

August 16, 2019

The regular meeting of the Fountain Green City Council was held on Thursday, August 16, 2019 at 7:00 p.m. in the Fountain Green City Hall, 260 W 100 N.

Attending: Shelith Jacobson, Jerime Ivory, Rod Hansen and Larry Woodcox. Excusing Dean Peckham.

Presiding: Mayor Willard Wood

Prayer: Shelith Jacobson

Pledge

**Minutes.** Jerime Ivory made the motion to accept the minutes as read. Seconded by Rod Hansen, all in favor.

**Eagle Project.** Keldon Stallings had previously approached the City Council with a proposed Eagle Project. Because of a delay in funding, he has had to choose another project. Keldon would like to change out the old flag pole up at the cemetery. Colonial Flag gave him two different quotes: 1<sup>st</sup> - A 25 ft. pole, 4 in. in diameter with internal rigging. 2<sup>nd</sup> - A 30 ft. pole, 5 in. in diameter with internal rigging. The City Council favored the 30 ft. pole. They also asked Keldon to look into a solar light so that the flag would not have to be taken down at night. The Council agreed that the approved donation for the other project still stands. Keldon explained that the funding is still available for the previous project, if someone was interested in doing it.

**Community Scout Troop.** Curt Lund and Bob Hansen approached the Mayor and City Council about starting a Community Scout Troop. The Lion's Club would be willing to sponsor the troop, if there is an interest. They explained that there would be one main troop that would include patrols from Moroni, Ftn. Green, Wales and Chester. Mayor Wood asked them how the city could help. They replied that the Scouts would need a place to meet, they could use some ideas for future Eagle Projects, advertisement on the City's website and interested volunteers. The Mayor and City Council agreed to let them meet in the City Hall as well as help with the other requests. David Bradley stated that the City needs to make sure all group requests are treated the same. To protect the City, all stipulations/criteria should be listed in a contract.

**Property Line Setback.** Jordan Walker recently built a home on the corner of 121 S 100 W. He was informed that his rear setbacks were off by 18" and would either have to take the 18" off of his patio or buy 18" of property from his neighbor. He approached the Mayor and City Council with the following argument:

\*Attended the required Planning Commission with all of his paperwork in order. Application was checked off and stamped.

\*Week before he closed on the house, he was informed of the problem. Why wasn't it brought to his attention in the beginning?

\*He measured from the "structure" to property line as stated in the Quick Reference guide. His measurement from structure to property line was 18 ft.

\*Met all the requirements, was signed off and why is it now his problem to correct.

#### The Planning Commission Argument:

- \*Jordan didn't have his house plans at the meeting.
- \*Commission was being nice by signing the application anyway.
- \*"Structure" means roof line.
- \*Jordan didn't have the footage written down from the patio to property line on his plot plan.
- \*Not the City's job to do more than one measurement on staked setbacks.

Mayor Wood asked Jordan if he had been able to come up with a solution. Jordan stated that he had spoken with a surveyor (Kit Williams). Kit recommended that they amend the property description of Jordan's property and his neighbor's (Katie Thornberg) property to show a fire lane easement – 2 ft. on both sides of the property line). Jordan has talked with Katie about the situation and she is in agreement.

There was more discussion between the Planning Commission, City Council, Mayor, Jordan and other members of the audience. The Mayor finally called the meeting to order and asked for a vote. **Jerime Ivory made the motion to approve the solution, as explained by Jordan and recommended by Kit Williams, seconded by Shelith Jacobson, all in favor.**

**Conditional Use Permit.** David Bradley presented a Conditional Use Permit from the Planning Commission. David has requested to build two agricultural sheds on his property. Due to his property being located in the FEMA Floodplain and Sensitive Lands Zone he needed the Conditional Use Permit. The Permit states that the City will not be responsible for possible damage to the sheds from any natural disaster. David will take full responsibility. He agrees not to contaminate the creek with chemicals. He has verified the setbacks and has vegetation planted for buffering. David will not hold city and/or irrigation liable. **Larry Woodcox made the motion to accept David Bradley's Conditional Use Permit to build 2 agricultural sheds on his property. Seconded by Rod Hansen, all in favor.**

David made the comment that Conditional Use Permits would be a good practice for the City to use. He explained that through using Conditional Use Permits, the City has the ability to withdraw the individual's requested use, if they find it unfavorable for the City.

**Letter of Recommendation/Pratts.** The Planning Commission presented a letter of recommendation regarding the Nuisance Letter and potential citation against Merlin Pratt regarding his property on 555 N. State Street. After careful review, they recommended that the City not pursue legal or civil action due to the following factors: Mr. Pratt has a current building permit for the construction activities on the lot. The condition of the property is not considered a public health issue or safety risk. The intended use of the property and structures being built fall within the category of the standard use per section 7.3.2 of the Land Use Ordinances.

**Solar Panels.** Rod Hansen made the motion to accept the amendment to Chapter 11 found in the Land Use Ordinances which will read as **11.31 RESIDENTIAL AND NON-RESIDENTIAL DISTRIBUTED SOLAR ENERGY SYSTEMS** and allow the Planning Commission to move to the next step; public hearing. **Seconded by Shelith Jacobson, all in favor.**

**Issuance of Bonds for new Public Safety Building.** Mayor Wood explained that there was a Public Hearing held previous to this meeting to receive input from the public with respect to the issuance of the Bonds from CIB (\$1,100,000) and any potential economic impact that the Project financed in whole or in part with the proceeds of the Bonds may have on the private sector. As was discussed previously these bonds will not have any impact on the private sector. The basic loan terms: 30 principal installments, payable on October 1 of each year commencing on October 1, 2020 at the rate of one percent (1.00%) per annum. **Jerime Ivory made the motion to issue the \$1,100,000 bond. Seconded by Rod Hansen, all in favor.**

**Concessions Rental.** Councilman Rod Hansen offered to take the Dance Hall/Theater Rental Agreement and revise it for a Concession Building Rental Agreement at the park. He will bring it to next month's meeting.

**Follow up Reg: Weed Letter.** All home and property owners were sent a letter regarding the overgrowth of weeds on their property eventually becoming a fire hazard. They were asked to mow, cut or even just lay the weeds down. There have been several land owners that have complied with the request. Officer Huff will check with those individuals who still have not done anything.

**Combination Building Report.** Already addressed in the Public Hearing held before this meeting.

**Irrigation Report.** Councilman Hansen stated that there was not anything to report for now. It was reported that the

springs are running higher than ever in recorded history.

**Planning Commission.** Councilman Woodcox would like to address the 23 violations (dating back to 2007) individually. Fountain Green City has 2 violations on the list that he would like to get taken care of. Metal containers are becoming a problem. The City has rules and regulations in place, but no listed fines. Mayor Wood proposes that he and Larry go look at each violation and decide on a letter and what course of action will take place if they don't come into compliance.

The setback violation argument was again discussed:

1. Roger to measure setbacks when the property owner stakes their lot and again after the footings have been dug?
2. Definition of "structure" to be reviewed and clarified.
3. Advise applicants to look through the Quick Reference to answer questions they may have.
4. If applicants are not ready, Planning Commission will ask them to come back next month.

Mayor Wood would like to have a work meeting to discuss violations and definition clarifications.

**City Report.** Roger Aagard stated that the sewer lagoons need to be cleaned. Since dredging is expensive Roger proposed using an organic mixture that is added to the lagoon that gets the bacteria moving. This organic mixture has to be incorporated over a two year period. He proposed to use the \$5,000 already in the budget, which is used for cleaning the sewer lines, to cover the cost of the mixture.

**Police Report.** Officer Huff stated that Lamb Days went well. He reviewed the following:

\*He had plenty of help for the parade. \*Had a missing child at the park, but was able to find the parents

fairly quick. \*Arrested a sex offender at the park and then un-arrested him after speaking with the offender's parole officer. \*He saw quite a few dogs at the park, but will address that another time. Officer Huff also responded to a fireworks call, two arrests (assault and DUI), noise complaints, juvenile issues, suspicious person downtown (reported that he is just passing through town). Officer Huff stated that he did not have a lot of tickets last month, but quite a few warnings. Snow College will soon be starting so tickets will pick up.

Councilman Ivory expresses thanks to Officer Huff for covering Lamb Day. He felt that his presence at the Park was appreciated.

Chad stated that the new cameras at the restrooms are working great, but now the vandalism has shifted to the playground. He has installed some trail cams by the playground. Officer Huff has some leads as to who is responsible, but is still looking into the issue.

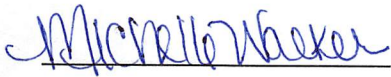
**City Bills.** Rod Hansen made the motion to pay the city bills. Seconded by Larry Woodcox, all in favor.

**Miscellaneous.**

Canvass of Election to be held on Thursday, August 22<sup>nd</sup> at 7:00 p.m.

**Jerime Ivory made the motion to adjourn.** Seconded by Shelith Jacobson, all in favor.

Meeting adjourns at 10:00 p.m.



Michelle Walker, City Recorder

