

FILLMORE CITY COUNCIL MEETING

August 6, 2019

Minutes of the regular meeting of the Fillmore City Council held August 6, 2019 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 August 5, 2019.

Those present were:

Mayor:	Michael D. Holt	Council:	Kami Dearden
Attorney:	Richard Waddingham		Ian E. Adams
Staff:	Kevin Orton		Eric R. Jenson
			Jeffrey D. Mitchell
			Dennis W. Alldredge

Others: Justin Larsen, Amanda Larsen, Jake Harding, Talia Adams, Mary Anderson, Robert L. Stevens, Vicki Allen, Kyle Kesler, Josephine Huntsman, Shane Brunson, Brandon Bartholomew, Donna Starley, Doug Jolley, Abe Johnson, and Dan Rowley.

6:30 p.m. Welcome and Pledge of Allegiance – Mayor Holt

Mayor Holt moved the following action item to earlier in the meeting than originally scheduled.

Dr. Michael Clay – Brigham Young University, Discuss Fillmore City General Plan

Dr. Clay thanked the council for allowing him and his BYU students to complete the General Plan update. They enjoyed the experience. The general plan reflects the plan and general interests of the citizens of Fillmore. More than 200 Fillmore citizens participated in the process. Any edits or changes the council would like, he will take them at this point. Mayor Holt expressed appreciation to Dr. Clay and his students for the time and effort they put into the project.

MOTION: To accept the Fillmore City General Plan as recommended by the Fillmore City Planning Commission.

By: Councilmember Adams

Second: Councilmember Dearden

Vote: Unanimous. Motion carried.

ADMINISTRATIVE BUSINESS

Minutes

MOTION: To accept the minutes from the July 16, 2019 council meeting as written.
By: Councilmember Mitchell
Second: Councilmember Dearden
Vote: Unanimous. Motion carried.

Bills – Payroll

MOTION: To approve the July 31, 2019 payroll and payment of bills listed on the invoice register dated July 17, 2019 – August 6, 2019.
By: Councilmember Adams
Second: Councilmember Jensen
Vote: Unanimous. Motion carried.

Purchase Orders

MOTION: To ratify approval of Purchase Order # 20-08 in the amount of \$23,575.00 payable to West Side Grading, Inc. for construction of a turning lane from north of the school district bus barn going onto 400 West.

By: Councilmember Mitchell
Second: Councilmember Adams
Vote: Unanimous. Motion carried.

MOTION: To approve Purchase Order # 20-10 in the amount of \$20,181.79 payable to Ascent Aviation Group for purchase of 100LL aviation fuel.
By: Councilmember Dearden
Second: Councilmember Adams
Vote: Unanimous. Motion carried.

MOTION: To approve Purchase Order # 20-13 in the amount of \$6,945.00 payable to Taylor Audio, LLC for stage and lighting for luau event.
By: Councilmember Alldredge
Second: Councilmember Adams
Vote: Unanimous. Motion carried.

MOTION: To approve Purchase Order # 20-14 in the amount of \$4,000.00 payable to Happy Hula for Polynesian fire-dance show.
By: Councilmember Dearden
Second: Councilmember Adams
Vote: Unanimous. Motion carried.

Licenses and Permits

- Business License BL-1912, Filly Boys Handyman Service. Business description includes drywall, painting, flooring, and odds and ends repairs.
- Administrative Conditional Use Permit for Filly Boys Handyman Service to allow for home occupation business license located in the Residential 2 zone.

96

PUBLIC HEARING

97 MOTION: To go into a public hearing at 6:43 p.m. to receive public comment
98 regarding proposed amendments to the fiscal year 2020 general fund
99 budget.

100 By: Councilmember Adams

101 Second: Councilmember Mitchell

102 Vote: Unanimous. Motion carried.

103

104 Mayor Holt stated that the city is not making any donations to any churches. Entertainment to
105 include fire dancers at the upcoming Luau event is being paid for directly by the city. \$10,975
106 is the amount being considered to add to the general fund budget coming from the general fund
107 surplus. An additional \$2,000.00 is also being requested for laptops for the council and
108 planning commission members to use with a smartboard that was already included in the
109 adopted budget for the fiscal year. The savings in paper and toner expense and staff hours are
110 anticipated to save the city significantly every year by utilizing electronic devices in
111 conjunction with an electronic web-based agenda application.

112

113 Josephine Huntsman – Why was this large event not organized and discussed during the
114 writing of the fiscal year budget process?

115

116 Mayor Holt stated that he and a few other people helped organize the event and they did not
117 have the financial commitment part of it to report for budgeting purposes until after the budget
118 was written. Mayor Holt stated that he would make sure that at least something is budgeted
119 for similar events even if solid committed amounts are not available at the time of drafting and
120 adopting the budget.

121 MOTION: To go out of the public hearing at 6:51 p.m.

122 By: Councilmember Dearden

123 Second: Councilmember Jenson

124 Vote: Unanimous. Motion carried.

125

Licenses and Permits

- 127
- Building Permit Application 19-25 for Trisha Foster located at 110 West 500 South for
128 a new addition to existing day care center.
 - Building Permit Application 19-28 for Jay Wilcox located at 350 North 100 East for
129 construction of a new home.
 - Building Permit Application 19-29 for Alan Roper located at 325 West 500 South for a
130 new deck added to the second floor of barn.
 - Building Permit Application 19-31 for Todd Mathews located at 685 South 800 East for
131 a new hay storage barn.
 - Building Permit Application 19-32 for Tracy and Lynnette Keel located at 30 North
132 100 West for a new storage unit.
- 133
- 134
- 135
- 136

137 **PUBLIC COMMENT**

138
139 No public comments.

140 **COMMUNICATIONS AND REQUESTS**

141 Fire Department Report – Chief Shane Brunson

142
143 There were a few fires in the area during the month of July. None of them were significant
144 fires. The crew was able to put them out quickly before they got too big. The city has been
145 very fortunate this year to not have any major fires. Starting next year the cost of fireworks for
146 the Fourth of July celebration will increase 10%.
147

148
149 Vishi Verma - Discussion Regarding North Interstate 15 Exit Billboards

150 Mr. Verma is proposing to have the lease transferred from Mark Miller (previous owner of the
151 North Chevron in Fillmore) to Mr. Verma's company, Vittesh, Inc. That item will be voted on
152 later in this meeting. He also wants to advertise on two more billboards alongside the
153 Interstate in Fillmore and is requesting further information.

154
155 MOTION: To approve application for freeway sign for Vittesh, Inc.
156 By: Councilmember Adams
157 Second: Councilmember Dearden
158 Vote: Unanimous. Motion carried.
159

160 Abe Johnson and Doug Jolley – Report on Old Capitol and Living Arts Festival and Request
161 for Donation

162 Mr. Johnson distributed the schedule of events. Everything is ready to go for the event. Mr.
163 Jolley stated that there will be more than 50 booths in this year's event. Last year, Mr. Johnson
164 decreased the advertising for the event and the attendance numbers decreased slightly, so they
165 have increased the advertising for this year. They thanked the city council for their support of
166 the event.
167

168 MOTION: To approve a donation in the amount of \$12,500 to the Old Capitol Arts
169 and Living History Festival.
170 By: Councilmember Jenson
171 Second: Councilmember Dearden
172 Vote: Unanimous. Motion carried.
173

174 **BUSINESS**

175
176 Resolution 19-12 Consolidating the Two Fillmore City Voting Precincts for the 2019
177 Municipal Elections

178
179 MOTION: To adopt Resolution 19-12 consolidating Fillmore voting precincts 1 and
180 2 for the 2019 Municipal General Election.
181
182 By: Councilmember Mitchell
183 Second: Councilmember Dearden

184 Roll-Call Vote:

185 Councilmember Jenson – Yes
186 Councilmember Mitchell - Yes
187 Councilmember Adams – Yes
188 Councilmember Dearden – Yes
189 Councilmember Alldredge - Yes
190 Unanimous. Motion carried.
191

192 Conflict Counsel Agreement

193 Attorney Waddingham contacted several potential candidates for Fillmore City's conflict
194 counsel needs. The most reasonable offer came from Greg Stewart who is offering his services
195 to the city for \$75.00 per hour. If Mr. Stewart's offer is accepted by the council, then Attorney
196 Waddingham will draft an agreement to be accepted in the next council meeting.
197

198 MOTION: To approve moving forward with retaining Greg Stewart as Fillmore
199 City's public defender for justice court cases requiring conflict counsel.
200 By: Councilmember Adams
201 Second: Councilmember Alldredge
202 Vote: Unanimous. Motion carried.
203

204 Discuss and Possibly Amend Fillmore City General Fund Budget

205 The council discussed various road projects and possible amounts associated with those
206 projects. The council appropriated \$50,000 in the original adopted fiscal year 2020 budget for
207 potential projects not specifically identified with earmarked amounts. For now, the council is
208 considering increasing the general fund budget for fiscal year 2020 by \$13,000. Increased
209 expenses to be appropriated include \$10,945.00 for the Luau event and \$2,055.00 to purchase
210 chrome books for the city council and planning commission. \$13,000 will be shown as
211 revenue in the general fund being transferred from the city's general fund surplus balance.
212

213 MOTION: To approve to amend the fiscal year 2020 Fillmore City general fund
214 budget to increase the amount by \$13,000, from \$2,616,875 to
215 \$2,629,875.

216 By: Councilmember Mitchell
217 Second: Councilmember Adams

218 Roll-Call Vote:

219 Councilmember Jenson – Yes
220 Councilmember Mitchell - Yes
221 Councilmember Adams – Yes
222 Councilmember Dearden – Yes
223 Councilmember Alldredge - Yes
224 Unanimous. Motion carried.
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COUNCIL REPORTS

Councilmember Jenson

Parks

- The public works crew is landscaping the area around the skateboard park. The grass landscape will make it easier to maintain than the old rock landscape.
- Councilmember Jenson thanked Mayor Holt for offering the dedication on the new marker in the Blue Star Park.
- Apple Creek Farms RV Park must be in compliance with recreational vehicle zoning code by the end of this month.
- The sand in the volleyball court gets very compacted so there was discussion regarding tilling it more often or using a different type of dirt.

Councilmember Mitchell

Streets

- The turn lane north of the bus barn will be completed next week.

Councilmember Dearden

Library

- There will be an event planned to celebrate the President Millard Fillmore Library's 95th birthday to take place in April.
- There have been very good turnouts to all library events and the STEAM lab continues to be highly utilized.

Airport

- There is a fire hydrant leaking water at the airport. Mayor Holt will make sure it gets repaired.

Other

- The city billboards will be completed this week. They will look much better with the new enhancements.
- The city will install timed lights at the skate park that shut off automatically at 10:00 p.m. The black decorative street lights on Main Street between 100 North and 300 North will be upgraded to look the same as the rest of the Main Street lights.

Councilmember Adams

Justice Court

- Between January and July of 2018 there were 238 traffic cases filed, compared to 336 this year between January and July. Criminal cases filed increased from 39 to 65. Traffic cases filed increased from 26 to 47. (for the same periods)

Councilmember Alldredge

Cemetery

- Attorney Waddingham explained the city's perpetual care policy in that the policy was set up originally to maintain the city's perpetual care fund through the buying and selling of grave sites. Citizens can purchase a maximum of eight grave sites and then sell them back to the city for the price they purchased them for (they are prohibited from selling them to anyone other than the city). The city can then sell them for current market value. That money is revenue to the perpetual care fund. The policy can be

amended but one thing to consider is if the city allows patrons to sell to other citizens, whether there should be a portion of that sale that should come to the city in order to maintain the perpetual care fund. Councilmember Adams stated that several patrons have no record of how much they paid for their plots, and neither does the city. If nothing happens to a purchased plot after 60 years, then the city may reclaim that burial plot. Councilmember Adams suggested purchasing plots from owners at 50% of the current market value and then sell those lots to those wanting to purchase them. There are some cemeteries in cemetery districts that allow sales to third parties; however, the Fillmore City Cemetery policy does not allow sales to third parties. The council would like to include language in the policy that allows for donations of gravesite plots. If they paid for the plot, they should be able to donate it.

- Judy Huntsman asked if the pioneer monuments for those whose burial location is unknown will be placed. Mayor Holt stated that they will.

Other

A new sewer line was placed on the corner of 400 South and 100 East. The area needs to be filled in and the rocks removed.

Mayor Holt

- A second request for proposal will be advertised to solicit bids to extend the cemetery fence on the west side south of the new gate.
- Mayor Holt asked the council if they would like to change up department responsibilities for the next year. They will let him know by the next council meeting.

Closed Executive Session

MOTION: To go into a closed executive session at 8:28 p.m. to discuss the character, professional competency, or physical or mental health of an individual. Those asked to attend the closed session in addition to Mayor Holt and all councilmembers were Attorney Waddingham and Recorder Orton. Councilmembers Alldredge, Adams, Mitchell, Dearden and Jenson all voted yes.

By: Councilmember Adams
Second: Councilmember Dearden
Vote: Unanimous. Motion carried.

The council returned to the regular open meeting at 8:53 p.m.

ADJOURNMENT

Upon motion by Councilmember Adams and second by Councilmember Dearden, the meeting adjourned at 8:55 p.m.

The next regular council meeting will be held August 20, 2019 at 6:30 p.m.

APPROVED August 20, 2019

Michael D. Holt, Mayor