

# FILLMORE CITY COUNCIL MEETING

March 19, 2024

*Minutes of the regular meeting of the Fillmore City Council held March 19, 2024 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 March 15, 2024.*

Those present were:

Mayor:	Michael D. Holt	Council:	Curt Hare
Attorney:	Elise Harris		Kyle Stevens
Recorder:	Kevin Orton		Eugene R. Larsen
			Michael B. Winget
			Dennis W. Alldredge

Others present were: Wayne Jackson (staff), Jess Peterson, Molly Stevens, Dan Rowley, Gregory Wagner, Sherry Paxton, Christine Rasmussen, Tyler Alldredge, Aaron and Kelsie Fausett, Bevan Johnson, Larry Edwards, Anthony Hutchins, Abe Johnson, and Brandon Bartholomew.

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

## ADMINISTRATIVE BUSINESS

### Minutes

MOTION: To accept the meeting minutes from the March 7, 2024 city council work meeting, as corrected.  
By: Councilmember Alldredge  
Second: Councilmember Hare  
Vote: Unanimous. Motion carried.

MOTION: To accept the meeting minutes from the March 7, 2024 city council meeting, as corrected.  
By: Councilmember Hare  
Second: Councilmember Winget  
Vote: Unanimous. Motion carried.

### Payroll and Bills

MOTION: To approve the payment of bills listed on the invoice register dated March 8, 2024 – March 19, 2024 and payroll dated March 17, 2024.  
By: Councilmember Alldredge  
Second: Councilmember Larsen  
Vote: Unanimous. Motion carried.

49 **PUBLIC HEARINGS**

50  
51 MOTION: To go into a public hearing at 6:37 p.m. for the purpose of receiving  
52 public comment regarding a petition for annexation that has been filed in  
53 the office of the Fillmore City Recorder for the purpose of requesting  
54 annexation of land belonging to Sherry Paxton, totaling approximately  
55 45.59 acres, located at approximately 300 West to 100 West and 1350  
56 North to 1150 North. Public hearing to receive public comment  
57 regarding city council consideration to consider approving the petition  
58 and annexing the area described in the petition.

59 By: Councilmember Winget  
60 Second: Councilmember Alldredge  
61 Vote: Unanimous. Motion carried.  
62

63 No comments were offered by the public, however, Ms. Paxton expressed appreciation to the  
64 city staff for their help with the annexation petition process.  
65

66 MOTION: To go out of the public hearing and into another public hearing at 6:40  
67 p.m. to receive public comment regarding a petition for annexation has  
68 been filed in the office of the Fillmore City Recorder for the purpose of  
69 requesting annexation of land belonging to Aaron & Kelsie Fausett,  
70 Anna M. Weidauer, and Toni R. Sawyer, totaling approximately 3.355  
71 acres, located at approximately 550 South and 150 West. Public hearing  
72 to receive public comment regarding city council consideration to  
73 consider approving the petition and annexing the area described in the  
74 petition.

75 By: Councilmember Stevens  
76 Second: Councilmember Winget  
77 Vote: Unanimous. Motion carried.  
78

79 No comments were offered by the public.  
80

81 MOTION: To go out of the public hearing and into another public hearing at 6:45  
82 p.m. to receive public comment regarding an application for a zoning  
83 change from Apex Development Partners from rural residential and  
84 highway commercial to residential 2 zone. The property being  
85 considered for this zone change includes parcel numbers F-6992 and F-  
86 6999-6, totaling approximately 15.26 acres, located at approximately  
87 500 North and 400 West.

88 By: Councilmember Winget  
89 Second: Councilmember Larsen  
90 Vote: Unanimous. Motion carried.  
91

92 Gregory Wagner, Representative of Apex Development, provided an in-depth presentation  
93 explaining their plans for an affordable housing development in the above-mentioned area of  
94 Fillmore. The proposed housing will include 3-bedroom, 2-bathroom, 2-car garage duplex  
95 units. The first phase is projected to build 40 to 45 units. A second phase would not begin

until a year or two following the completion of the first phase, and that would include another 40 units. A third phase may include a storage rental facility.

MOTION: To go out of the public hearing and into another public hearing at 6:55 p.m. to receive public comment regarding an application to combine two individual lots located at approximately 95 North 100 West into one lot.  
Applicant: Marlow Mace.  
By: Councilmember Alldredge  
Second: Councilmember Larsen  
Vote: Unanimous. Motion carried.

No comments were offered by the public.

MOTION: To go out of the public hearing at 6:56 p.m. and back into the regularly scheduled city council meeting.  
By: Councilmember Alldredge  
Second: Councilmember Larsen  
Vote: Unanimous. Motion carried.

## COMMUNICATIONS & REQUESTS

Request for Funding to Attend 2024 Hugh O'Brian Youth Leadership (HOBY) Training – Chanelle Kunz

MOTION: To approve a donation in the amount of \$395.00 for Chanelle Kunz to attend the 2024 HOBY training.  
By: Councilmember Stevens  
Second: Councilmember Larsen  
Vote: Unanimous. Motion carried.

## OTHER BUSINESS BROUGHT BEFORE COUNCIL

Consider accepting for further consideration or denying an annexation petition Submitted by Matt Jennings for 137.517 Acres of Land Located at Approximately 550 South to 900 South and 900 East to 200 West pursuant to UCA 10-2-405(1).

Following a discussion between the city council and the petitioners, it was determined that the petitioners will revise and resubmit their annexation petition. Since an entirely revised petition will be considered, the current petition submitted should be denied by the city council.

MOTION: To deny an annexation petition submitted by Matt Jennings.  
By: Councilmember Hare  
Second: Councilmember Alldredge  
Vote: Unanimous. Motion carried.

142 Ordinance 24-07 Providing for Approval of Annexation of Certain Territory Referred to as the  
143 Sherry Paxton Annexation, into the Corporate Limits of Fillmore City, with the Plat to be  
144 Identified as Plat FF in the Records of Fillmore City.

145 Councilmember Alldredge explained that annexation and water acquisition agreements have  
146 not yet been developed and adopted by the city to be included in the annexation approval  
147 process. No further annexations will be considered until these agreement documents are put in  
148 place. It was also explained that the city needs to determine how much additional water will  
149 need to be provided for anticipated development, and that there is enough water to meet those  
150 demands before annexation can take place. Councilmember Alldredge went on to explain that  
151 the State is considering water rights and usage in the Pahvant Valley, and Fillmore City's water  
152 rights may be reduced depending on the outcome of the State's water rights study.

153  
154 MOTION: To table.  
155 By: Councilmember Alldredge  
156 Second: Councilmember Larsen  
157 Vote: Unanimous. Motion carried.

158  
159 Ordinance 24-08 Providing for Approval of Annexation of Certain Territory Referred to as the  
160 Fausett Annexation, into the Corporate Limits of Fillmore City, with the Plat to be Identified as  
161 Plat CC in the Records of Fillmore City.

162 Councilmember Alldredge explained that despite the hesitation from the council to approve  
163 any annexations for the time being as explained earlier, the council will approve this  
164 annexation because last year the council required the Fausett's to annex their residential  
165 property of 3.35 acres into the city due to the discovery of utilities being run into the county  
166 where their property is located. The utilities were installed into this area without any  
167 knowledge of the city and through no apparent fault of petitioners. For the Fausett's to be able  
168 to continue to be serviced with city utilities, their property must be annexed into the city.

169  
170 MOTION: To adopt Ordinance 24-08.  
171 By: Councilmember Hare  
172 Second: Councilmember Alldredge  
173 Roll-Call Vote:  
174 Councilmember Hare - Yes  
175 Councilmember Stevens – Yes  
176 Councilmember Alldredge – Yes  
177 Councilmember Winget – Yes  
178 Councilmember Larsen - Yes  
179 Unanimous. Motion carried.

180  
181 Ordinance 24-09 Approving a Zone Change from Rural Residential and Highway Commercial  
182 to Residential 2 for Approximately 15.26 Acres Located at 500 North and 400 West.

183 Councilmember Hare stated that this proposed project will be beneficial in providing  
184 affordable housing in Fillmore because rent amounts will be based on family size and income.

185  
186 MOTION: To adopt Ordinance 24-09 contingent upon the city receiving notice that  
187 the sale of the proposed property to the new owner has closed and that  
188 the title has been transferred.

189 By: Councilmember Hare  
190 Second: Councilmember Alldredge  
191 Roll-Call Vote:  
192 Councilmember Hare - Yes  
193 Councilmember Stevens – Yes  
194 Councilmember Alldredge – Yes  
195 Councilmember Winget – Yes  
196 Councilmember Larsen - Yes  
197 Unanimous. Motion carried.  
198

199 Deny Approval of a Zone Change from Highway Commercial to General Commercial Zone  
200 Totaling Approximately 8.35 Acres Located at Approximately 675 West and 900 South.  
201

202 MOTION: To deny approval of a zone change application from Highway  
203 Commercial to General Commercial zone totaling approximately 8.35  
204 acres located at approximately 375 West and 900 South based on the  
205 planning commission's recommendation that the zone is not a good fit  
206 for the area.

207 By: Councilmember Hare  
208 Second: Councilmember Alldredge  
209 Vote: Unanimous. Motion carried.  
210

211 Approve Application Submitted by Marlow Mace to Combine Two Lots (Parcel Numbers F-  
212 335-2 and F-335-1) Into One Lot Located at 95 North 100 West.  
213

214 MOTION: To approve the application submitted by Marlow Mace to combine two  
215 lots (Parcel Numbers F-335-2 and F-335-1) into one lot located at 95  
216 North 100 West.

217 By: Councilmember Winget  
218 Second: Councilmember Hare  
219 Vote: Unanimous. Motion carried.  
220

221 Right of First Refusal on Parcel F-FIP-2 (Natural Impressions Property)  
222

223 MOTION: To table.  
224 By: Councilmember Alldredge  
225 Second: Councilmember Hare  
226 Vote: Unanimous. Motion carried.  
227

228 Ratification of Resolution 24-05 Authorizing the Execution and Delivery of a Municipal  
229 Lease-Purchase Agreement with Respect to the Acquisition, Financing and Leasing of Certain  
230 Equipment for the Public Benefit.

231 An action was taken in a prior city council meeting to enter into an agreement to lease fleet  
232 vehicles, and this action is ratifying a resolution that was approved and executed to acquire the  
233 leased vehicles but was not formally voted on in that prior council meeting.  
234

235 MOTION: To ratify adoption of Resolution 24-05.

236 By: Councilmember Alldredge  
237 Second: Councilmember Stevens  
238 Roll-Call Vote:  
239 Councilmember Hare - Yes  
240 Councilmember Stevens – Yes  
241 Councilmember Alldredge – Yes  
242 Councilmember Winget – Yes  
243 Councilmember Larsen - Yes  
244 Unanimous. Motion carried.  
245  
246

## 247 COUNCIL REPORTS

### 248 Councilmember Larsen

#### 249 **Airport**

- 251 • The Fillmore airport's fuel price is lower than most other airports in the region.
- 252 • The council unanimously decided to purchase a vehicle from the airport manager who
- 253 has been using that vehicle for work-related duties. The council decided that the vehicle
- 254 can also be used as an additional airport courtesy vehicle.

### 255 Councilmember Winget

#### 256 **Streets & Sidewalks**

- 257 • There is a fence located at 100 North and 400 West that is out of compliance.
- 258 Councilmember Winget asked that the city office investigate.
- 259 • Sandrock Ridge is submitting for a grant to acquire equipment for trail improvements
- 260 and would like the city to submit a letter of support of them submitting for that grant.
- 261 The city council agreed to draft and submit the letter of support.
- 262

### 263 Councilmember Alldredge

#### 264 **Water**

- 265 • There was a discussion in the March 7, 2024 city council meeting regarding the idea of
- 266 the city possibly acquiring water rights from the Paradise Golf Course. After looking
- 267 further into this idea, Councilmember Alldredge stated that the city should not pursue
- 268 this. Surface water rights cannot be easily converted into subterranean water rights.

#### 269 **Sewer**

- 270 • The current sewer lagoons will suffice for the short term; however, they will need to be
- 271 reconfigured without adding either a primary or secondary lagoon.
- 272

### 273 Councilmember Stevens

#### 274 **Fire Department**

- 275 • The fire department will need to acquire additional racks to store fireworks for the 4<sup>th</sup>
- 276 of July celebration.

### 277 Councilmember Hare

#### 278 **No report**

### 279 Recorder Kevin Orton

Mr. Orton provided a financial/budget summary and general ledger report to the council and reviewed the current budget report and general ledger report.

Mayor Holt

Fillmore City can provide insurance for the Legion Hall if they would like to, however, the city would need to own the building in order to provide the insurance on it.

Closed Executive Session

MOTION: To go into a closed executive session at 8:35 p.m. to discuss the pending or reasonably imminent litigation, as described in Subsection 52-4-205(1)(c), and to discuss the purchase, exchange, or lease of real property, if public discussion of the transaction would prevent the public body from completing the transaction on the best terms possible, as described in Subsection 52-4-205(1)(d) of Utah Code annotated. Those asked to attend the closed session in addition to all councilmembers were Attorney Elise Harris, City Administrator/Recorder Kevin Orton, and Planning Coordinator Wayne Jackson. Councilmembers Alldredge, Winget, Stevens, Larsen, and Hare all voted yes.

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

The council returned to the open public meeting at 9:17 p.m.

**ADJOURNMENT**

Upon motion by Councilmember Hare and second by Councilmember Stevens, the meeting adjourned at 9:17 p.m.

The next regularly scheduled council meeting will be held April 2, 2024 at 6:30 p.m.

APPROVED April 2, 2024

\_\_\_\_\_  
Michael D. Holt, Mayor