

FILLMORE CITY COUNCIL MEETING

September 5, 2023

Minutes of the regular meeting of the Fillmore City Council held September 5, 2023 in the Council Chambers of the Fillmore City Building. Notice of the time and place of the meeting was posted on the Utah State Public Notice website, the Fillmore City website, the Council Chambers, the City Office bulletin board, and the President Millard Fillmore Library. Notice was also provided to the Chronicle-Progress, radio station KMTI and each member of the governing body on September 1, 2023.

Those present were:

Mayor:	Michael D. Holt	Council:	Curt Hare
Attorney:	Elise Harris		Kyle Monroe
Recorder:	Kevin Orton		Eric R. Jenson
			Michael B. Winget
			Dennis W. Alldredge

Others present were: Kyle Stevens, Candace Stevens, Christina McCulloch, Dan Rowley, Shane Brunson, Ethan Stephenson, Mary Stephenson, Kadi Dearden, Sydney Braman, Gabriela Munoz, Eugene Larsen, Katherine Taylor, Matt Ward, Sierra Dickens, Sam Rasmussen, Kason Wardle, Raylynn Dewolfe, Lincoln Fullmer, Caleb Rasmussen, Mark Starley, Donna Starley, Wayne Jackson, Jr., Wayne Jackson, Sr., and Devan Shields.

6:30 p.m. Welcome by Mayor Holt and pledge of allegiance.

ADMINISTRATIVE BUSINESS

Minutes

MOTION: To accept the meeting minutes from the August 15, 2023 council meeting, as written.

By: Councilmember Jenson

Second: Councilmember Winget

Vote: Unanimous. Motion carried.

Payroll and Bills

MOTION: To approve the payment of bills listed on the invoice register dated August 16, 2023 – September 5, 2023 and payroll dated August 31, 2023.

By: Councilmember Monroe

Second: Councilmember Jenson

Vote: Unanimous. Motion carried.

49 Consider Request for Qualifications from Prospective Engineering Firm(s) and Consideration
50 of Entering into Agreement to Retain an Airport Engineer of Record for Fillmore City

51 Mayor Holt moved this action item to the beginning of the agenda. Christina McCulloch was
52 present and representing JUB Engineering, Inc. A request for proposals was advertised
53 according to the Fillmore City procurement policy and JUB Engineers, Inc. submitted a
54 proposal for airport engineering services for Fillmore City. The Utah State Division of
55 Aeronautics requires that all cities with an airport have on file an airport engineer of record,
56 and Fillmore City has been without one since their previous engineer went out of business.
57 Ms. McCulloch introduced herself and offered to answer any questions regarding the submitted
58 proposal that was reviewed by the council.

59
60 MOTION: To approve moving forward with entering into an agreement with JUB
61 Engineering, Inc. to retain them as the airport engineer of record to
62 provide airport and aviation engineering services for Fillmore City.

63 By: Councilmember Alldredge

64 Second: Councilmember Hare

65 Vote: Unanimous. Motion carried.

66
67
68 **PUBLIC HEARINGS**

69
70 MOTION: To go into a public hearing at 6:40 p.m. to receive public comment
71 regarding consideration of approval of a minor subdivision application
72 (Retreat Minor Subdivision) to subdivide property located at
73 approximately 800 South and Highway 99 into eight parcels for
74 commercial use in a General Commercial zone. Applicant: Fillmore
75 Homes, LLC.

76 By: Councilmember Alldredge

77 Second: Councilmember Hare

78 Vote: Unanimous. Motion carried.

79
80 No public comments.

81
82 MOTION: To go out of the public hearing and into another public hearing at 6:41
83 p.m. to receive public comment regarding amending the Fillmore City
84 Municipal Code Chapter 21: Temporary Uses.

85 By: Councilmember Winget

86 Second: Councilmember Alldredge

87 Vote: Unanimous. Motion carried.

88
89 Katherine Taylor asked for clarification of what this amendment of the code entails. The
90 council explained that this code amendment will make the code section easier to navigate and
91 align the temporary uses regulations with those of other municipalities around the state. The
92 amendment is mostly based on an ongoing review of the city's land use code with an emphasis
93 on cleaning up and/or clarifying the language within the code where needed. One of the
94 changes in this section that went beyond simply clarifying language was that there will now be
95 a limit to how many yard/garage sales a citizen can do in a year.

96 MOTION: To go out of the public hearing and into another public hearing at 6:45
97 p.m. to receive public comment regarding amending the Fillmore City
98 Municipal Code Chapter 23: Home Occupation.
99 By: Councilmember Monroe
100 Second: Councilmember Hare
101 Vote: Unanimous. Motion carried.
102

103 Katherine Taylor asked the same question that was asked in the previous public hearing, to
104 which the council responded that the same thing applies to this code amendment proposal, in
105 that the main goal is to clean up and clarify the code to make it easier to understand/navigate in
106 response to an ongoing review of the city's land use code. Ms. Taylor expressed a concern that
107 the amendment would change the number of unrelated people that may occupy a residence.
108 The council assured the public that this code amendment does not make that change.
109

110 MOTION: To go out of the public hearing and into another public hearing at 6:52
111 p.m. to receive public comment regarding consideration of opening and
112 amending the Fillmore City 2023-2024 fiscal year operating budgets to
113 account for and appropriate \$50,000 from the Fillmore City General
114 Fund unrestricted fund balance to the Flood Mitigation expense account
115 for additional flood mitigation work to be completed by the Fillmore
116 City public works department as a result of the 2022 Halfway Hill Fire.
117 By: Councilmember Jenson
118 Second: Councilmember Winget
119 Vote: Unanimous. Motion carried.
120

121 No public comments were offered, however, the council explained that expenses for additional
122 flood mitigation work in the Chalk Creek Canyon area were not appropriated in the originally
123 adopted budget for the 2023-2024 fiscal budget year. It is required by law that the city council
124 open and amend the budget to appropriate those additional expenditures so that the expenses
125 are approved within the budget. The offsetting revenue to account for these additional
126 expenditures will be transferred from the General Fund unrestricted fund balance into the
127 General Fund Surplus revenue account.
128

129 MOTION: To go out of the public hearing and back into the regularly scheduled
130 city council meeting at 6:54 p.m.
131 By: Councilmember Hare
132 Second: Councilmember Alldredge
133 Vote: Unanimous. Motion carried.
134
135

136 COMMUNICATIONS AND REQUESTS

137

138 Fire Department Report – Chief Brunson

139 In August there were two calls responding to small grass fires that were easily contained, and
140 one water tender call. There was also one gas leak call that turned out to not be a gas leak,
141 however, the fire department closed the road down in the immediate area as a precaution.
142 Chief Brunson shared photos of the progress of the newly purchased rescue truck. It is almost

completed and will be ready for delivery in a couple of weeks. The option was given by the manufacturer to allow the Fillmore fire department to do a final inspection prior to delivery by a web conference, however, the council would prefer the fire department to go to the assembly facility to conduct the final inspection of the truck in person.

Annual Millard High School Homecoming Fire Rally – MHS Student Body Officers

Kadi Dearden addressed the council on behalf of the Millard High School student body and requested that the city council and fire department sponsor the annual homecoming fire rally by allowing the burn to take place and to close a section of Center Street during the event. The event will be held on September 21st and will begin at 8:30 p.m. The fire will be lit at 9:00 p.m. The section of Center Street to be closed at 8:30 p.m. until the end of the event will be between 300 West and 400 West. The MHS student body has coordinated with the Fillmore Fire Department as it relates to the department's presence during the fire portion of the event.

MOTION: To allow for the fire rally to take place on September 21, 2023 and allow for the closing of a section of Center Street as requested.

By: Councilmember Alldredge

Second: Councilmember Winget

Vote: Unanimous. Motion carried.

Request to Consider Installing a Disk Golf Course at the Fillmore City North Park

Caleb Rasmussen addressed the council asking them to consider installing a disk golf course at the North Park. There are no courses within 100 miles of Fillmore. Caleb has designed a course that would fit nicely at the North Park. It is estimated that the materials alone to install the course would cost around \$5,000. When labor costs are added in, then the total estimated cost is \$10,000. Disk golf is one of the fastest growing sports in that 70% of all disk golf courses in the world have been installed within the last ten years.

Councilmember Winget suggested to Caleb that he do a fundraiser to raise funds to help pay to install the course. It was also suggested to put together a service project to take care of the labor portion of the installation. Councilmember Alldredge instructed Caleb to put together a proposal to submit to the city council that includes how this project will be financed, and if there is any monetary or other assistance from the city that Caleb would like to ask of the council, that should be outlined in detail within the proposal.

Consideration of New Library or Alteration of Existing Library to Include Estimated Project Costs and Funding/Grant Considerations

Councilmember Hare stated that Sunrise Engineering recently provided cost estimates for a new library building. The estimate provided of \$4 million (\$400 per square foot for a 10,000 square foot building) is discouraging as that amount is much higher than originally anticipated. This cost estimate makes it prohibitive in terms of moving forward with constructing a new building.

The other option that the city continues to consider is expanding/remodeling the existing library/city office building. The city is researching funding and grant options to fund the project as an expansion/remodel, which is estimated to cost less than half of the cost of constructing a new building.

Councilmember Hare stated that the library is a valuable and well used resource to the community especially considering how many people in a city the size of Fillmore use the library. There were approximately 22,000 visits to the library during the 2022-2023 fiscal year, where 15,000 of those visitors were program participants. Councilmember Monroe suggested charging non-Fillmore residents for use/participation of the library programs as a possible option to generate additional revenue. Other East Millard County towns pay a contribution totaling close to \$1,800 annually to the library.

OTHER BUSINESS BROUGHT BEFORE COUNCIL

Minor Subdivision Application (The Retreat Subdivision) to Create Eight Parcels for Commercial Use in a General Commercial Zone Located at Approximately 800 South and Highway 99

MOTION: Upon (1) receiving confirmation from Sunrise Engineering that all comments have been satisfactorily addressed, (2) receiving confirmation from the Millard County Recorder that the issues with the plat have been corrected, and (3) receiving the security for completion under Fillmore City Municipal Code § 10-18A-21, the City Council gives approval. Until those confirmations are received, and bond is posted, there is no approval.

By: Councilmember Alldredge
Second: Councilmember Hare
Vote: Unanimous. Motion carried.

Ordinance 23-13 Amending the Fillmore City Municipal Code Chapter 21: Temporary Uses

The council stated their desire to table this item until a clean draft (non-relined) of the Ordinance is provided. It will be moved to the next regularly scheduled city council meeting.

MOTION: To table.

By: Councilmember Hare
Second: Councilmember Jenson
Vote: Unanimous. Motion carried.

Ordinance 23-14 Amending the Fillmore City Municipal Code Chapter 23: Home Occupation

The council stated their desire to table this item until a clean draft (non-relined) of the Ordinance is provided. It will be moved to the next regularly scheduled city council meeting.

MOTION: To table.

By: Councilmember Hare
Second: Councilmember Jenson
Vote: Unanimous. Motion carried.

Resolution 23-13 Amending the Fillmore City Fee & Rate Schedule to Implement Credit Card Convenience Fees

As discussed in the prior council meeting, the city will be implementing a 3% plus \$1.00 per transaction credit card convenience fee to cover the city's costs for providing credit card transactions for all city services for which citizens can pay for using a credit card.

MOTION: To adopt Resolution 23-13.
By: Councilmember Monroe
Second: Councilmember Hare
Roll-Call Vote:
Councilmember Winget _ Yes
Councilmember Jenson _ Yes
Councilmember Alldredge _ Yes
Councilmember Hare _ Yes
Councilmember Monroe _ Yes
Unanimous. Motion carried.

Resolution 23-14 Amending the Fillmore City General Fund Budget for the 2023-2024 Fiscal Budget Year to Appropriate and Account for Additional Expenditures Related to Flood Mitigation Work to be Completed by the Fillmore City Public Works Department

MOTION: To adopt Resolution 23-14.
By: Councilmember Alldredge
Second: Councilmember Jenson
Roll-Call Vote:
Councilmember Winget _ Yes
Councilmember Jenson _ Yes
Councilmember Alldredge _ Yes
Councilmember Hare _ Yes
Councilmember Monroe _ Yes
Unanimous. Motion carried.

COUNCIL REPORTS

Councilmember Monroe

Justice Court

- Justice court revenue for the month of August amounted to a little over \$11,000, of which the city retained \$6,800.

Councilmember Hare

Other

- Councilmember Hare encouraged the city office to reach out to local businesses following new tax implementations as a courtesy to let them know beforehand that a new tax has been implemented.
- Councilmember Hare also stated that going forward, blanket letters sent out to all citizens regarding the right of way ordinance should have more of a "warning" tone to it for the initial letter. Then if there are citizens who don't comply after the initial

warning letter, then letters should be sent to those who don't comply that include specific repercussions if they don't comply with the ordinance.

Councilmember Alldredge

Electric

- Construction of the new loop line has begun, and digging is being done south of town near the sand dunes.
- As a result of coal plants shutting down across the country, the city has frequently had to purchase power on the open market, and when the city purchases power on the open market it can cost up to 19 cents per kilowatt hour. Fillmore City currently charges power customers a little over 9 cents per kilowatt hour. Eric Larsen, UAMPS Liaison for Fillmore City, will be presenting a possible contract that the city can enter into that would lock in "open market" power purchases by the city at 9 cents per kilowatt hour for the next five years (as long as the city stays under 400 megawatts monthly usage). Councilmember Alldredge explained to the council and public that the city continues to explore as many options as they can to find lower priced power.
- The city council is being presented with a request for permission to install electric vehicle (EV) power stations. Currently the city cannot provide the power demands of such a station, and therefore will not agree to have them installed. The council would likely not object to the EV station installation(s) if the companies installing them would 1) pay for the system upgrades to handle the increased power loads, and 2) pay the monthly demand charges so that the increase cost burden would not ultimately fall on the citizens. The current proposals being presented to the city do not include the companies installing the stations agreeing to either one of these.

Water

- Backflow testing has been completed for the new cemetery water tank. The only things left to complete are construction of the control building and some grading work surrounding the tank.
- A preliminary investigation and feasibility report (PIFR) is underway to assess what improvements will be needed to address flood mitigation needs on a long-term basis. It may take six years or more before any construction starts on the PIFR project.

Councilmember Winget

No report

Councilmember Jensen

Parks

- The city public works crew will be converting the sand volleyball court at the North Park into another pickleball court prior to the end of the current fiscal budget year.

City Recorder/Administrator Kevin Orton

Mr. Orton suggested to the council that they pay back the interfund loan that was approved in the 2022-2023 fiscal budget year based on the results of the 2022-2023 fiscal year audit that was recently done. The audit will be reported within the next couple of months; however, Mr. Orton was able to show that the \$500,000 loan can be paid back because the city's General Fund unrestricted balance will increase for the 2022-2023 budget year by more than \$300,000 even after the loan is paid back. At the same time, the unrestricted fund balance in the Electric

fund would finalize as a loss in the fund of more than \$150,000 for the same fiscal budget year if the loan were not to be paid back in its entirety right now. The council agreed and directed Mr. Orton to pay the loan back immediately.

Mayor Holt

- Mayor Holt would like to hold discussions in future council meetings regarding the idea of providing additional hangar space at the airport. There is a large demand for hangar space across the state, and it would provide an additional ongoing source of revenue to the city.
- There is also a concern of too many goat heads growing around town, so the city will look at spraying to try to get rid of them.

ADJOURNMENT

Upon motion by Councilmember Winget and second by Councilmember Monroe, the meeting adjourned at 8:20 p.m.

The next regularly scheduled council meeting will be held September 19, 2023 at 6:30 p.m.

APPROVED September 19, 2023

Michael D. Holt, Mayor