

FILLMORE CITY COUNCIL MEETING

June 16, 2020

Minutes of the regular meeting of the Fillmore City Council held June 16, 2020 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 June 12, 2020.

Those present were:

Mayor:	Michael D. Holt	Council:	Kami Dearden
Attorney:	Elise Harris		Kyle Monroe
Recorder:	Kevin Orton		Eric R. Jenson
			Michael B. Winget
			Dennis W. Alldredge

Others present were:

Brandon Bartholomew, Chad Imlay, Vicki Crosland, Doris Rasmussen, Charley Christensen, Brent Crosland, Jaren Larsen, Rob Clark, Richard Jacobson, Kathy Larsen, Sheri Stephensen, Ian Adams, Shane Brunson, Katy Beckstrand, Ephra Wilcox, Jay Wilcox, Julie Johnson, Stephanie Barton, Abe Johnson, Michelle Stevens, Kalia Christensen, Kim Draper, Rachae Sears, Hailey Roper, Rita Tanner, Randy and Ella Christensen, Eldon Frampton, Mike Rhinehart, Karilyn Shields, James Dearden, Mac Shields, Shannon Bennett, Pat Bennett, Jolynn Stevens, Christina Beckworth, Heather Bartholomew, Paul and Kayleen Kennington, Bob Womack, Rex and Kalani Mortensen, and Carson Watts.

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

ADMINISTRATIVE BUSINESS

Minutes

MOTION: To accept the minutes from the June 2, 2020 council meeting as written.
By: Councilmember Alldredge
Second: Councilmember Dearden
Vote: Unanimous. Motion carried.

Bills – Payroll

MOTION: To approve the June 15, 2020 payroll and payment of bills listed on the invoice register dated June 3, 2020 – June 16, 2020.
By: Councilmember Dearden
Second: Councilmember Jenson
Vote: Unanimous. Motion carried.

Licenses and Permits

- Building Permit Application 20-03 for Fillmore Community Hospital located at 674 South Highway 99 for interior renovation of medical pharmacy.

- Building Permit Application 20-13 for Kelly Shields located at 260 South 200 East for an addition of a deck to a residential dwelling.
- Building Permit Application 20-15 for Fillmore Market located at 375 South Main Street for building alterations and renovations.
- Building Permit Application 20-16 for Jay Jackson located at 290 South 100 East for home electrical repairs.
- Business License BL-2008, Vega Management, LLC; Owner, Giovanni Vega. Business description includes rental properties.
- Business License BL-2009, The Quays, LLC; Owner, Mandy Lazerson. Business description includes RV park and campground.
- Business License BL-2010, Beauty by Tanya; Owner, Tanya Munoz. Business description includes beautician.
- Business License BL-2011, Fill-More Fit; Owner, Josh Cranney. Business description includes fitness gym.

PUBLIC HEARING

MOTION: To go into a public hearing at 6:38 p.m. to receive public comment regarding a proposed loan of \$300,000 from the Electric Fund to the General fund for the purpose of completing the North Park expansion project. It is proposed that the funds will be paid back with future RAP tax revenues.

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

Councilmember Monroe reminded the public that \$1,000,000 was already transferred from the Electric Fund to the General Fund for the purpose of completing the project. Bids for the project exceeded the original \$1,000,000 budget so the council is proposing a loan in the amount \$300,000 to complete the entire project. Brent Crosland asked if contracts have been signed. No contracts have been signed as of today.

Councilmember Dearden explained that a bid opening for the project has already taken place. The original budget for the park was \$1,000,000, but the total bid ended up at \$1.3 million so the council is proposing a loan of \$300,000 to complete the project.

Vicki Crosland – Very few citizens that she has talked to were aware of the North Park project being discussed. She stated that there are three councilmembers who reside within one block of the proposed park, and that a new park will increase their property values. Mrs. Crosland said she thinks there may be a personal agenda going on by placing the park in the proposed location.

93 Mrs. Crosland stated that the public needs to have more information before the council decides
94 on something. Mayor Holt explained that the city advertised the original North Park expansion
95 public hearing by adhering to state public notice statutes. Mrs. Crosland stated that a few years
96 ago the Creamery electric substation was destroyed and if the City had not had the amount of
97 reserves in that fund that they did, it would have taken years to pay for the repairs. She said
98 the City should not use these funds for other projects so that the City will be able to pay for
99 similar emergency repairs should they happen again in the future. Mrs. Crosland is aware of
100 costly electric system upgrades that are planned for the next few years and stated that those
101 will cost millions to complete. Mrs. Crosland is concerned that the City's general fund tax
102 revenue may not be enough to pay back the loan to the electric fund because businesses are
103 closing or hurting due to COVID-19 and may not generate enough tax revenue.

104
105 Mrs. Crosland also stated that other cities around the State have had to raise rates drastically on
106 their utilities because they did not have money in their enterprise fund reserves. She is not in
107 favor of spending enterprise reserve funds for non-enterprise fund related projects.

108
109 Finally, Mrs. Crosland stated that the new park will not bring tourists into Fillmore and is
110 concerned about the amount of water that a new splash pad will use especially when the water
111 is not recirculated and will go down the drain into the sewer.

112
113 Bob Womack stated that the Millard County School District will be cutting funds to the
114 schools. He said that if money is going to be moved, it should be moved to the school district
115 and education to make sure that our kids are being properly educated.

116
117 Michelle Stevens is grateful that the council is considering another park in Fillmore. She
118 stated that it is a great idea and will give families and kids more to do here. She also said that
119 if Fillmore wants growth and people to move here, Fillmore needs to have things that will
120 make them want to move to Fillmore.

121
122 Patrick Bennett moved to Fillmore from Malad, Idaho where their citizens do not like change
123 and growth and so the city is dying. He said, today, you either improve or you die. He said
124 that this is a responsible plan and is in favor of it.

125
126 Stephanie Barton plans on using the pickleball courts. She said there are lots of reasons the
127 City should move forward with this park, one reason being that there are a lot of mental health
128 issues going on and it has been proven that getting outdoors helps reduce screen time for kids.
129 Ms. Barton supports the park and will do whatever to help it move forward.

130
131 Jaren Larsen asked the council if the money that has been transferred was done within all laws
132 and ordinances. Attorney Harris stated that yes, notice and hearing requirements have been
133 followed under state law. Mr. Larsen also asked if there will still be enough funds to take care
134 of emergencies. Councilmember Winget stated that yes, the council is making sure that a good
135 balance will be maintained in the City's funds. Councilmember Alldredge reminded everyone
136 that the money transferred this time will be paid back to the electric fund, and that they don't
137 want to drop below a \$5 million amount in unrestricted electric reserves, and that this is a good
138 way to give back to the community. Mr. Larsen likes what is going on and supports the

project. Mr. Larsen also asked if the City will be able to maintain two splash pads and offered to help maintain the current pad.

Brandon Bartholomew is not opposed to a new park but is opposed to the proposed location of it. He stated that there are only four crosswalks on Main Street and all schools are on the opposite side of Main Street as the location of the park. He said that a new park should be in the middle of town. When asked where Mr. Bartholomew thinks the new park should go near the softball fields. Mr. Bartholomew does not like that water from the proposed new splash pad in the park will be going straight into the sewer.

April Hutchins stated that Fillmore is becoming stagnant. She, like Councilmember Dearden, searches for parks when they leave town to take their kids to. She stated that when the swimming pool was being considered, many did not want it, and now many are grateful that we have it. It is important that our community moves forward.

Charley Christensen thinks the park would be a neat thing for our community but asked how the City plans to maintain it? He said that the City received an award for the North Park (as the best park in Utah) in the past, however, it would not receive such an award today. Funds for parks should be used to maintain and beautify the park that is already there.

Randy Christiansen lives in Fillmore and worked in Salt Lake and supports the park. He said that in Fillmore, there is always a small group that opposes everything the City tries to do and that causes stagnation. He also said that Fillmore needs to grow, and a new park would be a great addition to that growth. Mr. Christiansen stated that he has seen too many city councils fight growth.

Matthew Edrington grew up in a small town so coming to Fillmore feels like coming home in a way. Mr. Edrington thanked the council for trying to build the community because parks mean so much more than a place where kids can play. He said they are places where people can gather and get together. He went on to say that society is more disconnected now by trying to stay connected through social media.

Kim Draper is grateful to have moved to a community such as Fillmore that will give something great to them. In bigger cities where she moved from, she said parks are built mainly to increase property values, but here it is for the benefit of the community.

Kalani Mortensen is not opposed to parks but cannot understand why the City is adding a new park when they cannot keep existing parks nice. She said Fillmore should instead be rehabilitating our existing parks. Her kids do not want to go to our parks because they are not nice. Mrs. Mortenson would prefer to see the money go toward revising our current park plan instead of borrowing more money for a new one. Councilmember Dearden stated that the council is not opposed to considering other plans or ideas, and that not everyone is going to agree with what should be done. Mrs. Mortensen also stated that Millard is the driest county in Utah and that it is ridiculous to waste so much water on a new splash pad and does not want water rates to increase. Councilmember Alldredge explained that the reason for a proposed water rate increase has nothing to do with water usage in parks, but rather to upgrade an aging culinary infrastructure. Mrs. Mortensen and her husband are local business owners and see

businesses going under. She said the City should put money into local businesses instead of a new park.

Sally Sagers is in favor of the park and does not agree that no one uses the parks. In response to the previous comment, she said it is not the City's responsibility to financially help businesses.

Jacci Johnson stated that Delta's splash pad was built illegally and wants to make sure that this one will be legal and not a health concern.

Paul Kennington loves our parks and is grateful for the ones we have but agrees that there needs to be more maintenance and upkeep on the current ones. Mr. Kennington asked what infrastructure the \$1 million is paying for. Councilmember Alldredge explained that is it for grass, concrete, paving, restrooms, a volleyball court, and pickleball courts. The additional \$300,000 is to include the playground, splash pad and pavilion. The City tried to keep the whole project under \$1 million but the low bids came in at a total of \$1.3 million. If the council were to eliminate \$300,000 from the project, that would include major things such as the playground, restroom, splash pad, etc. If the community does not want everything included, the council can consider eliminating some things, but if the whole original park plan is wanted, then that is what the additional \$300,000 is for.

Brent Crosland is disappointed in the lack of advertising and notice for public hearings regarding the park. He said that maybe everyone else saw the advertisements and notices and is not saying that they were not noticed, but he did not see them nor was he aware of them. Mr. Crosland said there are other ways that they can be noticed such as posting at the post office or other businesses. Mayor Holt stated that the State legal requirements for noticing were met. Mr. Crosland asked if the council thinks that this proposed loan can be paid back with the RAP tax. The council does not know exactly what amount of RAP tax revenues will be received and has been told by the State tax commission that the estimated income is \$50,000 per year. Mr. Crosland believes that amount will be closer to \$30,000. Mr. Crosland is concerned about additional monies that will be needed to maintain a new park and that there does not appear to be a plan to maintain the current parks.

Amber Kelsey stated that without having things for people, Fillmore will not experience growth. She stated that if the City has regulation size baseball fields then they can host tournaments and in turn help businesses. Growth takes work and the community supporting it. Mrs. Kelsey stops at parks in other cities and puts money into their communities and others do the same for us.

Carsen Watts stated that it is a valid point that the RAP tax will be useful to help keep up the parks, but why can't we simply maintain what we already have or remove the baseball field and develop the lower section of the park and not the upper section. Passersby will not be able to see the new park if it is in the upper section. He also suggested using this amount of money to replace sidewalks in Fillmore. He believes putting all eggs in one basket is not a good idea. Mr. Watts wondered whether Fillmore was willing to take some time to look at plans and alternatives by putting the park plans on hold and see what happens with COVID-19. Councilmember Monroe explained that if the City waits, then costs will be higher later. Mr.

Watts also stated that IPP will lose three-fourths of its labor force, and that may significantly decrease tax revenues for the community. Mr. Watts thanked the council for allowing the public to speak and said that the large turnout shows that there is support but also concerns.

Doris Rasmussen expressed a concern that information regarding public hearings is not very accessible. Mrs. Rasmussen does not use social media or look at the City website. It was again suggested to use other forms of noticing to reach everyone.

MOTION: To go out of the public hearing at 8:55 p.m.

By: Councilmember Monroe

Second: Councilmember Winget

Vote: Unanimous. Motion carried.

COMMUNICATIONS AND REQUESTS

Utah Highway Patrol Report – Trooper Greg Kelsey, Chad Imlay (Dispatch Manager), and Sheriff Jacobson

A few local businesses have suggested to the council that they are not able to complete their business functions because of the actions of law enforcement officers, so Trooper Kelsey addressed that concern. The concern involves when a law enforcement officer can impound a vehicle. This is clearly stated in Utah State Law (UCA 41-6a-527, 41-6a-1406, and 41-1a-1101, and the list in the statute includes: DUI violations, driving with a measurable amount of a controlled substance violations, drivers violating ignition interlock restrictions, alcohol restricted drivers, speed contests or exhibitions, not-a-drop violations, driving while license is revoked for an alcohol related offense, operating a vehicle with no insurance, stolen and abandoned vehicles, operating on a highway with no/expired/failed registration, registration suspended/revoked, or involved in an accident but abandoned. Impounding vehicles makes it easier for tow companies to get rid of vehicles. Law enforcement agencies should not work for private companies; it is a better use of State money to work for the State by responding to public safety concerns. Dispatch typically uses an established rotation schedule for dispatching accidents. The Millard County Sheriff dispatch uses two wrecker rotations that are totally separate and are computer generated. Dispatch manager Chad Imlay reviewed for authenticity and concluded that rotations have not been altered or manipulated to favor one tow company or another. Everything is being done legally according to State requirements.

PUBLIC HEARING

MOTION: To go into a public hearing at 9:07 p.m. to receive public comment regarding the 2020-2021 fiscal year Fillmore City Operating Budgets.

By: Councilmember Monroe

Second: Councilmember Alldredge

Vote: Unanimous. Motion carried.

Recorder Orton presented the proposed budgets for the 2020-2021 fiscal year operating budgets. There was a public hearing held on June 2, 2020 where the tentative budgets were discussed, and public comment was received. The only change from the tentative fiscal year 2021 budgets that were adopted on June 2, 2020 was an increase in the General Fund budget from \$3,661,800 to \$3,701,600. The reason for the increase was that the City received more reliable revenue information as it relates to RAP tax and general sales tax projections for the 2021 fiscal year. The tentative revenue amounts were extremely conservative due to COVID-19 uncertainties, but the actual budget amounts are based on projections to show higher anticipated general fund tax revenues.

There were no comments from the public.

MOTION: To go out of the public hearing at 9:26 p.m.

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

Council Policy Review – Encroachment Policy

Attorney Harris reviewed the policy and stated that no legal changes are necessary. The policy only addresses encroachment requirements in the Commercial Zone.

BUSINESS

Resolution 19-16 Amending the Fillmore City Fee Schedule to Include Electric Impact Fees

MOTION: To table adoption of Resolution 19-16.

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

Resolution 20-10 Approving the Fiscal Year 2020-2021 Fillmore City Operation Budgets

MOTION: To adopt Resolution 20-10 adopting the operating budgets and appropriating funds for expenditures of the various funds of the City of Fillmore for the fiscal year ending June 30, 2021. The word “tentative” to be deleted from the resolution where it states the certified tax rate for the budget year.

By: Councilmember Monroe
Second: Councilmember Dearden
Roll Call Vote:
Councilmember Jenson – Yes
Councilmember Winget – Yes

Councilmember Alldredge – Yes
Councilmember Dearden – Yes
Councilmember Monroe - Yes
Unanimous. Motion carried.

Resolution 20-11 Approving the Consumer Confidence Report for 2019 (Drinking Water)

MOTION: To adopt Resolution 20-11 approving the Consumer Confidence Report for 2019 as presented.

By: Councilmember Dearden

Second: Councilmember Winget

Roll Call Vote:

Councilmember Jenson – Yes
Councilmember Winget – Yes
Councilmember Alldredge – Yes
Councilmember Dearden – Yes
Councilmember Monroe - Yes
Unanimous. Motion carried.

COUNCIL REPORTS

Councilmember Monroe

Celebrations

- The Moana movie showing last Friday night was well attended. The next movie showing will be on July 2nd.
- The council may want to consider adopting a new social media policy. This will set forth rules as to what can be posted to City websites and who can administer them.
- The fireworks show is ready to go for the 4th of July celebration.

Sewer

- The Sewer extension project on 100 East and at the airport is moving forward nicely. The contractor for this project is doing a great job.

Other

- Contingencies should be included in the easement for the roadway leading to the Creamery substation to include 40 to 45 feet of new road that will go through the private owner's existing fence.

Councilmember Dearden

Other

- There have been numerous requests to construct a new restroom at the cemetery. Until one is constructed, a long-term rental port-a-potty should be placed in the cemetery. Sewer and power have already been installed to the cemetery.

Streets

- UDOT is working on a solution to make the intersection between the frontage road and Highway 99 in front of Maverik safer.

373 Councilmember Alldredge

374 **Water**

- 375 • A meeting will be held on June 30, 2020 with Mayor Holt, Councilmembers Alldredge
376 and Jenson, and city staff members to discuss water rates and possible increases for the
377 2021 fiscal year. Regardless of whether or not the council proceeds with completing a
378 major water improvement project on the west side of the city to replace aging pipes
379 (and increasing the size of some pipes to improve pressure), rate changes will be
380 considered due to the Water Fund operating in the red over the last two fiscal years.

381 **Electric**

- 382 • Capacity of the Airport substation is less than the capacity of the Creamery substation.
383 The Airport substation may get to full capacity once anticipated new businesses
384 complete construction of new facilities. The two substations need to be looped together
385 to ensure uninterrupted power service if one substation malfunctions.

386
387 Councilmember Winget

- 388 • No report

389
390 Councilmember Jenson

- 391 • No report

392
393 Mayor Holt

- 394 • A utility customer has not made an impact fee payment in three years and wants to
395 know if the council will consider waiving some of the resulting penalty fees. The
396 council asked Mayor Holt to provide additional information before they decide.
397 Councilmember Dearden is leaning towards not waiving those penalties so as not to set
398 a precedence that would be contrary to city policies.

399
400 Attorney Harris

401 The council cannot approve a resolution authorizing an interfund loan until they discuss their
402 findings from the public hearing held earlier this meeting. During the council discussion the
403 following points were made:

- 404 • Councilmember Monroe – there was a lot of good debate among the public and it
405 appeared that more people who attended support the new park than are opposed to it.
406 The council should consider changes to the project to try and reduce costs.
- 407 • Councilmember Dearden – there were several concerns from the public regarding the
408 amount of water usage associated with a new splash pad. The City should complete the
409 whole project all at once, but should the splash pad be eliminated from the plans?
- 410 • Councilmember Winget – more people seem to be in favor of the park than those who
411 are opposed.
- 412 • Councilmember Alldredge – is a new splash pad really needed, and how much would it
413 get used? The public overall made a good point on the water usage concerns. Many
414 who were in favor of the project also said that they would like to see more attention
415 given to the existing parks.
- 416 • Councilmember Jenson – a splash pad is not needed in the new park because the city
417 already has one.

- Councilmember Monroe – City should include the splash pad in the project because the existing splash pad is underutilized. Citizens have expressed to him that they would like a “one-stop” park that includes everything in one location.

ADJOURNMENT

Upon motion by Councilmember Dearden and second by Councilmember Winget, the meeting adjourned at 10:24 p.m.

The next regular council meeting will be held July 7, 2020 at 6:30 p.m.

APPROVED July 7, 2020

Michael D. Holt, Mayor