

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
Attorney: Elise Harris
Recorder: Kevin Orton

Council: Curt Hare
Kyle Stevens
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

PUBLIC HEARINGS

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

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

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

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

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

No comments were offered by the public.

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

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

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

96 until a year or two following the completion of the first phase, and that would include another
97 40 units. A third phase may include a storage rental facility.

98
99 MOTION: To go out of the public hearing and into another public hearing at 6:55
100 p.m. to receive public comment regarding an application to combine two
101 individual lots located at approximately 95 North 100 West into one lot.
102 Applicant: Marlow Mace.
103 By: Councilmember Alldredge
104 Second: Councilmember Larsen
105 Vote: Unanimous. Motion carried.

106
107 No comments were offered by the public.

108
109 MOTION: To go out of the public hearing at 6:56 p.m. and back into the regularly
110 scheduled city council meeting.
111 By: Councilmember Alldredge
112 Second: Councilmember Larsen
113 Vote: Unanimous. Motion carried.

114 115 116 COMMUNICATIONS & REQUESTS 117

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

120
121 MOTION: To approve a donation in the amount of \$395.00 for Chanelle Kunz to
122 attend the 2024 HOBY training.
123 By: Councilmember Stevens
124 Second: Councilmember Larsen
125 Vote: Unanimous. Motion carried.

126 127 128 OTHER BUSINESS BROUGHT BEFORE COUNCIL 129

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

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

136
137 MOTION: To deny an annexation petition submitted by Matt Jennings.
138 By: Councilmember Hare
139 Second: Councilmember Alldredge
140 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.

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.

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.

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

COUNCIL REPORTS

247 Councilmember Larsen
248 **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 4th
276 of July celebration.

277 Councilmember Hare
278 **No report**
279

280 Recorder Kevin Orton

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

283

284 Mayor Holt

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

287

288 Closed Executive Session

289

290 MOTION: To go into a closed executive session at 8:35 p.m. to discuss the pending
291 or reasonably imminent litigation, as described in Subsection 52-4-
292 205(1)(c), and to discuss the purchase, exchange, or lease of real
293 property, if public discussion of the transaction would prevent the public
294 body from completing the transaction on the best terms possible, as
295 described in Subsection 52-4-205(1)(d) of Utah Code annotated. Those
296 asked to attend the closed session in addition to all councilmembers
297 were Attorney Elise Harris, City Administrator/Recorder Kevin Orton,
298 and Planning Coordinator Wayne Jackson. Councilmembers Alldredge,
299 Winget, Stevens, Larsen, and Hare all voted yes.

300

301 By: Councilmember Larsen
302 Second: Councilmember Alldredge
303 Vote: Unanimous. Motion carried.

304

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

306

307

308 **ADJOURNMENT**

309

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

312

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

314

315

316 APPROVED April 2, 2024

317

Michael D. Holt, Mayor