

City Council – October 20, 2022

The regular meeting of the Fountain Green City Council was held at 7:00 p.m. on Thursday, October 20, 2022 in the Fountain Green City Hall, 375 N. State.

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

Presiding – Mayor Mark Coombs

Prayer – Shelith Jacobson

Pledge

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

Minutes. Rod Hansen made the motion to approve the minutes as written for the work meeting held on September 14, 2022. Seconded by Julio Tapia. A roll call vote was taken; Julio Tapia – aye, Shelith Jacobson – aye, Rod Hansen – aye, and Stuart Smith – aye. Motion carried.

Rod Hansen made the motion to approve the minutes as written for the public hearing held on September 14, 2022. Seconded by Shelith Jacobson. A roll call vote was taken; Julio Tapia – aye, Shelith Jacobson – aye, Rod Hansen – aye, and Stuart Smith – aye. Motion carried.

Stuart Smith made the motion to approve the minutes as written for the city council meeting held on September 14, 2022. Seconded by Rod Hansen. A roll call vote was taken; Julio Tapia – aye, Shelith Jacobson – aye, Rod Hansen – aye, and Stuart Smith – aye. Motion carried.

Shelith Jacobson made the motion to approve the minutes as written for the extra city council meeting held on Monday, September 26, 2022. Seconded by Rod Hansen. A roll call vote was taken; Julio Tapia – aye, Shelith Jacobson – aye, Rod Hansen – aye. Stuart Smith was absent for that meeting.

Assignment Reports.

Rod – Contacted Linda Christiansen and ordered another banner so he could attach the two to a triangular framework enabling both north and south traffic flow the ability to read them as well as making it easy to exchange them for new banners.

Alyson was absent but has the Enforcement Officer job description ready.

DUP/Security System/Internet. Kim Smith, representing Yvonne Hansen, expressed the DUP's appreciation to the city for taking care of and maintaining the DUP building, specifically the dead bolt lock. They are concerned with the (valuable, non-replaceable) artifacts in the building not being protected from theft or fire. They would like to see security cameras (possibly two) and smoke alarms and are willing to help with the cost.

Kim also addressed –

*Internet Access (since they use the internet during their meetings). Mayor will check but questions the monthly cost.

*Adobe bricks on the outside of the building are starting to deteriorate. Is there a way to preserve it? Council agreed to find out.

*Snow removal and pest control; Curt will take care of it.

F.G. City General Plan. At the request of the Mayor and City Council, Shay Morrison and Tyler Timmons from Six County, came to explain the process of updating the City's General Plan. City's General Plans usually have four sections: Land Use, Transportation, Water, and Housing Development. The Land Use and Transportation sections are required; the other sections are optional due to the size of the city. Six County is willing to meet with the Planning Commission to consult and answer questions or write the majority of the plan and have it reviewed by city officials. The process includes three Public Hearings, Public Survey, Draft, Recommendations, Review and Adoption. Mayor Coombs would like to see their survey question samples. It could be finished within 3 to 4 months, at the earliest, but typically takes up to 8-12 months.

Impact Fee Analysis/Jones & DeMille. At the request of Rod Hansen, Tyler Faddis from Jones & DeMille, reported that they are able to update the City's Master Plan (2 or 3 months). Cost – Water System (last done in 2009) - \$35,000 (with a model). Sewer System (without model) - \$38,000, (with model) - \$35,000. Impact Fee Analysis - \$8,500 for each. The Master Plan is an overview of the systems, describes the conditions of the systems, the assets and deficiencies of the systems, growth, and where the city needs to expand. Master Plans are usually good for 5-10 years. In order to develop a current impact fee analysis, a master plan needs to be completed.

Tyler explained that the city could apply for funding through the Division of Drinking Water, but probably would have to get 100% loan. He recommended applying to CIB for a 50% loan/50% grant. Fountain Green City is currently on the CIB Priority List for Wastewater Improvements, Aquifer Regeneration and Water GIS mapping. If CIB will accept updating the Master Plan on the current priority list, an application can be submitted in February. If not, the City will have to wait and apply in June. Jones & DeMille are willing to help with funding applications.

Trunk-or-Treat. Jerime Ivory, Lion's Club, reported on the trunk-or-treat. October 31st from 5:30 – 7:30. They would like to close 300 W. from 100 S. and Center. Jerime would like to have fire trucks at the end of both blocks. Those cars participating must be set up before 5:00 p.m.

Veteran's Dinner. Jerime Ivory, Lion's Club, Veteran's Dinner at the dance hall on November 10th. Also invites Wales and Moroni Veterans. Due to the increase in food prices, they are hoping for a donation from the city. Rod suggests having the dinner first, then come before the city council with the receipts. Would also like to get the numbers of members that attend from Fountain Green.

Buffer Zone request/KD Jones. The Planning Commission questioned how to move forward with the Jones application of a dry storage building located in the buffer zone, therefore, they referred it back to the city council. The County has determined the buffer zone is the one mile area around city limits. Mayor will call the county for clarification and how to move forward.

Planning Commission Term End Report. Bryan Allred (Chair) reads the term end report: Bryan Allred, Stuart Krukiewicz, Riley Hansen and Tommy Hansen's terms end January 2023. Shelith agreed to help put something together to advertise on the city website, facebook, newsletter, and bulletin boards. Mayor Coombs will have the Planning Commission openings advertised on KMTI.

Recommendation preliminary plat/Johansen Subdivision. Bryan Allred submitted the recommendations for the Preliminary Plat for the “Big Springs Estates Subdivision” (Kyle Johansen) to the city council for their review, with the following recommendations and conditions, citing the related ordinances. Recommendations/Conditions –

1. All utilities stubbed to property line/appropriate easements. (10.2.G.2) (10.6 B.2.)
2. Consult with an Engineer that water/sewer systems are adequate to support subdivision without any residual effects to the rest of the community. (11.3.E)
3. Require payment of all impact fees (10.2.G.2).
4. Require all utilities to be underground. (11.17)
5. All utilities are to be in place prior to building permits. (10.6 B.2.& 3.) (10.2 G.2)
6. Resurface 200 N. and 300 N. after all lateral cuts have been made. (Exaction 10.2.E. & 10.6 C. 4.)
7. Require STOP signs on the corners of 200 and 300 N. as they come to 600 W. (Exaction 10.2 E. & 10.6 C.4)
8. Signature blocks for Planning and Zoning acceptance and City Engineer verification. (10.6 C.7 pgs. 3, 4, 5, 7)
9. Security in place prior to final plat approval. (11.19) Developer to post appropriate bonding, (11.23)
10. Adoption of final plat based on City receiving an Owners tax release clearance. (10.6 C. 8)
11. Required permit for Major Subdivision. (11.28 B.3.)
12. Developer’s Engineer to prepare cost estimates for bonding/security amounts; also reviewed by the City Engineer Consultant. Expenses paid by the Developer.
13. Letter to RMP referencing Ch. 11.17 be complied with the plans to provide power.
14. 800 West to be put in on the east edge of Kameron Hansen’s properties. (11.7 A. 1. With Table 11.7 & A. 7.)
15. Planning Commission suggests these recommendations and any other, be made part of the recorded subdivision plat.
16. The length of time before City takes over maintenance of the Subdivision improvements is 36 months (11.7 B.1.) Security from Developer ensuring his responsibility to maintain the improvements until the City adopts them. (11.21 & 11.23)
17. The City Council needs a way to document any recommendations they make BEFORE approving the plat OR moving forward with it – read applicable Ordinances cited above.
18. A Letter of Contractual Agreement on all approved phases by the City Council from the Developer is suggested. Phases are optional – to be decided by the Developer.

Mayor Coombs explained that the Planning Commission is presenting these recommendations so Mr. Johansen can move forward with his subdivision preliminary plan. Stuart questioned why, if the majority of these recommendations are already in the Land Use Ordinances, are they listed again? Mayor Coombs stated that they wanted to make sure the Ordinance was noted; not to be missed; reaffirming what is wanted. The Mayor also stated that the City Council has the right to accept, reject or modify the recommendations (as long as it doesn’t violate an ordinance).

Discussion on #6 – Stuart was concerned that, after reading the given Ordinance, it did not state that the roads at 200 N. and 300 N. had to be re-surfaced. Kyle asked if he could clear up some misconceptions about how many cuts will be made. On 300 N. there will be 3 cuts (900 ft. frontage); 200 N. will have five cuts (1080 ft.), helping minimize the impact on the road. Kyle explained that he had

spoken with people who are in the asphalt business and their comment was that requiring a 2-inch overlay is extreme. He plans on following the city's policy on patching road cuts, state specifications, and using a T-patch (which helps with settling). Curt responded that T-patches are standard. He stated that he has only known a road to be completely resurfaced when the trench runs down the middle of it.

Mayor Coombs thought it would be okay to amend this point but wants Kyle to understand he has to guarantee the work for 3 years.

Discussion on #7 – Stuart also questioned having Kyle responsible for installing stop signs. Curt stated that the traffic committee decided that stop signs were not needed. They can be reviewed at a later date. The City is responsible for traffic signs on existing roads.

Discussion on #14 – Stuart also questions the road at 800 W. According to the Ordinance the city has the right to require the Developer to put a road in. The Transportation Plan shows a road at 700 W. and 800 W., but the plan has not been followed in several places throughout the city. Stuart stated that he does not feel right about requiring Kyle to do one.

Kyle questions if having to install the road is really a public safety issue. He asks Todd, Fire Chief, if the Fire Department thought there would be safety issues without a road. In Todd's opinion they use the roads that are in place (east to west). Mayor Coombs still feels that there is a safety issue and is still concerned.

Stuart doesn't feel that requiring Kyle to follow the Transportation Plan is a defensible plan. The Master Plan is out-of-date, past officials have allowed homes to be built in those corridors, which basically nullifies the plan.

Rod disagrees. The plan is defensible. Homes being built on private land are different than a subdivision.

Kyle states that he has tried to address the road multiple times. He has even offered to make the lots bigger. No comment from the Mayor and City Council.

Mayor Coombs made the following points: concern with public safety, fire protection, and added issues created from dead end roads including snow removal problems.

Rod explained that the road would eliminate a 6-block dead end road to a 2-block dead end road.

Morgan Fife (Kyle's Attorney) stated that he would like to create a public record in that the city has approved a subdivision in a specific area ignoring the Transportation Plan as well as in other places.

Discussion on #18 – Rod questioned the bonding requirement. Alyson had recommended an Irrevocable Letter of Credit. Kyle had CC Bank create a letter for him and brought it to the last Planning and Zoning meeting with a bonding amount. Rod and the Mayor both want Kyle to make sure the letter states "Irrevocable Letter of Credit". Kyle agreed.

Shelith stated she was trying to understand and wanted to address the following: The letter of recommendation/conditions are already in the Ordinances. She also questioned the necessity of the road. She doesn't feel that citizens would use it and agrees with Stuart that the current Transportation Plan is not defensible. She stated that Kyle came in two months ago asking if the road was required or not. She explained that at the combined work meeting with the Planning Commission and City Council

they voted for the road and then at the next City Council meeting, the road was voted against. There have been citizens, in that area, that have expressed concerns about having the road and not having the road.

Kyle quoted Riley Hansen about a statement he made in a previous Planning and Zoning meeting about approving the the preliminary plat with the road hand drawn on it.

Riley stated that he did suggest that the drawings be accepted as the preliminary plat, but in the same meeting he was corrected by the Commission that such a drawing was not acceptable and would not meet the requirements of a preliminary plat.

Kyle stated that he had spoken with the Property Rights State Ombudsman who said that the Council had 30 days to challenge/appeal the vote taken in the July 21st City Council meeting about vacating the road. It was now going on 90 days.

Kyle also wanted clarification on paying the impact fees. If he builds in two different phases; pay impact fees for phase one and then pay impact fees on phase two when it's recorded.

Morgan Fife asked for clarification on the meaning of the "Letter of Contractual Agreement" on all approved phases. He referenced a "Development Agreement" for all phases, which governs how much the bond would be, what's included in it, how and when it will be released.

Kyle explained that phases are optional. He would combine phase one and two as the first phase (south side), three and four as the second phase (north side). The council would approve the entire subdivision and then when he had 50% of that phase completed, he would come in for the next phase.

Morgan Fife stated that Land Use Ordinances are not the same as the General Plan and the city's history (past/present) have ignored the Ordinances.

Rod read the letter of Contractual Agreement as a document stating what the Developer's plan is and at what point would the bond be released.

Stuart stated that he would motion to exclude #6, #7, #14, #17 and #18 from the Planning Commission's listed recommendations/conditions. He continued to say that he did not feel right about requiring the road.

Rod disagrees and would like to get the recommendation from the State Ombudsman.

Discussion #2. Bryan Allred wanted the Mayor and Council to take a good look at recommendation #2. He spoke with Tori Hansen about the poor water pressure at her house. An Engineer will have to look at both the water and sewer systems to find if they're adequate.

Kyle presented the June 6, 2022, letter from LEI Engineering regarding a water model based on the information provided by the city that shows the water distribution system is sufficient. Mayor Coombs would also like Jones & DeMille to assess both systems. Kyle agreed to get the letter to Jones & DeMille.

Rod Hansen made the motion to table the vote regarding the Planning Commission's letter of recommendations and conditions until after the meeting with Marcie, State Ombudsman. Seconded by Julio Tapia. A roll call vote was taken; Julio Tapia – aye, Shelith Jacobson – aye, Rod Hansen – aye, and Stuart Smith – aye. Motion carried.

Stuart Krukiewicz stated that the road being discussed is for the safety of the entire city and public clamor should not be taken; opinions do not mean anything.

Shelith asked how much longer is this going to drag out? Mayor Coombs thought that after the meeting with Marcie, they should be able to vote on it in the next council meeting.

Part-Time Librarian. Tabled for the first of year.

Food Truck Permitting. The following requirements discussed: Obtaining a business license, not allowing them in town during Lamb Day week, and having written permission for parking/set location. Put on next agenda.

Single Support Group. Would like to start a single support group. Twice a month in one of the city hall basement rooms. **Shelith Jacobson made the motion to allow Paola Hiltbrunn to use a room downstairs twice a month, without charge, for her Single Support Group. Seconded by Stuart Smith. A roll call vote was taken; Julio Tapia – aye, Shelith Jacobson – aye, Rod Hansen – aye, and Stuart Smith – aye. Motion carried.**

Royalty Frames. Shelith Jacobson made the motion to order the picture frames for all of the royalty pictures. **Seconded by Julio Tapia. A roll call vote was taken; Julio Tapia – aye, Shelith Jacobson – aye, Rod Hansen – aye, and Stuart Smith – aye. Motion carried.**

Traffic Control Report/Applications. Speed bumps were removed from 100 N. and 700 W. and replaced with the speed trailer. Have three applications for stop signs. Will gather the data, Meeting with committee members, give recommendation to the council. Traffic signs (north and south ends of town) have the base in, but still waiting for the signs.

Animal Control Conference. **Stuart Smith made the motion to allow Amy Morgan, Animal Control Officer, to attend the 2023 UACOA annual conference in St. George on January 18th, 19th, and 20th in St. George. The city will pay expenses up to \$900. Seconded by Shelith Jacobson. A roll call vote was taken; Julio Tapia – aye, Shelith Jacobson – aye, Rod Hansen – aye, and Stuart Smith – aye. Motion carried.**

Planning Commission Report. Need to hold a combined work meeting to work on the Subdivision Ordinance. Meeting set for Thursday, Sept. 27th at 6:30 p.m.

City Report. Curt reported – winterized all sprinklers, finished manhole inspections, water samples look good, have had 2 burials, and is getting the pit ready for the cleanup on Nov. 5th. Will get something put together for the newsletter. Will call the Division of Water Quality about the grant.

Fire Department Report. Elementary school toured the fire station. Open burn starts on November 1st. The public should let Todd know if they're burning.

Police Report. September reported 10 traffic tickets. Three situations.

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

Miscellaneous.

*City opening pit for yard debris and cement on Saturday, November 5th from 9 – 12.

*November Newsletter. Committees have information to Michelle

*Should include – Planning Zoning volunteer openings, Single Support group, Open burn, and ATV Safety.

*City Christmas Party – Schedule in January. The council needs to start thinking about names for the Lifetime Award and Citizen of the Year.

Assignments –

Mayor – County regarding City Buffer Zone. Marcie – meeting with the state Ombudsman.

Julio – ATV Safety.

Shelith – Write-up for planning and zoning vacancies.

Rod – Agreement reg. food trucks

Michelle – call Janell reg. grant funding left?

DUP cameras, fire alarms, adobe preservation.

Rod Hansen made the motion to adjourn. Seconded by Stuart Smith. A roll call vote was taken; Julio Tapia – aye, Shelith Jacobson – aye, Rod Hansen – aye, and Stuart Smith – aye. Motion carried.

Meeting adjourns at 10:20 p.m.

Michelle Walker

Michelle Walker, City Recorder

