

November 17, 2022 – City Council

The regular meeting of the Fountain Green City Council was held at 7:00 p.m. on Thursday, November 17, 2022, in the Fountain Green City Hall, 375 N. State Street.

Attendance – Julio Tapia, Shelith Jacobson, Rod Hansen, Stuart Smith and Alyson Strait.

Presiding – Mayor Mark Coombs

Prayer – Mayor Mark Coombs

Pledge

Comments. There were no comments from the audience or zoom participants.

Minutes. Stuart Smith made the motion to amend the minutes from the combined City Council and Planning Commission meeting to state October 27, 2022, instead of September 27, 2022. Seconded by Rod Hansen. A roll call vote was taken; Julio Tapia – yea, Shelith Jacobson – yea, Rod Hansen – yea, Stuart Smith – yea, and Alyson Strait – yea. Motion carried.

Rod Hansen made the motion to approve the minutes from the regular city council meeting held on October 20, 2022. Seconded by Stuart Smith. A roll call vote was taken; Julio Tapia – yea, Shelith Jacobson – yea, Rod Hansen – yea, Stuart Smith – yea, and Alyson Strait – absent. Motion carried.

Assignment Reports –

Food Truck Permits/Rod Hansen. Rod explained that he had looked at sample food truck applications from several cities and found a simple one that seemed to fit the needs of Fountain Green City. He learned that the city can only get revenue off of the food trucks by requiring a Business License, however, venues can require a percentage of their profit. The City can regulate business hours and temporarily suspend hours during the city's special events. Both private and public parking will need written permission from the owner. Mayor Coombs asked the rest of the City Council members to look through the examples and give any ideas to Rod so that he can present it at the next Council meeting.

Enforcement Officer Job Description/Alyson Strait. Alyson Strait made the motion to accept Amy Morgan to act as Code Enforcement Officer. Seconded by Rod Hansen. A roll call vote was taken; Julio Tapia – yea, Shelith Jacobson – yea, Rod Hansen – yea, Stuart Smith – yea, and Alyson Strait – yea. Motion carried. Heather will give Amy a list of violations and Amy will then report the findings to Alyson. Shelith had already created a violation letter that had information about the Violation and the related Ordinance Number. Shelith agreed to get it to Michelle. It should be ready for next month's agenda.

ATV Safety/Julio Tapia. Julio explained that he had talked with Officer Peterson (High School Resource Officer) who directed him to a state website that had ATV safety suggestions. Julio had Michelle include them in the City Newsletter. He would also like to work with the different cities and schools to host a safety class when it gets warmer.

Planning Commission Openings/Shelith Jacobson. Shelith placed an advertisement (for Planning Commission Member openings available in January 2023) listing a need for 5 volunteers on the Bulletin Boards, City Website, Facebook Page and Newsletter. There are nine people who have shown an interest. Joseph explained that the Planning Commission needs continuity and experience. He

recommended that these nine individuals should be spread out over a period of time. Mayor Coombs still needs to visit with those who are at the end of their five-year term. Bryan reads from Ch. 4. Planning Commission.

Update on State Ombudsman/Mayor Coombs. Mayor Coombs has emailed all Planning and Zoning and City Council information to Marcie and is waiting to hear back from her.

Buffer Zone Applications/Mayor Coombs. The County is currently revising their Land Use Definitions and has removed City Buffer Zones. The updated Land Use Ordinance states that half acre building lots are required when located one half mile out of city limits; one acre building lots are required when located one mile out of city limits; five acre building lots are required when they are located beyond that one mile from city limits. It was suggested to get an Annexation Policy in place so that the county can support the City's Master Plan. Ephraim's current policy is a good example to use.

Airbnb/Short-Term Rental. JD Burton made the following points: 1. The Current City Ordinance requires guest stays of one month. State Tax Laws state that no sales tax can be charged on stays of over 28 days. 2. He is required to pay Commercial Property Taxes, and Commercial Property Insurance rates. 3. Clients bring in additional tax dollars by purchasing items from Shep's Grill and fuel from Beck's Auto. 4. The company "Airbnb" is very strict. They demand compliance with all local and house rules. J.D. explained that he has never had a violation. The Airbnb will need to be put on the Planning Commission meeting agenda for December 8th to start the process of changing the current use table to allow a short-term rental in a B/C zone. J.D. will also have to apply for a Business License.

Tyler Faddis (Jones & DeMille Engineering) approached the City Council with three different items listed on the agenda to be voted on –

General Services Agreement. Rod Hansen made the motion to accept the General Service Agreement (GSA) which spells out contractual language for any projects that Fountain Green City hires them to do. Seconded by Stuart Smith. A roll call vote was taken; Julio – yea, Shelith – yea, Rod – yea, Stuart – yea, and Alyson – yea. Motion carried.

Work Order for Developer Review. The work order review will list the Project (Water or Sewer), the Scope, and the Cost. The City will need to pre-approve a monetary limit (anywhere from \$6,000 - \$10,000) then they won't have to keep coming back for approval. If the cost does exceed the limit, they will return for approval. Stuart Smith made the motion to approve the Work Order with a \$6,000 limit. Seconded by Julio Tapia. A roll call vote was taken; Julio – yea, Shelith – yea, Rod – yea, Stuart – yea, and Alyson – yea. Motion carried.

Transportation Master Plan Funding Application. Tyler explained that the deadline to submit the grant is December 8th. Part of the Grant's requirement is that the City would have to match 6.77% of the requested funding; Proposed plan cost - \$45,000 (match would be \$3,000). Shelith Jacobson made the motion to allow Jones & DeMille to move forward and submit the UDOT grant application for a Transportation Master Plan on behalf of Fountain Green City. Seconded by Alyson Strait. A roll call vote was taken; Julio – yea, Shelith – yea, Rod – yea, Stuart – yea, and Alyson – yea. Motion carried.

Veteran's Dinner Donation. Jerime reported that the Lion's Club had a good turnout for the Veteran's dinner. There were about 17 veterans plus spouses (@34 meals) from Fountain Green. They figured the meals cost about \$10.00 each and there were about 50 people in attendance. Shelith Jacobson

made the motion to donate \$500 to the Veteran's Lion's Club Dinner. Seconded by Alyson Strait. A roll call vote was taken; Julio – yea, Shelith – yea, Rod – yea, Stuart – yea, and Alyson – yea. Motion carried. After much discussion the Council requested that the Lion's Club come back next year with specific numbers and information. They also recommended that the Lion's should solicit donations from the public (advertisement signs with Venmo information) as well as participating cities.

Jerime requested that the Santa Claus donation be added to next month's agenda.

Out-Of-Town/In-Town Winter Meter Reads. In a previous city council meeting, the Council voted unanimously to start reading the meters through the winter and charge for overages (both in-town and out-of-town users). Several individuals were in attendance and comments were made from the following: Allen Olsen, Lester Anderson, Burt Oldroyd, Greg Johnson, Jodi Beck, Jerime Ivory, Joseph Papenfuss, Bryan Allred, Ross Bailey, and Nikki Casselman. The discussion included the water lines not being buried deep enough and will freeze if the taps are not left open. The city is not equipped to conserve the water and would lose it anyway. Those ranchers who can, will turn the water off rather than pay for an overage, therefore, no extra revenue. Fountain Green City's General Plan encourages agriculture, both in and out of town. Years ago, the city promised the farmers and ranchers that the meters would not be read through the winter months. The town was built by Farmers and Ranchers, the city should support them, not penalize them. Alternate ideas were suggested: Common Filling Station. Read the meters only in town. Read meters through the winter, but don't charge, to get a more accurate number. Charge a higher flat rate in the winter. The Council agreed that they probably needed more information and moved too hastily.

Stuart Smith made the motion to reverse the previous motion from reading the meters and charging the overage year-round to reading the meters through winter, but not charging for the overages and put it on the agenda again in 6 months. Seconded by Rod Hansen. A roll call vote was taken; Julio – yea, Shelith – yea, Rod – yea, Stuart – yea, and Alyson – yea. Motion carried.

Land Use Ordinance/Ch. 10 – Subdivisions. Alyson Strait made motion to accept the amendments to Ch. 10 Subdivision. Seconded by Rod Hansen. A roll call vote was taken; Julio – yea, Shelith – yea, Rod – yea, Stuart – yea, and Alyson – yea. Motion carried.

Metal Carport/Clark Walker. The Planning Commission made a recommendation to the City Council to approve a 12x16 metal carport in the B/C Zone for Clark Walker. The Planning Commission can only make a recommendation to the City Council, but the City Council has to approve the shed since it is located in the B/C Zone. Clark explained that the original setbacks (presented to the Planning Commission) had to be changed. **Rod Hansen made the motion to accept the application with the discussed setback changes and have it directed back to the Planning Commission after having it approved by the County. Seconded by Shelith Jacobson. A roll call vote was taken; Julio – yea, Shelith – yea, Rod – yea, Stuart – yea, and Alyson – yea. Motion carried.**

Planning Commission report. Planning and Zoning meeting discussion – Traffic Impact Study/Do at a later date/ Cost can be covered by a Developer.

An Annexation Plan needs to be included in the updated General Plan.

Amy Morgan will need help with Spanish translation in response to the Notice of Violation Form, from Julio and Stuart.

Carley Jakins's application was approved for a house addition.

Amended Ch. 10. Subdivision needs to be put online.

Don't lift Lot Split Moratorium until December's City Council meeting.

Heather reported that a trailer located at 100 S. 500 W. is building a shed of some sort without a permit. Julio will look into it.

City Report. Monthly water samples were sent. Updated sewer lagoons 5 yr. NOI Operating Permit with the state. Have had to re-seed shoulders of City rights-of-way due to sewer and water line extensions. The markers have been attached to the fire hydrants for protection from snow removal. All Equipment is currently being serviced. State requesting storage capacity for fire flow. Curt is working with Jones & DeMille to do the study. PRV valves checked and exercised. Funeral. Holiday Decorations.

Traffic Committee Report. Pulled the traffic speed trailer from Big Hollow and Big Springs Road. The original flash drive did collect the data from the Big Hollow Road, but the new flash drive did not have any information on it for the Big Springs Road. He will put the speed trailer back on Big Springs Road with the original flash drive. The Committee will meet after Thanksgiving to review Traffic Control Device Applications regarding stop signs, and a yield sign. Curt explained a possible application for a Safe School Sidewalk Grant that would help with crosswalks and signs, which are required to be within a square mile of the school. Once the updated Transportation Plan is finished, they can apply for the grant which would cover 100% of the project. Nikki will get the video that she presented in a previous city council of the speed bumps to Mayor.

Fire Department Report. The department is going to use the old police car for training the week after Thanksgiving with Moroni and Wales.

Police Report. There were 24 violations in the month of October. The Mayor met with the Sheriff and Gary Larsen for an update on the new deputies. They reported that the guaranteed 5 hours per day will be starting soon. For now, the City requested a timeframe from 5 a.m. – 7 a.m. and 5 p.m. – 7 p.m.

City Bills. Shelith Jacobson made the motion to pay the city bills. Seconded by Stuart Smith. A roll call vote was taken; Julio – yea, Shelith – yea, Rod – yea, Stuart – yea, and Alyson – yea. Motion carried.

Miscellaneous.

Shelith reported that all cameras are now installed. Firesticks ordered to be used with T.V.s downstairs.

Alyson asked about the royalty frames. They were ordered and are here. The Mayor will order the track system. Citizens thanked the city for extra cleanup day.

New Year City Employee/Volunteer party. Catered. Lifetime Service Award and/or Citizen of the Year (Discussed in a closed meeting).

The Survey questions from Six County really do not pertain to the needs of Fountain Green. The Planning Commission and City Council will need to come up with different questions.

Sewer ponds Extraction System. Need to move forward and apply for the grant before the money is gone.

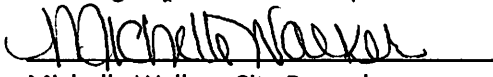
Concern with the lane going down to Bailey's feed yard. Narrow land down 150 W. 400 S. Request to move east fence more to the west so there is more room for a vehicle/snowplow to turn around. Stuart to work with Curt.

Alyson Strait made a motion to move into an executive session at 10:45 p.m. to discuss Lifetime Citizen Award/Planning Commission name review/approval. Seconded by Rod Hansen. A roll call vote was taken; Julio – yea, Shelith – yea, Rod – yea, Stuart – yea, and Alyson – yea. Motion carried.

Stuart Smith made a motion to close the executive session and return to the regular meeting. Seconded by Alyson Strait. A roll call vote was taken; Julio – yea, Shelith – yea, Rod – yea, Stuart – yea, and Alyson – yea. Motion carried.

Alyson Strait made a motion to adjourn. Seconded by Stuart Smith. A roll call vote was taken; Julio – yea, Shelith – yea, Rod – yea, Stuart – yea, and Alyson – yea. Motion carried.

Meeting Adjourns at 11:50 p.m.


Michelle Walker, City Recorder

