

# FILLMORE CITY COUNCIL MEETING

August 20, 2019

*Minutes of the regular meeting of the Fillmore City Council held August 20, 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 19, 2019.*

## Those present were:

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

## Others present were:

Michael Winget, Robert Stevens, Evan Bell, Dan Rowley, Kim Jackson, and Rich Smith, and Steve Clement.

6:30 p.m. Welcome and Pledge of Allegiance

## ADMINISTRATIVE BUSINESS

### Minutes

MOTION: To accept the minutes from the August 6, 2019 council meeting as corrected.

By: Councilmember Mitchell

Second: Councilmember Dearden

Vote: Unanimous. Motion carried.

### Bills – Payroll

MOTION: To approve the August 15, 2019 payroll and payment of bills listed on the invoice register dated August 7, 2019 – August 20, 2019.

By: Councilmember Dearden

Second: Councilmember Adams

Vote: Unanimous. Motion carried.

### Purchase Orders

- Purchase Order # 20-15 for \$14,350.00 payable to Fireworks America for purchase of 2020 July 4<sup>th</sup> fireworks.

MOTION: To approve purchase order # 20-15.

By: Councilmember Alldredge

Second: Councilmember Dearden

Vote: Unanimous. Motion carried.

49 Licenses and Permits

- 50 • Building Permit Application #19-30 for Robert and Ellen Tracy at 685 East 500 South  
51 for a new detached garage.
- 52 • Building Permit Application #19-34 for Justin Teeple at 460 West 300 South for a new  
53 storage shed.
- 54 • Building Permit Application #19-35 for Bill Gill at 210 South Main Street for a  
55 residential re-roof.
- 56 • Business License BL-1913, Fillmore Market, Inc. located at 375 South Main Street;  
57 owner, Terrell Seely. Business description includes grocery store.
- 58 • Business License BL-1915, Precision Tumbling located at 35 West Center Street;  
59 owner, Jamie Walton. Business description includes power tumbling classes.
- 60
- 61

62 **COMMUNICATIONS AND REQUESTS**

63

64 Robert Stevens – Discussion Regarding Storage Containers

65 Mr. Stevens wants to put a Conex storage container in his back yard. He resides in a rural  
66 residential zone, where storage containers are not allowed. The council informed him that the  
67 Planning Commission is still in the process of deciding which zones they should be allowed in.  
68 There has been a lot of discussion regarding storage containers and where they should be  
69 allowed and there are different opinions among both city and planning officials and the public.  
70 The Planning Commission will decide on an ordinance governing storage containers in the  
71 August 27, 2019 Planning Commission meeting and Mr. Stevens was encouraged to attend that  
72 meeting.

73

74 Evan Bell – Eagle Scout Project

75 Evan will be painting the Fillmore City Park letters in the North Park and clean up the area  
76 around it on August 31, 2019. Fillmore City approves of the project and will purchase up to  
77 \$350.00 of paint and supplies to help with the project.

78

79 Amending Fillmore City Fee Schedule Regarding Airport Tie-Down Fees

80 The Delta, Utah Airport is closed for an extended amount of time for runway construction and  
81 repairs. This is increasing the demand for aircraft to stay in Fillmore overnight. The current  
82 fee for an overnight tie-down is \$5.00 per night. Generally pilots do not require an extended  
83 stay, but in the rare cases such as a nearby airport closure they may need to stay for a longer  
84 period of time. The city would like to amend the fee schedule to introduce a monthly tie-down  
85 fee of \$100.00 for those pilots who enter into a long-term tie down agreement. There is  
86 currently a different rate between nightly and monthly for the hangar.

87

88 **PUBLIC COMMENT**

89

90

91 Steve Clement is concerned that he will need to leave the Apple Creek Farms RV Park based  
92 on rumors he has heard in the community. He has lived there for eight years and has kept his  
93 trailer looking nice. Mayor Holt explained that the city is not trying to shut down the RV park,

they are simply trying to enforce the city's zoning ordinances. Apple Creek Farms is not a mobile home park, it is an RV park. RV park ordinances do not allow for permanent structures to be added onto one's trailer or lot.

Rich Smith also expressed concern over the future of Apple Creek Farms RV Park. It was reiterated by Mayor Holt and members of the council that the city is not trying to remove anyone from the park, they are simply enforcing the city's zoning ordinances.

Dan Rowley asked when the hole will be filled in at 400 South and 100 East. Mr. Rowley suggested the city crew fill it in until the contractor can get the project completed.

## **BUSINESS**

### Resolution 19-13 Amending the Fillmore City General Fund Budget for the Fiscal Year 2019-2020.

The city council held a public hearing on August 6, 2019 regarding increasing the General Fund budget by \$13,000.00. This action must be adopted by the council by resolution.

MOTION: To adopt Resolution 19-13.  
By: Councilmember Mitchell  
Second: Councilmember Jenson  
Roll-Call Vote:  
Councilmember Jenson - Yes  
Councilmember Mitchell – Yes  
Councilmember Dearden – Yes  
Councilmember Adams - Yes  
Councilmember Alldredge - Yes  
Unanimous. Motion carried.

### Ordinance 19-07 Amending Chapter 11, Article 1 of the Fillmore City Municipal Code, Titled "Public Health and Safety", Pertaining to Nuisances

One section of the code regarding unlawful items reads, "...does not include commercial uses for which impound yards and repair shops are lawfully established." The proposed ordinance would strike this sentence from the current ordinance. One must have a state license to operate an impound yard.

MOTION: To strike Ordinance 19-07 as an agenda item with the understanding that this item may be revisited by the council.  
By: Councilmember Mitchell  
Second: Councilmember Adams  
Vote: Unanimous. Motion carried.

141 Greg Stewart Agreement for Public Defender Services for Cases Requiring Conflict Counsel

142  
143 MOTION: To accept the agreement between Fillmore City and Greg Stewart for  
144 public defender services for Justice Court cases requiring conflict  
145 counsel.

146 By: Councilmember Dearden

147 Second: Councilmember Adams

148 Vote: Unanimous. Motion carried.

149  
150 Asbestos Abatement of the Old Napa Building Located at 50 East 100 North

151 Two bids were received and presented to the council for consideration of removing the  
152 asbestos from the Old Napa building prior to its destruction. A-1 Abatement out of Salt Lake  
153 City submitted a bid amount of \$12,176.68. Eagle Environmental, Inc. out of North Salt Lake  
154 submitted a bid in the amount of \$12,878.00.

155  
156 MOTION: To accept the bid proposal to remove the asbestos from the Old Napa  
157 building located at 50 East 100 North from A-1 Abatement in the  
158 amount of \$12,176.68.

159 By: Councilmember Mitchell

160 Second: Councilmember Adams

161 Vote: Unanimous. Motion carried.

162  
163 Botanical, Cultural, and Recreational Sales & Use Tax (RAP Tax)

164 Councilmember Dearden proposed implementing a RAP tax that includes a 0.1% tax on city  
165 citizens' sales and use transactions. Revenue generated by a RAP tax is restricted by law to be  
166 used only for cultural, parks and recreation needs. Currently the city does not have a budget  
167 for recreation. This tax would provide budgeted income for such projects. Councilmember  
168 Dearden also stated that it would be beneficial to the council to have a budgeted amount of  
169 money for recreation projects and knowing how much would be available. In her conversations  
170 with other councilmembers, some councilmembers have expressed a concern in raising taxes.  
171 Councilmember Dearden stated that a large portion of the tax revenue will come from  
172 consumers' purchases off of Interstate 15 and from surrounding communities as it would be a  
173 sales and use tax and not a local property tax.

174  
175 Mike Winget stated that 0.1% is not a lot. Councilmember Mitchell stated that it is still one  
176 more tax. Councilmember Adams supports allowing Fillmore citizens to decide by voting on  
177 it. Every eight years, this tax would need to be voted on to continue by the voters, not the city  
178 council. Councilmember Alldredge stated that the public will likely not vote in favor of a new  
179 tax, no matter how big or small, if they are not well educated on the purpose of the tax and how  
180 their tax dollars will be spent. Specific projects should be identified and made known to the  
181 public.

182  
183 MOTION: To submit a written notice to Millard County of the intent to submit the  
184 opinion question to the residents of Fillmore regarding a vote to  
185 implement a RAP tax as described above in Fillmore City.

186 By: Councilmember Dearden

187 Second: Councilmember Adams

188           Vote:           3 to 2, majority in favor. Motion carried.  
189           Councilmember Jenson - No  
190           Councilmember Mitchell - No  
191           Councilmember Dearden – Yes  
192           Councilmember Adams – Yes  
193           Councilmember Alldredge - Yes

194

195

## COUNCIL REPORTS

196

197 Councilmember Mitchell

### **Parks**

- 199           • The water in the North Park is turned back on. The public works crew is repairing a  
200           couple of water leaks.

### **Sidewalks**

- 202           • A sidewalk located at 300 North 100 West needs repair.

203

204 Councilmember Mitchell

### **Streets**

- 206           • Pink Elephant Lane is scheduled to be chip sealed the week of September 16<sup>th</sup>.  
207           Councilmember Adams asked if the structure underneath the road should be inspected  
208           before more money is spent on it.  
209           • The new turn lane on the road north of the school bus barn is finished. The stop sign  
210           should be moved further away from the pavement and the painting of the lane and  
211           “STOP” still needs to be completed.

212

213 Councilmember Dearden

### **Other**

- 215           • According to nearby neighbors of the new storm drain on East Center Street, people  
216           have entered in the drain by bending the end grate bars and set off fireworks inside.  
217           This is a safety concern.  
218           • Councilmember Dearden thanked Councilmember Alldredge and the Sheriff Posse for  
219           their assistance with road closures and traffic control during the recent Luau event. It is  
220           estimated that 2,200 people attended the event. More people parked on top on the east  
221           end of the park than the previous event and that helped minimize the congestion on  
222           Main Street. Councilmember Dearden would like to see these types of events continue  
223           to take place as they are well appreciated by the community as a whole.  
224           • There is a large amount of weeds growing on the side of the street where the road goes  
225           in and out of the middle and elementary schools. There are also sections of asphalt  
226           breaking off the edge of the roads.

227

228 Councilmember Adams

### **Other**

- 230           • The codification process is complete. The final copy of the revision needs to be  
231           approved by the planning commission and then city council. At that point the city  
232           ordinances will be available to re-upload onto the city website.

- If the council is going to amend the personnel policy to allow for employees to work for Fillmore City who are not residents of the city, then an appropriate response time for on-call employees should be established and included in the policy.
- Councilmember Adams would like to see engineering plans for possible upgrades to the North Park to include sewer extension and sidewalk work, an additional restroom, and a pavilion at the top and east side of the hill on the east end of the park. If a ZAP tax is not approved by the voters then how will the city fund park/recreation expansions? One consideration would be to borrow from one of the city's enterprise funds.

Councilmember Alldredge

**Cemetery**

- The city will wait on issuing an additional request for proposal on extending the cemetery fence until an engineering study is completed that will show how the fence needs to be constructed. There are issues with locations of trees and where the roots are located in relation to where the fence would need to go.
- Councilmember Alldredge expressed appreciation to the public works crew for quickly repairing a water leak at the cemetery over the weekend.

Mayor Holt

- A citizen who assists the city by finding homes for dogs available for adoption from the pound also assists the public works department in taking care of and feeding dogs until they are adopted. The council will consider amending the dog fee policy to allow for compensation for feeding and training in the amount of \$20.00 per dog.
- A local business located at 575 West 100 North has accumulated a number of tires being stored on the property that exceeds State ordinance. Tina Mercer of the State of Utah Department of Environmental Quality (DEQ) encouraged the city to have the owner remove the tires. If they are not removed, the State DEQ will enforce removal of the tires.
- Lieutenant Governor Spencer Cox will be at the city offices on September 6<sup>th</sup> at 10:30 a.m. to discuss water rights in our region.

**ADJOURNMENT**

Upon motion by Councilmember Jenson and second by Councilmember Mitchell, the meeting adjourned at 9:16 p.m.

The next regular council meeting will be held September 3, 2019 at 6:30 p.m.

APPROVED September 3, 2019

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Michael D. Holt, Mayor