

January 16, 2020

The regular meeting of Fountain Green City Council was held on Thursday, January 16, 2020 at 7:00 p.m. in the Fountain Green City Hall, 260 W 100 N. Fountain Green, UT.

Attendance: Julio Tapia, Shelith Jacobson, Rod Hansen, Stuart Smith and Larry Woodcox.

Presiding: Mayor Willard Wood

Prayer: Larry Woodcox

Pledge.

Oath of Office. Newly elected Council Members: Shelith, Jacobson, Julio Tapia and Stuart Smith were sworn in by City Recorder, Michelle Walker.

Minutes. Larry Woodcox made the motion to accept the minutes with the word “feet” added to the 27x55 square under the discussion regarding the property that Lance Zobell is interested in purchasing. Seconded by Shelith Jacobson, all in favor.

Assignments. The Mayor made the following Council assignments:

Rod Hansen – Irrigation, Water

Stuart Smith – Roads

Larry Woodcox – Park

Shelith Jacobson – Planning and Zoning

Julio Tapia – Fire Department, Pre-Disaster Plan

The responsibility of overseeing the Sewer, City Buildings, City Recreation program and Lamb Day assignments will be made at another time.

Conditional Use Permit. The Planning Commission presented their recommendation to grant a Conditional Use Permit to Calvin Baird for installing solar panels. **Shelith Jacobson made the motion to approve the Planning Commission’s recommendation to grant a Conditional Use Permit for Solar Panel Installation with the following conditions: 1. Take solar panel installation plans to the County Building Inspectors to assure that all electrical wiring is done correctly to protect the home, the existing power grid, and workers. 2. 3’ fire safety setbacks are required from all roof edges and 3. Photovoltaic warning stickers and/or placards must be placed at strategic points to prevent accidental electrocution. The motion also included changing the Solar Panel application from a Conditional Use Permit to be included as part of the building permit application using the Solar Panel Ordinance as a guideline. Seconded by Rod Hansen, all in favor.**

Education on Chapter 4. Riley Hansen, Planning Commission, handed a copy (to the Mayor and Council) of Land Use Ordinance, Chapter 4 and a timeline of service for all Planning Commission members. He prefaced his review of the Chapter by stating that rules are necessary not only to create order and stability, but to accomplish the business at hand. Riley gave a quick history of why the Planning Commission thought this review was needed - Mayor Wood had privately contacted two of the current

Planning Commission members (both having served their 5 yr. terms) and thanked them for their service and that their vacancies would be filled. The Mayor then contacted a current member of the Commission and asked him to serve as the new chair.

Riley read Land Use Ordinance. Chapter 4. Planning Commission. 4.2. APPOINTMENT-TERM.

The term of office of the members of the Planning Commission shall be five years, and until their respective successors have been appointed.

Vacancies in the Planning Commission occurring for any reason other than the expiration of a term of office shall be filled through appointment by the Mayor with the advice and consent of the City Council.

There is no limit to the number of terms a member may serve. Upon a majority vote in a public meeting, the City Council may remove from office any member of the Planning Commission for misconduct or non-performance of duty.

The Planning Commission shall elect from among its members a Chairperson, whose term shall be one year. Any member may be re-elected for an additional term as Chairperson. There is no limit to the number of terms a member may serve as Chairperson.

The Planning Commission asked that the Mayor and Members of the Council become familiar with Chapter 4 as well as all of the Chapters in the Land Use Ordinances.

There were several questions posed as how to interpret Chapter 4.2 APPOINTMENT-TERM. Both the Mayor and Council thought this section was hard to understand and needed clarification.

Mayor Wood apologized and explained how he had interpreted section 4.2. The two member's that he spoke with had exceeded their 5 year terms and he was in the process of trying to get the positions filled by the first of the year.

Council member Rod Hansen expressed his appreciation to all the Committee members, especially to Joseph Papenfuss and Bryan Allred for their service. He realizes that there have been missteps taken by the City Council in the planning of the new building causing frustration to the Planning Commission. Rod commits to become more familiar with the correct procedures so as not to add to their frustration.

Bryan Allred then addressed the new Council members, stating that the Land Use Ordinances are the Council's rules. All their decisions need to be made with the Ordinances as guidelines. Bryan believes this would relieve a lot of the contention.

Mayor Wood would like to see a better working relationship with the Planning Commission.

Stuart Krukiewicz, Planning Commission, read the last paragraph in a letter dated September, 2016 from the Commission to the Mayor and City Council. It stated that there have been over 2 decades of problems. The Planning Commission's job is to help keep an orderly system of building, but cannot do their job without the City Council's backing.

Council member Shelith Jacobson would like both groups to understand that each of them have different responsibilities and they need to learn how to make it work for both sides.

Letter to City Council from the Planning Commission. Riley reads a letter written from the Planning Commission to the Mayor and City Council which reviewed the events leading up to the discussion on

following the Ordinances and the position of the Commission. This letter is to be included in the minutes. To summarize its points:

1. On Oct 10th the City applied for a permit for the new Public Safety Building. The building did not meet the 25 ft. front required setbacks so the permit was not granted. The City wanted to follow the same 0' minimum setback requirements as was done from Center Street to 100 S. for all of State street.
2. Members of the Planning Commission do not feel that the 0' minimum setbacks should be allowed for the whole length of State Street.
3. The Mayor and Council want to change the Land Use Ordinances as allowed in Chapter 3.1.F. Temporary or Emergency Zoning. This would allow the City Council to enact a temporary Ordinance without a Public Hearing or a recommendation from the Planning Commission for up to six months.
4. The Planning Commission is concerned with them using the above Ordinance, allowing the City to grant permits without recommendation.
5. Table 3.2. Reviewing Bodies table specifically states that the Planning Commission reviews applications for permits in all zones before the City Council makes a decision to issue a permit.
6. The Planning Commission feels like the Council should have checked the setback requirements before proceeding with the plans for the new Public Safety Building.
7. The City has a history of not following the Land Use Ordinance rules and requirements when they do not suit their plans.
8. Concern with the City setting a precedence. If the City grants itself special consideration in receiving a permit, they are opening themselves up to a possible lawsuit.

Mayor Wood thanked the Planning Commission for the letter and stated that it will be considered.

Setbacks related to Public Safety Building. Councilmember Rod Hansen reviewed the events leading up to the proposed modification of setbacks found in 7.3-3 Development Standards:

*Those involved in the design of the building assumed the set-backs for the property were zero.

*During the October 10th Planning Commission meeting, it was understood that the zero setbacks only applied to the area from 100 S to Center street. Therefore, the new building did not meet the 25' required setbacks. The permit was not granted.

*Mayor Wood contacted the architect and asked him to see if the building could reasonably be moved back to meet the required setbacks.

*The estimate cost would be in excess of \$100K, which would de-rail the project

*Members of the Planning Commission helped identify the solution.

*Using the Fountain Green City Land Use Ordinances, Chapter 3.1.F. Temporary Zoning, the following solution was proposed with 3.1 paragraph F titled Temporary Zoning as a guideline. The process was then identified:

- Use the existing allowable uses in table 7.3-2 of Office, Government and Public Services.
- Create a minimum lot and development standards for these specific allowable uses.

- Add a separate line for Office, Government (City Hall portion) and Public Services (Fire Station portion) allowable uses to table 7.3-3.

*3.1-F allows 6 months to complete the process of amending the Ordinance.

*Steps would be as follows:

1. A written finding of compelling public interest which was completed 10/17/19
2. Develop the proposed changes
3. Present those proposed changes to the City Council
4. File a written request for amendment with the PC
5. Public Hearing
6. Review by the PC
7. City Council votes to accept/reject the PC recommendations.

Fire Chief, Matt Hansen, asked about the height of the highest eve on the new building and explained that because of protection limitations, the highest eve can only be 19 ft. due to the maximum length of the Fire Department's ladders. Roger took the measurement from the plans; City Hall side of the building is 16 ft., the Fire Station side is 21 ft. However, the maximum height for buildings listed throughout the Land Use Ordinances is 28 ft. Both the Planning Commission and City Council will need to review and possibly amend the 28 ft.

Volunteers for the Planning Commission. Previously discussed.

Irrigation Report. Irrigation Company's concern is that shareholders within the city limits are using more than their irrigation water allotment. They want to find a way to monitor the usage. The springs are currently running at 9 cfs.

Planning Commission Report. Issues were previously discussed.

Police Report. Officer Huff presented his 2019 Annual Report. In summary: 212 Events, 6 Arrests, 4 Juvenile Contacts, 250 Citations (136 Warnings), and 114 Violations. Officer Huff stated that there was Graffiti found on the entrance at the cemetery. He has ordered the electronic speed sign.

Council Member Hansen would be interested in seeing a graph of events from previous years to see how this year compares.

City Report. Roger Aagard found that the Right-Of-Way Policy was adopted in the June, 2013 city council meeting. The date just needed to be added to the document.

City Bills. Rod Hansen made the motion to pay the city bills. Seconded by Julio Tapia, all in favor.

Miscellaneous

Fire Chief, Matt Hansen addressed City Council regarding a vote from the previous City Council who approved the purchase of one turnout every year until all of their turnouts were up-to-date. They currently have 3, but need a total of 15. Put on next month's agenda.

Rod Hansen expressed his thanks to the Fire Department for the quick response on the house fire over the weekend. Feels like the volunteers are doing a good job.

Stuart Smith made the motion to adjourn the meeting. Seconded by Larry Woodcox, all in favor.
Meeting adjourns at 8:50 p.m.

Michelle Walker

Michelle Walker, City Recorder.

