

FILLMORE CITY COUNCIL MEETING

May 18, 2021

Minutes of the regular meeting of the Fillmore City Council held May 18, 2021 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 May 14, 2021.

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:

Charley Christensen, Gerald Van Deusen, ChrisAnn Jenson, Ian Adams, Vicki Crosland, Emily Frisby, Brandon Bartholomew, Lisa Barber, Matt Haupt, Dan Rowley, Terry and Takako Scottorn, Brent and Debra Jackson, Katy Beckstrand, and Bruce Robison and Vickie Mitchell.

6:30 p.m. Welcome by Mayor Holt.

ADMINISTRATIVE BUSINESS

Minutes

MOTION: To accept the meeting minutes from the May 4, 2021 council meeting, as written.

By: Councilmember Jenson

Second: Councilmember Winget

Vote: Unanimous. Motion carried.

Bills – Payroll

MOTION: To approve the May 15, 2021 payroll and payment of bills listed on the invoice register dated May 5, 2021 – May 18, 2021.

By: Councilmember Monroe

Second: Councilmember Dearden

Vote: Unanimous. Motion carried.

Licenses and Permits

- Building Permit Application 21-05 for Glen Overton located at 895 South 1100 West for installing new windows and doors, running electrical to rental rooms, and repairing fire damage.

- Business License Application BL2108 for DeniAnn Whitaker, Owner; DeniAnn Whitaker, Business Description includes cosmetology, hair styling and nails.
- Electrical Permit EL2103 for Chance Sylvester at 220 North 100 West to install a new meter box.

PUBLIC HEARINGS

MOTION: To go into a public hearing at 6:44 p.m. for the purpose of receiving public comment concerning a proposed simple lot subdivision for Marc Caldwell located at 340 West 100 South.

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

Councilmember Jenson explained that the Caldwell's are splitting the property and building a new home on the west side of the property before the existing building is torn down. Mayor Holt asked for comments from the public. No public comments.

MOTION: To go out of the public hearing at 6:44 p.m. and go into another public hearing for the purpose of receiving public comment concerning a proposed street vacation for Phillip Robison located at 280 South 300 East.

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

Vicki Mitchell stated that this was her father's property. Millard County records show that this road was never vacated. Ms. Mitchell cannot sell the property with a road in the middle of it, and she would like to sell the whole property as one piece. Ms. Mitchell will need to provide a legal description of the property to be recorded with Millard County.

MOTION: To go out of the public hearing at 7:18 p.m. and go into another public hearing for the purpose of receiving public comment concerning vacation of a street going through the following parcels: Approximately 100 feet by 66 six feet of future street, a portion of which is designated and shown on the County Recorder's plat as future street, located at approximately 340 South 550 East, the east 33 feet located at the southwest corner of the Mountain View Subdivision and the west 33 feet located at the southeast corner of the Smith Canyon Subdivision.

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

Attorney Harris explained that because this roadway was dedicated to the city and is now being vacated, it automatically gets split down the middle when dividing the property to go to the adjacent landowners.

94 MOTION: To go out of the public hearing at 7:36 p.m. and go into another public
95 hearing for the purpose of receiving public comment concerning a
96 proposal to increase culinary water rates.

97 By: Councilmember Monroe

98 Second: Councilmember Jenson

99 Vote: Unanimous. Motion carried.

100
101 Vicki Crosland is in favor of raising water rates because they have not been raised in years.
102 Ms. Crosland is concerned about how much her bill may increase, and explained that in 2018,
103 she paid \$658 in water bills over the summer months, \$583 in the summer of 2019, and last
104 year she paid \$802. Ms. Crosland was also concerned that the base water rate would end up at
105 \$60.00, however, Councilmember Alldredge explained that this rate increase schedule is
106 proposing to raise the base rate by \$1.00 every year for ten years, so the base rate will end up at
107 \$38.50 after ten years. Ms. Crosland asked about the increase on her future overage charges.
108 The council encouraged the public to visit or call the city office and they can assist in
109 determining what the new rate increases will look like for a specific water customer.

110
111 Ms. Crosland asked if the city is paying for some of the golf course water every year, and if
112 that will change. Mayor Holt stated that this will be an ongoing discussion among the council
113 soon.

114
115 Ms. Crosland asked about infrastructure at the north end community reinvestment area project.
116 Mayor Holt stated that all infrastructure to that project will be funded by the developers.

117
118 Ian Adams thanked the council for their service. Mr. Adams asked what the future water
119 projects that are driving the need for this increase. Councilmember Alldredge explained that
120 this year the city is upgrading the pumphouse wells. In fiscal year 2022, the city plans on
121 adding a new water tank that is estimated to cost \$1,900,000. In fiscal year 2023, several
122 pressure valves will be replaced that have an estimated cost of \$200,000. In fiscal year 2024, a
123 booster station sand separator will be added that has an estimated cost of \$100,000. In fiscal
124 year 2027, cast iron water pipelines will be replaced costing an estimated \$4,900,000. The
125 council believes that increasing rates gradually to cover these expenses is preferable to doing a
126 large increase all at once.

127
128 MOTION: To go out of the public hearing at 8:05 p.m.

129 By: Councilmember Winget

130 Second: Councilmember Jenson

131 Vote: Unanimous. Motion carried.

COMMUNICATIONS AND REQUESTS

2021 ATV Jamboree Donation Request – Charley Christensen

Ms. Christenson stated that any donations from the city will be used to advertise the event and to place welcome signs on each end of town.

MOTION: To approve a \$500.00 donation to the 2021 ATV National ATV Jamboree.

By: Councilmember Alldredge

Second: Councilmember Winget

Vote: Unanimous. Motion carried.

Discuss City Dog Ordinance – Emily Frisby

Ms. Frisby had an incident with her dogs where the city dog ordinance requires the dogs be removed from city limits to avoid having them put down. The current city dog ordinance is very “black and white” in terms of deeming a dog vicious. If a dog is deemed vicious, then the ordinance is clear that the dog cannot stay in Fillmore. Ms. Frisby asked the council to consider amending the Fillmore City dog ordinance so that it may allow for dog owners to get their dogs back when they have been involved in an incident where the dog really is not a vicious dog but does something that makes it a vicious dog according to the ordinance. Ms. Frisby stated that her dogs are not vicious and in this case they played too hard with the animal to where it was injured enough that the owner had to put it down. Ms. Frisby added that the code should be amended to allow for a judge to have more discretion to decide whether a dog was acting viciously when a case goes to court. Currently the code does not allow such discretion.

Public Works Director Matt Haupt stated that unfortunately the dogs were off their leashes and off their own property. Whether the dogs are friendly or not, the fact remains that an attack did take place and the animal had to be put down, so in this case, he would have deemed the dogs vicious had he been the animal control officer handling the incident. With that, the animal control or law enforcement officers only follow the code, but the final decision lies with the court system.

Councilmember Dearden stated that responsible dog owners can have things happen that are beyond their control (such as have a tall fence, shock collar, neighbor opening your gate without your knowledge, etc) and the dog still gets out. In these cases, the courts should be able to consider those situations and then deem a dog not vicious.

A citizen stated that insurance companies don’t care what or how a dog incident happens, they pay out a lot of money in claims, so the bottom line is that when you are a dog owner, you are responsible for what your dog does, period.

Following further discussion and opinions on the matter, it was determined that the council will need to continue considering whether the ordinance should be amended to allow for more discretion from the courts regarding deeming a dog vicious.

188 **BUSINESS**

189
190 Simple Lot Subdivision for Marc Caldwell at 340 West 350 East

191
192 MOTION: To approve a simple lot subdivision for Marc Caldwell at approximately
193 340 West 350 East.
194 By: Councilmember Alldredge
195 Second: Councilmember Dearden
196 Vote: Unanimous. Motion carried.
197
198
199
200
201
202

203 Vacate Dedicated Streets Located at 270 South Between 300 East and 350 East, and 350 East
204 from 270 South to 240 South

205
206 MOTION: To table to allow Vicki Mitchell to provide a legal description for the
207 street to be vacated.
208 By: Councilmember Alldredge
209 Second: Councilmember Winget
210 Vote: Unanimous. Motion carried.
211

212 Resolution 21-07 Amending Parks Policy to Not Include the Upper Section of the North Park
213 for Reservation of Facilities

214
215 MOTION: To adopt Resolution 21-07.
216 By: Councilmember Dearden
217 Second: Councilmember Winget
218 Roll-Call Vote:
219 Councilmember Jenson - Yes
220 Councilmember Winget - Yes
221 Councilmember Alldredge - Yes
222 Councilmember Dearden - Yes
223 Councilmember Monroe - Yes
224 Unanimous. Motion carried.
225

226 Resolution 21-08 Amending Culinary Water Rates

227 The current 10% surcharge for citizens residing outside of Fillmore City limits will be
228 removed. Councilmember Monroe expressed a concern and an objection to starting the
229 overage charges after 5,000 gallons are used in a month and would prefer to have the overage
230 charges begin after the first 10,000 gallons are used in a month. Councilmember Alldredge
231 stated that the city is trying to be the least intrusive on the water rate payors while continuing
232 to build enough funds to pay for future project costs. Councilmember Jenson stated that he
233 does not like raising rates, but sees the need due to rising costs of maintaining the system.
234

235 MOTION: To adopt Resolution 21-08.
236 By: Councilmember Dearden
237 Second: Councilmember Winget
238 Roll-Call Vote:
239 Councilmember Jenson - Yes
240 Councilmember Winget - Yes
241 Councilmember Alldredge - Yes
242 Councilmember Dearden - Yes
243 Councilmember Monroe - No
244 Motion carried.
245
246
247
248

249 Memorandum of Understanding for Election Services Between Millard County and Fillmore
250 City

251
252 MOTION: To approve Memorandum of Understanding for Election Services
253 Between Millard County and Fillmore City.
254 By: Councilmember Dearden
255 Second: Councilmember Winget
256 Vote: Unanimous. Motion carried.
257

258 Ordinance 21-06 to Vacate a Future Street Located at Approximately 270 South Between 300
259 East and 350 East, and 350 East from 270 South to 240 South

260
261 MOTION: To table until a legal description is provided and recorded with Millard
262 County.
263 By: Councilmember Alldredge
264 Second: Councilmember Dearden
265 Vote: Unanimous. Motion carried.
266

267 Ordinance 21-07 Planning Commission Recommendation to Vacate a Future Street Located at
268 Approximately 340 South 550 East Between the Southeast Corner of the Smith's Canyon Road
269 Subdivision and the Southwest Corner of the Mountain View Subdivision

270
271 MOTION: To table to allow for time to gather additional information.
272 By: Councilmember Jenson
273 Second: Councilmember Winget
274 Vote: Unanimous. Motion carried.
275
276
277
278
279
280

281

COUNCIL REPORTS

282
283 Councilmember Monroe

284 **Garbage/Landfill**

- 285 • Millard County is asking the city to purchase a track loader at a cost of \$300,000 and to
286 cover wages for the employee that would be manning the landfill for however many
287 days the city decides it needs to be opened each week. Fillmore City does not have a
288 landfill budget because no revenue is collected by the city for the landfill.

289 **Celebrations/Other**

- 290 • The committee is planning this year's 4th of July event. A permit application is being
291 submitted to UDOT to be able to hold part of the parade on Main Street.
292 • There is some interest in the community to hold a farmers' market at the North Park
293 during the summer months.

294
295 Councilmember Dearden

296 **Cemetery**

- 297 • The new restrooms for the cemetery will arrive and be installed Friday of this week.
298 Trash cans will be installed at the new restrooms.

299
300 Councilmember Alldredge

301 **Other**

- 302 • Councilmember Alldredge discussed a citizen concern regarding the office being closed
303 on Friday afternoon as it relates to being able to pay utility bills on time. If the 15th
304 falls on a weekend, citizens can still pay their bill on the following Monday without
305 incurring a late fee.

306
307 Councilmember Winget

308 **Other**

- 309 • Prime Powersports would like the city to pave the north side of their new building on
310 Main Street.

311
312 Councilmember Jenson

313 **Fire Department**

- 314 • The fire department was busy Sunday morning responding to an accident where a semi-
315 truck ran off the Interstate near the north exit and landed on the road under the
316 overpass. Later that same day they responded to a rollover accident further south on
317 the Interstate.

318
319 Mayor Holt

- 320 • Love's Travel Stops has broken ground on the southwest corner of the south Interstate
321 15 exchange and plans to have the new truck stop completed by December of this year.
322 • UDOT is re-structuring the "triangle" intersection in between the frontage road and
323 Maverick to make that a safer intersection.

324
325
326
327
328 **ADJOURNMENT**

329
330
331
332
333
334
335
336
337
338

Upon motion by Councilmember Monroe and second by Councilmember Jenson, the meeting adjourned at 9:51 p.m.

The next regular council meeting will be held June 1, 2021 at 6:30 p.m.

APPROVED June 1, 2021

Michael D. Holt, Mayor