

FILLMORE CITY COUNCIL MEETING

October 3, 2023

Minutes of the regular meeting of the Fillmore City Council held October 3, 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 29, 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: Eugene Larsen, Derrick Dearden, Monica Dearden, ChrisAnn Jenson, and Larry Edwards.

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

ADMINISTRATIVE BUSINESS

Minutes

MOTION: To accept the meeting minutes from the September 19, 2023 council meeting, as corrected.

By: Councilmember Hare

Second: Councilmember Jenson

Vote: Unanimous. Motion carried.

Payroll and Bills

MOTION: To approve the payment of bills listed on the invoice register dated September 20, 2023 – October 3, 2023 and payroll dated September 30, 2023.

By: Councilmember Hare

Second: Councilmember Winget

Vote: Unanimous. Motion carried.

Purchase Orders

MOTION: To approve Purchase Order 24-05 payable to Natural Impressions in the amount of \$27,555 for pump house construction work.

By: Councilmember Alldredge

Second: Councilmember Monroe

Vote: Unanimous. Motion carried.

49 Licenses and Permits

- 50
- 51 • Building Permit Application 23-46 for Lance Murdock located at 543 North 150 East
- 52 for construction of a new storage shed.
- 53 • Building Permit Application 23-48 for Irene Carter located at 435 South 100 West for
- 54 construction of a new home.
- 55
- 56

57 **PUBLIC HEARING**

58

59 MOTION: To go into a public hearing at 6:40 p.m. to receive public comment

60 regarding amending the Fillmore City municipal code Title 10, Chapter

61 16 to allow an exception for temporary use of recreational vehicles

62 during events.

63 By: Councilmember Jenson

64 Second: Councilmember Winget

65 Vote: Unanimous. Motion carried.

66

67 It was explained that currently the city code allows for up to two RVs to stay for a period of 14

68 days within the city outside of an RV park so long as they obtain a conditional use permit from

69 the city office to do so. This draft ordinance aims to allow for an exception of this requirement

70 for only certain outdoor events, such as motocross races or equestrian events. Councilmember

71 Hare expressed a concern that someone cannot stay at a residence in their RV for the 14-day

72 period, however, it was explained that the city code allows this as long as the administrative

73 permit is obtained.

74

75 MOTION: To go out of the public hearing at 6:44 p.m.

76 By: Councilmember Monroe

77 Second: Councilmember Hare

78 Vote: Unanimous. Motion carried.

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80

81 **COMMUNICATIONS AND REQUESTS**

82

83 The next discussion item was moved by Mayor Holt from the end of the “Communications and

84 Requests” section of the agenda to the beginning of the same section.

85

86 Millard High School Administrators to Address the City Council Regarding Bonding for a

87 New High School – MHS Principal Derrick Dearden

88 Mr. Dearden shared an architectural rendering of the proposed addition to the existing high

89 school. A portion of the existing school building will remain when the new building is added,

90 and then will be torn down when the new school is built around it so that school can continue

91 during construction. There is a need for this expansion of the school because the building is

92 getting old, and they are running out of room for both students and faculty. There were 326

93 students six years ago and this year there are 420 students registered. The capacity of the new

94 school will be up to 600 students. Ten more classrooms are needed.

95

Mr. Dearden also explained that the Millard County School District plans to submit for a bond to pay for the new school, and that no new taxes will be levied nor raised to finance the project. This project will cost the district about \$4.5 million over the span of a low interest 20-year loan. If the voters do not vote for a bond, then the district would spend more money in the long run for the new school. This is the main part of a \$50 million project that also includes adding to the elementary school in Fillmore and the technology center in Delta. Mr. Dearden reiterated that many citizens falsely believe that taxes will go up to finance this project, and so the school district is informing everyone that that will not happen.

Fire Department Report

Councilmember Winget reported that members of the department traveled to Oregon earlier this week to inspect the new rescue truck before it is delivered to Fillmore. It was reported that the truck looks spectacular and that the truck will be delivered on Monday October 9th. Chief Brunson asked that Councilmember Winget thank the city council for their support and assistance in acquiring the new rescue truck.

Allowing Businesses to Opt-Out of the Fillmore City Industrial Park By-Laws

The council would like to explore the option of allowing land/business owners with property agreements within the Fillmore City Industrial Park to opt-out of those agreements. Mayor Holt explained that development is not happening in the park and enforcement of terms within Industrial Park agreements are not being adhered to, and in many cases, are not being enforced. The council would like to purchase property back from business owners at market value if they choose to opt out of their Industrial Park agreements with the city. Councilmember Monroe stated that it would be a great idea if the city would be able to find out what fair market value would be for each landowner that decides to sell their property back to the city.

The intent of the Industrial Park has deteriorated because there are too many who have bought property and sat on it with nothing being done to contribute to economic development in Fillmore. If purchasing the property from these owners and then reselling it is the only way to make the industrial park viable again, then that is what the city council is willing to do. Councilmember Winget provided recognition that there are a couple of owners in the industrial park that have made an effort to establish some sort of viable business.

OTHER BUSINESS BROUGHT BEFORE COUNCIL

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

The council directed that a change be made to the proposed code amendment in that seasonal fruit, vegetable, and flower stands shall not exceed one hundred fifty (150) days instead of ninety (90) days that was included in the proposed ordinance amendment.

MOTION: To adopt Ordinance 23-13 with a change in that the time limit for seasonal fruit, vegetable, and flower stands shall not exceed one hundred fifty (150) days.

By: Councilmember Jenson

Second: Councilmember Monroe

Roll-Call Vote:

143 Councilmember Monroe – Yes
144 Councilmember Hare – Yes
145 Councilmember Alldredge – Yes
146 Councilmember Winget – Yes
147 Councilmember Jenson - Yes
148 Unanimous. Motion carried.
149

150 Ordinance 23-14 Amending the Fillmore City Municipal Code Chapter 23: Home Occupation
151 Councilmember Monroe led a discussion exploring why a few of the occupations listed in the
152 Prohibited Uses section are included in that list, namely, message therapy and tattoo parlors.
153 Councilmember Monroe also questioned why tattoo parlors, microblading, scarification, and
154 laser treatment are all under the same item when they are different lines of business. There
155 were other various issues/concerns discussed in the proposed ordinance.
156

157 MOTION: To table to allow additional time to address the issues/concerns.
158 By: Councilmember Hare
159 Second: Councilmember Alldredge
160 Vote: Unanimous. Motion carried.
161

162 Ordinance 23-15 Amending the Fillmore City Municipal Code Title 10, Chapter 16 to Allow
163 an Exception for Temporary Use of Recreational Vehicles During Events
164 Councilmember Monroe is concerned about how the waste will be handled if RVs are staying
165 at the venue for a long period of time. Councilmember Hare said that he would be okay to
166 adopt this ordinance with the stipulation that section B, Administrative Conditional Use
167 Permits For Temporary Occupancy And Time Frame In Residential Zones, be sent to the
168 Planning Commission for further review.
169

170 MOTION: To adopt Resolution 23-15 and send Section B: Administrative
171 Conditional Use Permits For Temporary Occupancy And Time Frame In
172 Residential Zones to the Planning Commission for further review.
173 By: Councilmember Hare
174 Second: Councilmember Monroe
175 Roll-Call Vote:
176 Councilmember Winget - Yes
177 Councilmember Jenson - Yes
178 Councilmember Alldredge - Yes
179 Councilmember Hare - Yes
180 Councilmember Monroe- Yes
181 Unanimous. Motion carried.
182
183
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185

186 Agreement Between Fillmore City and J-U-B Engineering, Inc. for Airport and Aviation
187 Engineering Services
188

189 MOTION: To approve the agreement between Fillmore City and J-U-B
190 Engineering, Inc. for airport and aviation engineering services.
191 By: Councilmember Hare
192 Second: Councilmember Winget
193 Vote: Unanimous. Motion carried.
194
195

196 COUNCIL REPORTS 197

198 Councilmember Monroe

199 **Landfill/Garbage**

- 200 • With the acquisition of additional property near the sewer lagoons, Councilmember
201 Monroe wants to know if the city would like to have our engineers perform a
202 geotechnical study to see if a landfill could be placed in this area. It would be a more
203 suitable area for a class A landfill. The current location of the landfill would never
204 allow it to be a class A landfill where it is currently located. The council agreed that a
205 study should be conducted.
206

207 Councilmember Hare

208 **Valley Forge Project Update**

- 209 • Councilmember Hare reported on the most recent meeting that took place earlier this
210 week regarding the Valley Forge Development project. Wayne Aston of Valley Forge
211 Fillmore shared in that meeting a cautiously optimistic updated plan for the proposed
212 development project in that Mr. Aston plans to focus on phase 1 of the project before
213 moving on to later phases of the project. In other words, the plan in the anticipated next
214 iteration of the proposed development agreement will be substantially scaled down to
215 something that the city is much more comfortable with.
216

217 Councilmember Alldredge

218 **Electric**

- 219 • During Councilmember Alldredge's update on the progress of the Cheese Plant line
220 extension project, Mayor Holt added that weather may be a factor in how fast the
221 project is completed as it relates to one contractor's unwillingness to work during
222 winter weather conditions.
223

223 **Water**

- 224 • The State will be doing cataloging in southern areas of the state as it relates to flood
225 damage and risks. Information in the form of data and maps will be shared with local
226 officials.
227

228 Councilmember Winget

229 **No report** 230 231 232

233 Councilmember Jenson

234 **Parks & Recreation**

- In the next meeting, Councilmember Jenson would like to discuss traffic control during the Halloween event where candy is given out on Main Street. It may be necessary to consider closing Main Street for an hour during the event. Last year the turnout was good in that a lot of kids attended.

Mayor Holt

- Mayor Holt reiterated the city's position that they do not want electric vehicle charging stations in Fillmore if the federal government is going to mandate that cities cannot impose demand charges. Demand charges appear to be the only way that a municipality would be able to recoup excess power demand costs that are associated with electric vehicle charging stations.

Closed Executive Session

MOTION: To go into a closed executive session at 9:04 p.m. to discuss pending or reasonably imminent litigation. Those asked to attend the closed session in addition to Mayor Holt and all councilmembers were Attorney Elise Harris and City Recorder/Administrator Kevin Orton. Councilmembers Alldredge, Winget, Monroe, Hare and Jenson all voted yes.

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

The council returned to the open public meeting at 9:11 p.m.

ADJOURNMENT

Upon motion by Councilmember Monroe and second by Councilmember Hare, the meeting adjourned at 9:12 p.m.

The next regularly scheduled council meeting will be held October 17, 2023 at 6:30 p.m.

APPROVED October 17, 2023

Michael D. Holt, Mayor