

February 20, 2020

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

Presiding: Mayor Willard Wood

Prayer: Shelith Jacobson

Pledge

The regular meeting of the Fountain Green City Council was held at 7:00 p.m. on Thursday, February 20, 2020 in the Fountain Green City Hall, 260 W 100 N.

Minutes. Stuart Smith made the motion to accept the minutes as read. Seconded by Julio Tapia, all in favor.

Update for Public Safety Building. Kendrick Thomas, Jones & DeMille, finished reviewing the agenda items from the design work meeting held previously to this meeting. Kendrick suggested another design meeting be scheduled next week to thoroughly discuss unanswered questions regarding the public safety building. He reminded the Mayor and Council that the loan portion of the CIB funds are spent first and then the grant money. Whatever you don't use will be sent back to the state. Currently there is 10% contingency funds spent.

Fire Dept. /Ladders on new bldg. Julio Tapia, representing the fire department, stated that they would like to purchase two ladders and attach them to the Public Safety Building for adequate fire protection. The ladders would be positioned so that the public could not access them. Purchase price would be around \$2500 for both ladders. Mayor Wood asked Fire Chief Matt Hansen and Julio to get the approval from the Engineers. The City would purchase the ladders and attach them to the building.

Fire Dept. /Pre-Disaster Report. Council Member Julio Tapia has spoken with Oliver Silva, a friend who has his masters in Emergency Management. Oliver is willing to help him with Fountain Green City's Pre-Disaster Report. Michelle will put it on next month's agenda.

Fire Dept. /Turn-Outs. Fire Chief Matt Hansen also reported that they have included 9 turnouts in their Rural Development Grant's line items, but in order to have all turnouts up-to-date the City will have to purchase 2 this year and 1 next year. The City had agreed to purchase one turnout a year, but has not followed through. He asked that the City set aside \$2,000 each year so funds would be available when replacements were needed. Julio will check the current budget and report the findings at next month's meeting. Matt stated that they are getting a good purchase price on the turnouts because of the quantity they are ordering. The Mayor asked Matt to find out how long the quoted purchase price will last. **Julio Tapia made the motion to purchase 2 turnouts this budget year as long as funding is available and deposit \$2,000 (yearly) in a separate fund for future turnout purchases. Seconded by Shelith Jacobson.**

Wage Increase/P.C. Secretary. Larry Woodcox proposed a 2.6% wage increase for the Planning Commission secretary and to receive the same annual increase as the rest of the city employees. **Seconded by Stuart Smith, all in favor.**

Irrigation Report. Council Member Rod Hansen was not in attendance.

Planning Commission Report. Report given by Shelith Jacobson.

Shelith had a discussion with a prospective buyer of property located in the flood hazard area and near one of the city's non-developed roads. At some point in the future, the City will have to address the road and how to move forward.

FEMA – A landowner owning a home located in the special flood hazard area has submitted a Letter of Map Amendment to FEMA requesting that his property be removed from the flood hazard area. They have turned him down twice. He is in the process of sending the letter a third time. Shelith is wondering what or if the City can do anything to make it easier for new owners wanting to purchase property in the flood hazard areas. The question was posed, "Can the City get out of the FEMA's National Flood Insurance Program?" Potential building and/or buyers purchasing in the floodplain are encouraged to do their homework.

Shelith felt that the combined work meeting with the City Council and the Planning Commission held on Feb. 13th was productive. She would like the Planning Commission to bring all Land Use Violations to the City Council as soon as they are noted.

Shelith also requested that the definition and voting rights (during a Planning Commission's meeting) of the ex-officio (Council member sitting on the Planning Commission) be included in the Land Use Ordinance definitions.

Notice of Violation letters have been sent. They will include the property owners name, address and Ordinance in violation. The letter explains the following process: 1. Contact City Office within 14 days of receiving the letter. 2. Request name to be put on the Planning Commission agenda. 3. Responsible person can choose to do one of the following: A. Correct violation. B. Submit written request for a hearing before the Appeal Authority. C. Submit written request for an extension. D. Pay the fines.

Discussion:

Cindy Anderson received a notice of violation for having a storage container without a permit. Cindy spoke with an Attorney who stated that violations could only be addressed as far back as the date of the approved or amended Ordinance. Mayor Wood also spoke with the city attorney who stated that the City could go back as far as the initial date (1995) of approved Ordinances. Mayor Wood recommended that Cindy present her case to the Planning Commission.

Attendee Newell Christensen asked, "How will the City going catch all violations?" He just wants to be treated equal. Newell feels like the Commission is unbending. He states that properties cannot all be considered equal. Newell asks, "Who has the final say?" The answer: The Planning Commission give their recommendation to the City Council. The Council then decides on the final decision.

Attendee Jeff Walker feels like some of the long term Planning Commission members are creating a negative attitude toward the City and the rest of the Planning Commission. He knows plenty of people who would be willing to serve on the Commission. He would like to present some solutions to help change unrealistic Ordinances. Jeff feels that these same members of the Planning Commission are not looking ahead or wanting to plan for future growth and will not address needed changes, therefore, making it hard for people who want to build. He also feels that some of the current Ordinances are too restrictive and need to be changed.

Riley explains the process of amending Ordinances: City Council to present or is presented with a written finding of compelling, countervailing public interest. The written finding cannot be less restrictive than Utah State Codes.

Shelith also reported that in the August 16, 2019 council meeting there was discussion regarding Jordan Walker's new home located at 121 S. 100 W. Days before his final inspection, He was informed that his rear setbacks encroached the fire line by 18". The Commission argued that Jordan did not have his plans at the meeting and they were not aware of the actual measurements off of his covered patio. They went ahead and signed the application. Jordan's argument was that he did have his plans at the meeting and they were signed, but they did not catch the measurements of the covered patio. The plans were obtained from the County Building Inspector showing the signature, date and stamp of the Planning Commission Chair, the night of the meeting. **Shelith Jacobson made the motion to recognize a mistake was made and expressed an apology to Jordan and Teisha from the City and Planning Commission. Seconded by Julio Tapia, all in favor.**

Mayor Wood thanked Shelith for all of her time and effort into drafting the Notice of Violation letter and the research she had done.

City Report. Council member Larry Woodcox, representing Roger (absent), stated that Richard Tuttle will continue to take care of the cemetery, but does not want to be responsible for the park. The City will need to advertise for a park groundskeeper. The Mayor and Council gave their approval to move forward.

Police Report. Officer Huff reported on this month's events: Arrests – 3; citations – 22; violations – 11

City Bills. Stuart Smith made the motion to pay the city bills. Seconded by Larry Woodcox, all in favor.

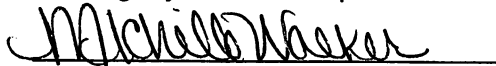
Miscellaneous.

Letter from the State stating that Fountain Green City Justice Court has been recertified.

Budget reports

Larry Woodcox made the motion to adjourn. Seconded by Stuart Smith, all in favor.

Meeting adjourns at 8:55 p.m.



Michelle Walker, City Recorder

