

FILLMORE CITY COUNCIL MEETING

November 5, 2019

Minutes of the regular meeting of the Fillmore City Council held November 5, 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 November 1, 2019.

Those present were:

Mayor:	Michael D. Holt (excused)	Council:	Kami Dearden
Attorney:	Elise Harris		Ian E. Adams (Mayor Pro Tem)
Recorder:	Kevin Orton		Eric R. Jenson
			Jeffrey D. Mitchell
			Dennis W. Alldredge

Others: Michael Winget, George Lee, Paul Peckham, Shane Brunson, Jace Taylor, Robert Worley, Gabe Miller, and Rick Roberts.

6:30 p.m. Welcome and Pledge of Allegiance – Councilmember Adams
As appointed Mayor Pro Tem, Councilmember Adams excused Mayor Holt and conducted the meeting.

ADMINISTRATIVE BUSINESS

Minutes

MOTION: To accept the minutes from the October 15, 2019 council meeting as corrected.
By: Councilmember Mitchell
Second: Councilmember Alldredge
Vote: Unanimous. Motion carried.

Bills – Payroll

MOTION: To approve the October 31, 2019 payroll and payment of bills listed on the invoice register dated October 16, 2019 – November 5, 2019.
By: Councilmember Mitchell
Second: Councilmember Jenson
Vote: Unanimous. Motion carried.

49 **PUBLIC HEARING**

50
51 MOTION: To go into a public hearing at 6:45 p.m. to receive public comment
52 regarding the Community Development Block Grant program and
53 possible projects for which the city could apply to receive grant funding
54 for such projects.
55 By: Councilmember Mitchell
56 Second: Councilmember Jenson
57 Vote: Unanimous. Motion carried.
58

59 This is an initial public hearing to solicit ideas from the public. It is required by the Federal
60 Housing and Urban Development department for the city to hold this hearing. Councilmember
61 Adams asked the public for input on any ideas for projects. There is approximately \$550,000
62 available this year. No single entity is guaranteed to receive all the funds. Applications for
63 projects are ranked, and infrastructure projects are ranked higher than other types of projects.
64 Examples of projects eligible for funding include, but are not limited to, construction of public
65 works and facilities, e.g., water and sewer lines, fire stations, acquisition of real property, and
66 provision of public services such as food banks or homeless shelters. No one from the public
67 shared ideas for projects; however, councilmember Jenson discussed a need for water and
68 sewer infrastructure improvements. Councilmember Adams stated that there are also electric
69 infrastructure improvements that could also be considered for funding. Funding is not granted
70 for projects that are in the works or already completed.
71

72 MOTION: To go out of the public hearing at 6:49 p.m.
73 By: Councilmember Mitchell
74 Second: Councilmember Dearden
75 Vote: Unanimous. Motion carried.
76

77 Purchase Orders

- 78 • Purchase Order # 20-25 for \$45,882.50 payable to Sahara Motors, Inc for a new public
79 works truck.
80

81 MOTION: To table purchase order # 20-25.
82 By: Councilmember Mitchell
83 Second: Councilmember Alldredge
84 Vote: Unanimous. Motion carried.
85

86 Licenses and Permits

- 87 • Building Permit Application 19-39 for Art Burnah located at 710 Canyon Road for
88 construction of a new storage shed.
89 • Building Permit Application 19-43 for Zane Pentz located at 575 East 500 South, (Lot
90 10) for construction of a new home.
91 • Business License BL-1918, Turning Heads by Kell, located at 5 South Main Street;
92 Owner, Markell Penney. Business description includes beauty salon.
93

Councilmember Adams inquired as to why the building inspector frequently changes the estimated worth of construction on building permits. This change is sometimes increased from what was originally stated on the application. Attorney Harris stated that the estimated worth of construction is based on a square footage base figure, as explained to her by the city's contracted building inspector. There has not been a building valuation chart adopted by the city. If the city were to adopt such a chart, it would trump the figures that the city inspector is currently using to determine the estimated values on the applications.

PUBLIC COMMENT

No public comments.

COMMUNICATIONS AND REQUESTS

Fire Department Report – Chief Shane Brunson

There were only two calls in the month of October. One of those calls was a response to a homeowner throwing a tire into a fire pit. A meeting will be held on November 21st at the fire station to begin discussions regarding funding options available to the fire department for a new fire station. The council thanked the Fire Department for their service.

American Legion Post 61 Request Annual Maintenance Donation – Craig Bartholomew

Mr. Bartholomew expressed appreciation to the council for their support of the American Legion, especially the displaying of the flags in front of the Legion building and in the cemetery on Veterans Day. The donation goes towards hours of service of the honor and color guards at high school football games, school programs, and other activities. The American Legion also offers three scholarships to high school students annually as well as sending boys to Boy's State.

MOTION: To approve maintenance donation of \$1,500 to the American Legion Post 61.

By: Councilmember Mitchell

Second: Councilmember Dearden

Vote: Unanimous. Motion carried.

Annual Financial Audit Report for the Fiscal Year 2018-2019 – Kimball & Roberts

Total net position for the city increased \$342,345 for the budget year. There was a deficit of \$673,733 in the Capital Projects fund due to money being spent out of that fund for large projects over the past few years. The council needs to hold a public hearing as those funds will be transferred permanently from the Electric fund to the Capital Projects fund to retire the deficit.

Councilmember Mitchell asked if the city could refund money back to customers if the city ends the budget year with a substantial amount in the electric fund balance. Rick Roberts of Kimball & Roberts said that the city would need to find out the legalities of this kind of refund. Councilmember Adams stated that the council should be more aggressive in completing

enterprise fund projects. Completing such projects is one way to give back to the community. Gabe Miller of Kimball & Roberts suggested adjusting utility rates based on year-end fund balance amounts.

Discuss Funding Options for a Possible North Park Construction Project

Councilmember Adams stated that sufficient funds are available in the Electric fund to pay for North Park improvements. Fillmore City's financial position is far better than that of other comparable cities throughout Utah. He also mentioned that the council should transfer money from the Electric fund to pay for the project so that future councils are not tied to loan payments. He does not like the idea of a loan because enterprise fund loans are legally limited to ten years in length. A loan for a project with an estimated cost of \$1.3 million dollars would require an annual payment of approximately \$140,000 from the General fund to the Electric fund for the next ten years. The Electric fund has gained \$768,000 in unrestricted money over the last four years, and that includes replacing the entire Creamery substation that the city paid for without taking a loan. The total fund balance increase over the last four years for all three enterprise funds combined was \$1.7 million.

Councilmember Dearden agrees with Councilmember Adams in that the council should fund the project with the money in the enterprise funds. She has received feedback from the community during her time as a councilmember that there is an interest for the city to enhance their parks and playgrounds.

Councilmember Adams reiterated that this type of project should not be completed in stages over a long period of time and that the city public works crew would not be able to complete a project of this size. It would be better to complete all at once. He asked for other councilmembers' thoughts.

Councilmember Jenson reminded the council that infrastructure portions of the project should be funded out of the appropriate enterprise funds.

Councilmember Mitchell stated that this council has been talking about this for a while and it would be a nice project that would benefit the community and would be something they could definitely use.

BUSINESS

Annual Financial Audit Report for Fiscal Year 2018-2019

MOTION: To accept the annual financial audit report for the fiscal year 2018-2019 as presented by Kimball & Roberts.
By: Councilmember Dearden
Second: Councilmember Jenson
Vote: Unanimous. Motion carried.

187 CentraCom/Fillmore City Franchise Agreement Renewal

188 The most significant disconnect between the City and CentraCom during contract negotiations
189 had to do with the requirement of CentraCom to obtain a permit before doing any installation
190 or construction. Paul Peckham with CentraCom said this is problematic because they need
191 immediate access for emergencies, especially when it comes to fiber optic lines. Mr. Peckham
192 also stated that they usually follow the power company into a business or residential area, for
193 example they will place the line in the same trench next to the power line. There are times
194 when CentraCom will need to extend a line without following the power company. Because
195 the city doesn't require permits in these situations, it won't require CentraCom to get permits
196 prior to installing or maintaining cable or internet lines.

197
198
199 Councilmember Mitchell stated that there have been problems in the past with cable or internet
200 lines being placed in the way of where power lines should be. Councilmember Adams talked
201 about an instance where 200 feet of line was installed and after they left, about 500 feet of line
202 was left on the ground. They shared these instances to explain why the council may need
203 something in the Franchise Agreement to provide the city with a process and possible remedy
204 if problems occur in the future with lines being placed that interfere with city business.

205
206 Currently the city office contacts cable and internet companies to request their presence at all
207 pre-development meetings that are held before a project gets underway. The city is concerned
208 about instances where they are installing to simply one business or residence where such pre-
209 development meeting is not necessary to coordinate with other installers such as a power
210 company.

211
212 MOTION: To table until the next regularly scheduled city council meeting.
213 By: Councilmember Mitchell
214 Second: Councilmember Dearden
215 Vote: Unanimous. Motion carried.

216
217 Ordinance 19-08 Adopting Recodified Fillmore City Code

218
219 MOTION: To adopt Ordinance 19-09 to accept the recodified city code as
220 recodified by Sterling Codifiers.

221
222 By: Councilmember Alldredge
223 Second: Councilmember Dearden
224 Roll-Call Vote:
225 Councilmember Jenson – Yes
226 Councilmember Adams – Yes
227 Councilmember Dearden – Yes
228 Councilmember Alldredge – Yes
229 Councilmember Mitchell - Yes
230 Motion carried by majority vote in favor.

234
235
236
237 Jace Taylor Lot Line Adjustment
238

239 MOTION: To approve a lot line adjustment for Jace Taylor located at 495 South
240 200 East contingent upon the plat being filed with Millard County.
241 By: Councilmember Jenson
242 Second: Councilmember Dearden
243 Vote: Unanimous. Motion carried.
244

245 Special Event Permit Policy and Application

246 The issue that brought this discussion about is that business owners may try to apply for a
247 special event permit repeatedly when the use is not allowed according to their business license
248 and zone standards in which they operate their business. The council finds the proposed policy
249 to be too restrictive.
250

251 MOTION: To table indefinitely.
252 By: Councilmember Mitchell
253 Second: Councilmember Jenson
254 Vote: Councilmember Adams – No
255 Councilmember Alldredge – No
256 Councilmember Dearden – No
257 Councilmember Mitchell – Yes
258 Councilmember Jenson - Yes
259 Motion failed by a 2 to 3 vote.
260

261 Councilmember Adams stated that this council should address the issue and come up with at
262 least some information to help future councils to deal with it appropriately. Councilmember
263 Alldredge agrees that the council needs to come up with something to try and satisfy needs of
264 both the city and business owners.
265

266 MOTION: To table to allow for more time to revise the policy.
267 By: Councilmember Alldredge
268 Second: Councilmember Jenson
269 Vote: Councilmember Adams – Yes
270 Councilmember Alldredge – Yes
271 Councilmember Dearden – Yes
272 Councilmember Mitchell – No
273 Councilmember Jenson - Yes
274 Motion carried.
275

276 **COUNCIL REPORTS**
277

278 Councilmember Jenson

279 **Parks**

- 280 • The sewer has been maintained on the southwest corner of town.

281
282 Councilmember Mitchell

283 **Other**

- 284 • Councilmember Mitchell would like to explore the idea further of putting a limit on the
285 amount of money kept in the surplus fund balances in the city's enterprise funds.
286 Councilmember Adams agrees that the council could manage it better, however, he
287 does not see a need to establish an actual dollar amount limit.

288 Councilmember Dearden

289 **Library**

- 290 • There were over 400 people that attended the Halloween story walk. The library will
291 do a Christmas story walk this year.
292 • An application has been submitted to the State to receive grant funding to expand the
293 STEAM lab.

294 **Celebrations**

- 295 • The State POD building will be closed during the Christmas celebration event this year.
296 Hot cocoa and donuts will be served outside.
297

298 Councilmember Adams

299 **Justice Court**

- 300 • The speed trailer has been delivered to the city office. The trailer will gather data to
301 provide city officials information on where speeding problems occur in the city.
302 • In the month of October there were 41 traffic cases filed and 7 misdemeanor/infracton
303 cases filed.
304

305 Councilmember Alldredge

306 **Cemetery**

- 307 • Veterans Day is Monday so there will be a lot of visitors to the Cemetery. It will need
308 to be spruced up for the holiday.
309

310 Attorney Harris

- 311 • An item regarding a building inspection schedule should be added to the next agenda.
312
313

314 **ADJOURNMENT**

315
316 Upon motion by Councilmember Jenson and second by Councilmember Dearden, the meeting
317 adjourned at 9:42 p.m.
318

319 The next regular council meeting will be held November 19, 2019 at 6:30 p.m.
320
321

322
323 APPROVED November 19, 2019

324 _____
Michael D. Holt, Mayor