.

- b. Public Works Superintendent Darren Frandsen is also the City's Emergency Manager. He discussed with the City Council their responsibilities as it relates to an emergency within the City. It is the City Council's responsibility to serve as the City's policy makers and to also determine how City funds would be spent. Mayor John Pohlman and City Manager Brandon Green are assigned to serve as the City's Public Informational Officers (PIO) and to address the residents and news media with important information. In the event of an emergency, the City Council should assemble at the city building. Because Fruit Heights City contracts with Kaysville Fire and Davis County Sheriff's Office for Emergency Services, they will also be a participant in the City's Emergency Operations Center (EOC). If a fire were to start on City property, there could be some liability on the City's part if proper action isn't taken. City Manager Brandon Green stated it is important to have preventative measures in place in the event of an emergency. This is why we have flood control,

and the community wildfire prevention program (CWPP). This program is the City the ability to require residents to clear out heavily wooded areas around their home to provide a protection or barrier if ever there was a fire that occurred in thee more heavily wooded areas of the City or along the foothills. If the city actively promotes these programs it will help protect the City from possible legal issues that may occur.

- c. Public Works Superintendent Darren Frandsen also informed the City Council that he purchased a new battery for the HAM Radio that is located in the basement. The radio should now be operational in case of an emergency.
- d. Mayor John Pohlman discussed the need to improve communication between the Council, City Staff and residents. City Manager Brandon Green indicated that he is working on a document that will give the City Council the ability to submit requests and information to the staff via a document that can be assigned to a member of staff and tracked. The details will need to be worked out, but the purpose is so that the Council and Communicate with the Staff an issue or a need and the staff can respond and communicate in a timely manner back to the City Council.

City Engineer: Brandon Jones Excused

City Planner: Jeff Oyler Excused

- e. City Manager: City Manager Green stated that UDOT announced that the HWY 89 lawsuit had been dismissed and that the City is in the process of approving 90% completion plans for that portion of the project that affects Fruit Heights City. The City is continuing to work with UDOT on the mitigation of the City owned property that is affected by the Hwy-89 project. UDOT will begin demolishing UDOT owned homes within the next few weeks. Once the homes are removed, UDOT will start cutting in frontage roads and utilities north of 400 North.
- f. Trails Update: City Manager Green and Jeff Oyler will be putting together paperwork for a second grant application through the Utah Outdoor Office of Recreation. The purpose for the grant application is to make needed trail improvements to the Bonneville Shoreline Trail at the Bair Canyon trailhead.
- g. City Manager gave a brief update on the numerous Eagle Scout Projects that are occurring within the City. This summer was a busy with several projects that included cleaning trails, hauling off dumpster loads of dead wood and fire hazardous materials along the east bench and at the Gailey Trail. Several Scouts have worked on the mountain bike trail, many signs have been installed that mark the various trails and skill levels. Its looking like the fall is going to be busy as well. There are scouts that will be painting and marking fire hydrants, installing signs, and continuing the effort of removing dead wood from along all trails within the City which will help minimize the risk of fire. In total, 13 scouts have completed their Eagle Scout projects this summer.

11. ELECTRONIC MEETING: was not held.

12. CLOSED MEETING: was not held.

13. ADJOURNMENT: *Council Member Brandon Halliday made a motion to adjourn the City Council meeting. Council Member Julia Busche seconded the motion. It was approved unanimously, and the meeting adjourned at 8:37 pm.*

I HEREBY CERTIFY that the foregoing is a true, accurate and complete record of the Fruit Heights City Council Meeting held September 3, 2019

Not approved until signed

A handwritten signature in cursive script, appearing to read "Robin Jaramillo", written over a horizontal line.

Robin Jaramillo

Date approved by City Council: *Sept 17, 2019*