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 4th fireworks.

MOTION: To approve purchase order # 20-15.
By: Councilmember Alldredge
Second: Councilmember Dearden
Vote: Unanimous. Motion carried.

Licenses and Permits

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

COMMUNICATIONS AND REQUESTS

Robert Stevens – Discussion Regarding Storage Containers

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

Evan Bell – Eagle Scout Project

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

Amending Fillmore City Fee Schedule Regarding Airport Tie-Down Fees

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

PUBLIC COMMENT

Steve Clement is concerned that he will need to leave the Apple Creek Farms RV Park based on rumors he has heard in the community. He has lived there for eight years and has kept his 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

<u>Resolution 19-13 Amending the Fillmore City General Fund Budget for the Fiscal Year 2019-2020.</u>

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.

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

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.

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

MOTION: To accept the agreement between Fillmore City and Greg Stewart for public defender services for Justice Court cases requiring conflict counsel.
By: Councilmember Dearden
Second: Councilmember Adams
Vote: Unanimous. Motion carried.

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

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

MOTION: To accept the bid proposal to remove the asbestos from the Old Napa building located at 50 East 100 North from A-1 Abatement in the amount of $12,176.68.
By: Councilmember Mitchell
Second: Councilmember Adams
Vote: Unanimous. Motion carried.

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

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

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

MOTION: To submit a written notice to Millard County of the intent to submit the opinion question to the residents of Fillmore regarding a vote to implement a RAP tax as described above in Fillmore City.
By: Councilmember Dearden
Second: Councilmember Adams

Vote: 3 to 2, majority in favor. Motion carried.
Councilmember Jenson - No
Councilmember Mitchell - No
Councilmember Dearden – Yes
Councilmember Adams – Yes
Councilmember Alldredge - Yes

COUNCIL REPORTS

Councilmember Jenson

Parks

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

Sidewalks

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

Councilmember Mitchell

Streets

- Pink Elephant Lane is scheduled to be chip sealed the week of September 16th. Councilmember Adams asked if the structure underneath the road should be inspected before more money is spent on it.
- The new turn lane on the road north of the school bus barn is finished. The stop sign should be moved further away from the pavement and the painting of the lane and "STOP" still needs to be completed.

Councilmember Dearden

Other

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

Councilmember Adams

Other

- The codification process is complete. The final copy of the revision needs to be approved by the planning commission and then city council. At that point the city 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 near Steve's 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 6th 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 _____

Michael D. Holt, Mayor