

June 20, 2024 – City Council

The regular meeting of the Fountain Green City Council was held at 7:00 p.m. on Thursday, June 20, 2024, in the Fountain Green City Hall, 375 N. State Street, Fountain Green, UT 84632.

Attendance: Kerry Farnsworth, Alyson Strait, Rod Hansen, Kim Johnson, and Jacob Littlefield.

Presiding: Mayor Mark Coombs

Prayer: Rod Hansen

Pledge

1A. Public Comment. Annette Hansen was inquiring about the roads/spaces that ran from east and west in the cemetery and wondered if they could be used for more graves. The Mayor explained that the trucks and backhoes needed the extra space to access new graves. She also suggested that the city could look for other possibilities to expand the cemetery to the south and east. Mayor Coombs stated that the city is currently looking at other options.

Ryan Yorgason – On behalf of his dad, Greg Yorgason, requested a temporary fence placed across their east right-of-way during Lamb Day week. Mayor Coombs explained that it is the responsibility of the Lamb Day Committee, but will call Jerime Ivory (Chair of the Committee).

1B. Approve Minutes. Alyson Strait motioned to accept the city council minutes from the May 23, 2024, council meeting with the correction Michelle had made on the motion that had Alyson as absent. Seconded by Kerry Farnsworth. A roll call vote was made – Kerry/yes, Alyson/yes, Rod/yes, Kim/yes, and Jacob/yes. Motioned carried.

2. 2024 Miss Fountain Green. Paeton Johnson introduced herself as the new 2024 Miss Fountain Green. She expressed gratitude for the opportunity to serve the community alongside her attendants – Sage Ivory and McKinley Roach. Paeton explained her platform, “Healthy Body, Healthy Mind”, focusing on the importance of fitness and how it can create a healthy mind. She is planning to do events that focus on exercise, such as a Halloween Fun Run and 5K. Her goal is to get people of all ages outside and moving their bodies.

She has other fun activities planned and stated that she couldn’t do it without the help of Shaelyn (Pageant Director), the city council, and the community

Mayor Coombs told Paeton that she could come to him or the Council with any questions.

3. Neighbor’s Weeds/Back Fence Weeds Nuisance. Nita Osborne wanted to discuss the neighbor’s weeds to the north of her, and the weeds just behind her backyard fence, being a potential fire danger. Nita was not in attendance, but Rod still wanted to address the subject at the end of the meeting.

4. Locked Gate Blocking Private Road. Annette Hansen explained that the west end of First North is not a “private road”, it’s a “public road”. She has an objection to the chained gate at the end of the road. She gave several reasons why the chained gate should be removed: 1. The road is the access to their family’s private property at DNR Farm. 2. The road has been in use by the public for over 100 years. It should be a historic driveway after the public has used it for that long. 3. The city

needs the use of the road to access the city water tanks. The city also needs the space for proper snow removal and an adequate turnaround for the snowplow. 4. DNR Farms allows private citizens to use their property to ride horses, walk their dogs, and go for hikes. They would be denied access with a locked gate.

She also stated that the City has just as much interest and invested money to maintain the road to the city's water tanks.

Annette suggested that the road be put in a prescriptive/presumptive easement for the DNR Farms, Fountain Green City, and private citizens.

Mayor Coombs explained that although the city does have interest in using the road, the gate is outside of city limits and that she would need to get on the County Commissioner's meeting agenda to discuss the issue.

5. Vaughn Jacobson Variance @ 315 N. 100 W. The Planning Commission presented City Officials with a letter of recommendation regarding his request for putting a metal shed in his backyard that would only have a 17' setback to the northeast of his property line (which is a corner lot) instead of the required 25' setback. The Commission had to deny the building permit and recommended getting a variance from the Board of Adjustments, but first getting on the agenda for the next city council. The recommendation also cautioned about future building permit requests that do not meet setback requirements and do not have similar circumstances.

Vaughn explained that the shed would use the same setbacks as his grandfathered house and the neighbor's shed on that same block. He stated that the placement of the shed did not create any traffic issues (line of sight). He also explained that if he were to move further to the south, his turning radius would be inhibited.

Mayor Coombs explained that the request only had to go before the Board of Adjustments if the City Council denied it.

Alyson Strait motioned to approve the variance presented by the Planning Commission and as explained by Vaughn Jacobson. Seconded by Kim Johnson. A roll call vote was taken – Kerry/yes, Alyson/yes, Rod/yes, Kim/yes, and Jacob/yes. Motion carried.

Michelle Walker wanted to know the reason for the 25' setbacks along the entire length of both sides of corner lots. Ryan Yorgason and Rod Hansen (living on corner lots) also have questions. Michelle will check with other city's setback rules for corner lots. Vaughn suggests asking Jones & DeMille since they've just finished the Transportation Masterplan.

6. Jared Allred/Pam Pettingill Subdivision @ 4th So.

Mr. Allred lives in Sanpete and is a builder. He is trying to come up with a way to build nice-looking entry-level homes. He asked if the city would allow for quarter and/or third-quarter building lots. Mayor Coombs explained that the current ordinance specifies a minimum of .455 acres for building lots. Previous surveys have suggested that is what the majority of citizens want. Mr. Allred thanked them for their time.

7. Ryan Yorgason Variance @ 275 N. 100 W. The Planning Commission presented a letter of recommendation regarding three violations on Mr. Yorgason's property: 1. The north/front setback of the chicken coop facing towards 300 N. is only 12' from the property line and 25' is required. 2. A setback verification permit is required but was not requested. 3. Structures housing animals must be behind the midpoint of the property from both streets. The Commission denied the request but recommended going to the Board of Adjustments because of the steep slope at the rear/west side of their property. The Yorgasons were willing to move the chicken coop 13' further south to meet the 25' requirements but would like to wait until the issue is resolved.

Kim Johnson motioned to have the Yorgasons move the chicken coop back the extra 13 ft. to meet the 25' required setback and grant a variance for the midpoint violation. Seconded by Jacob Littlefield. A roll call vote was taken – Kerry/yes, Alyson/yes, Rod/yes, Kim/yes, and Jacob/yes. Motion carried.

Kim Johnson amended his motion to include that the coop needed to be moved by the end of July. Seconded by Jacob Littlefield. A roll call vote was taken – Kerry/yes, Alyson/yes, Rod/yes, Kim/yes, and Jacob/yes. Motion carried.

Comment – Annette asked the city officials if they were okay with her presenting a positive comment from the city saying that it would be a convenience to the city to have the gate removed. All agreed

8. 2023 P.Z. Annual Report. The Mayor and City Council reviewed the annual report and made no comments and felt it contained good information.

9. Planning Commission Report. Jacob reported that the Commission approved two permits – a shed and a carport. They are hoping to adopt the Ordinance regarding Site triangles (Public hearing next month).

Tyler Smith presented information on short-term rentals – and generated a good discussion. Jacob stated that there have been quite a few citizens inquiring about them. The City does have significant legal rights to put limits on them.

Rod reminded Mark Woods about the Governor's request for cities to go to smaller lot sizes, as well as the new Subdivision Ordinance due by the end of the year. Michelle will get Mark the number of Mike Hansen (Planning Consultant).

10. Police Report. No report from the County. Mayor Coombs reported that the revenue from tickets was divided as follows: City – 72%, State – 42%. The city is billed for court, attorneys, and interpreters up front.

11. Fire Department Report. Utah is in the closed burn season. One can have a fire in a constructed pit. Currently, there are no restrictions on fireworks. The City will put it on the city's website if it moves to the next level.

Community Members are asked to contact fire personnel and/or dispatch if they need to burn. Two firefighters join/both EMT's. Total firefighters – 11. Wales, Moroni, and Fountain Green are combining forces because small and numbers vary. Todd explained that they will self-dispatch and respond to help with traffic control, any heavy lifting, spills, and possible fire threats.

12. Transportation Master Plan. Alyson Strait motioned to approve the Master Transportation Plan draft that Jone & DeMille presented with the grid pattern extended out a mile beyond city limits and also the addition of fire hydrants. Seconded by Rod Hansen. A roll call vote was taken – Kerry/yes, Alyson/yes, Rod/yes, Kim/yes, and Jacob/yes. Motion carried.

13. Animal Control Form/Dogs @ Park. Rod Hansen motioned to approve the Animal Control Warning (follow-up as needed) Form. Seconded by Alyson Strait. A roll call vote was taken – Kerry/yes, Alyson/yes, Rod/yes, Kim/yes, and Jacob/yes. Motion carried.

Mayor Coombs explained that right now there are no dogs allowed in the park. Amy is willing to enforce it, especially during Lamb Day and is asking for the support of the Mayor and Council. She will only enforce it if they agree that it doesn't matter how big/small the dog is. Officials agree.

14. Adopt the 2025 Fiscal Year Budget. Kerry Farnsworth motioned to approve the FY2025 Budget. Revenues/Expenditures - \$655,319. Expenditures include a 3% increase in all employee wages. Seconded by Jacob Littlefield. A roll call vote was taken – Kerry/yes, Alyson/yes, Rod/yes, Kim/yes, and Jacob/yes. Motion carried.

#3 Weeds/Revisited. City Officials agreed that letters (citing Code 10-322 and 10-323) regarding weeds that could become a fire hazard should be sent to citizens with overgrown weeds in their yards. Mayor Coombs will also check on how to proceed with mowing the weeds down at the old city hall and old school building owned by the Merediths.

15. Tobacco-Free Policy Re-address. Alyson Strait motioned to adopt Utah's Tobacco-Free Policy. Utah Code 26B-7-503. Seconded by Kerry Farnsworth. A roll call vote was taken – Kerry/yes, Alyson/yes, Rod/yes, Kim/yes, and Jacob/yes. Motion carried.

***16. City Report/Traffic Control Report.** Winter Usage Revenue - \$5,803.62 (Agricultural Use - \$3,300.29, Residential Use - \$2,309.91). Rod wondered if the residents that went over during the winter were the same ones that usually go over in the summer months. Rod also stated that he had made a previous motion to have the 30% discounted winter rate applied for two years and then reevaluate.

Curt gave the following report:

1. Is glad that Memorial Day is over.
2. Five headstones placed.
3. One funeral.
4. Water Samples finished.
5. Consumer Confidence Report finished – no bad samples this year.
6. Currently working with Sunrise Engineering for the Lead and Copper Rule. Any home 1989 and older will be sent a survey; 20% of those homes need to turn in their survey. The survey has to be completed by October.
7. Johnson's Ball Tournament report– The concession stand was left a mess by the Lamb Day Committee (Officials agreed to give them 30 days after Lamb Day to get it cleaned). Those in charge may need to bring in porta-potties and extra garbage cans. The city office needs to remember not to schedule the park for any other activity during the tournament. Alyson reported that two of the hometown teams took home championships.

8. Has had a lot of blue stakes and setback measurements with the warm weather. Many of those agreed that Curt has been very helpful.
9. Meters have been read for the month. Still doing hand reads until the other half of the registers show up.
10. Staker Parson Companies dba (Hales Sand & Gravel) has finished with the chip sealing and will be coming back to apply the seal coat. Make sure the citizens are notified.
11. Stop signs and dead-end signs will be put in on previously designated streets.
12. Police were called out to patrol traffic issues going to attend the wedding at the Jacobson's Barn.

Traffic Control report. Application to install a stop sign on 40 N. 200 W. (making it a 4-way stop) due to congestion and road narrowing. It was suggested to first start with enforcing the site triangle issue.

17. Water & Sewer Specification Policy. Updated business hours, scheduling inspections, and required parts that are easier to access.

18. Excavation Backfill Policy. Changed a few words.

19. Leak Letter. Added a place for the account number. The letter also defines who is responsible for the maintenance and repair - The city is responsible for the maintenance from the meter to the main. Any repair that needs to be made on the property owner's side of the water meter is their responsibility to locate and repair. If they are unable to locate the leak they need to call a plumber.

Rod Hansen motioned to approve the Water and Sewer Specification Policy, Excavation Backfill Policy, and the Leak Letter as presented. Seconded by Jacob Littlefield. A roll call vote was taken – Kerry/yes, Alyson/yes, Rod/yes, Kim/yes, and Jacob/yes. Motion carried.

20. Jones & DeMille Invoice. Alyson Strait motioned to pay invoice number 0134254 (\$11,250.00), from Jones & DeMille for the Transportation Masterplan. Seconded by Kim Johnson. A roll call vote was taken – Kerry/yes, Alyson/yes, Rod/yes, Kim/yes, and Jacob/yes. Motion carried.

21. City Bills. Rod Hansen motioned to pay the city bills. Seconded by Jacob Littlefield. A roll call vote was taken – Kerry/yes, Alyson/yes, Rod/yes, Kim/yes, and Jacob/yes. Motion carried.

22. Miscellaneous.

Rod –

DUP (insurance reassessment) – will resend Kurt Noakes report to Michelle, have the Mayor sign and send it back through the City's insurance.

Sell of City easements/Survey from Kit?

Would like to see the Mayor delegate more of his responsibility to the city council,

The gate that Annette was talking about; is not the city's problem. City can access from 200 N.

Michelle –

DUP insurance reassessment location? Will watch for it and send it back through the city's insurance.

Reported that she sent a GRAMA request to the county and is waiting to hear back regarding the City getting 100% of the secondary house property taxes.

Alyson –

DUP Jubilee well done. Yvonne would like to ask citizens to help finish some of the minor things in the museum. Creating activities to bring in families. Advertise on City's social media.

More kids are crossing State Street to go and buy candy at Becks. Solution – flags? Anything to do with State Street has to go through UDOT. She will check with UDOT.

The debris in the alley between the Attorney (Andrew Berry) and the theater is a potential hazard. Will ask Amy to go and visit with him.

Mayor –

July council moved to July 11th. Planning Commission – public hearing at 6:30 in the council room, move downstairs at 7:00.

Getting a bid to put a cab on the street mowing tractor.

Mayors and Commissioners are still trying to decide on the Landfill issue.

Need to install a light on 6th South. RMP to attach a light to the pole just west of the shop.

Jim Beagley asked if he could change the streetlight by his house to a downcast light.

23. Closed Meeting. Alyson Motioned to move into a closed meeting to discuss real estate purchase. Seconded by Jacob. A roll call vote was taken – Kerry/yes, Alyson/yes, Rod/yes, Kim/yes, and Jacob/yes. Motion carried.

Rod Hansen Motioned to open the closed session start time: 9:50 p.m. Seconded by Jacob Littlefield. A roll call vote was taken – Kerry/yes, Alyson/yes, Rod/yes, Kim/yes, and Jacob/yes. Motion carried.

Attendance – all city officials. Staff – Michelle Walker

Rod Hansen motioned to adjourn the closed session and return to the general session. A roll call vote was taken – Kerry/yes, Alyson/yes, Rod/yes, Kim/yes, and Jacob/yes. Motion carried.

Kerry Farnsworth motioned to adjourn the general session. Seconded by Alyson Strait. A roll call vote was taken – Kerry/yes, Alyson/yes, Rod/yes, Kim/yes, and Jacob/yes. Motion carried.

Meeting adjourns at 10:20 p.m.



Michelle Walker, City Recorder

