

FILLMORE CITY COUNCIL MEETING

November 16, 2021

Minutes of the regular meeting of the Fillmore City Council held November 16, 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 November 12, 2021.

Those present were:

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

Others present were:

Terry Messersmith, Tammy Messersmith, Eben Leatham, Dan Rowley, Matt Ward, Curt Hare, and Lauri Mathews

6:30 p.m. Welcome by Mayor Holt.
Mayor Holt excused Councilmember Dearden

ADMINISTRATIVE BUSINESS

Minutes

MOTION: To accept the meeting minutes from the November 2, 2021 council meeting, as amended.
By: Councilmember Monroe
Second: Councilmember Jenson
Vote: Unanimous. Motion carried.

Bills – Payroll

MOTION: To approve the November 15, 2021 payroll and payment of bills listed on the invoice register dated November 3, 2021 – November 16, 2021.
By: Councilmember Jenson
Second: Councilmember Winget
Vote: Unanimous. Motion carried.

Purchase Orders

MOTION: To approve Purchase Order 22-34 in the amount of \$20,200 payable to Sunrise Engineering, Inc for the new cemetery tank project design engineering services.
By: Councilmember Alldredge
Second: Councilmember Monroe
Vote: Unanimous. Motion carried.

49 Licenses and Permits

- 50 • Building Permit Application 21-47 for Robert and Renee Davies located at 150 East
51 100 North, for construction of a new detached garage.
52 • Building Permit Application 21-51 for Marc Caldwell located at 350 West 100 South,
53 for construction of a new home.
54 • Building Permit Application 21-49 for Great Lakes Cheese located at 780 West 1400
55 South, for repair work on an interior wall within the food processing facility.
56

57
58 **PUBLIC HEARING**
59

60 MOTION: To go into a public hearing at 6:41 p.m. for the purpose of receiving
61 public comment concerning combining two lots (F-22 and F-21-1) for
62 Joe Ashman located at approximately 40 West 500 South.

63 By: Councilmember Winget
64 Second: Councilmember Alldredge
65 Vote: Unanimous. Motion carried.
66

67 No public comments.
68

69 MOTION: To go out of the public hearing at 6:43 p.m. and into another public
70 hearing for the purpose of receiving public comment concerning a
71 proposed simple lot subdivision for Terry Messersmith located at
72 approximately 500 North 200 East.

73 By: Councilmember Winget
74 Second: Councilmember Jenson
75 Vote: Unanimous. Motion carried.
76

77 No public comments.
78

79 MOTION: To go out of the public hearing at 6:44 p.m.

80 By: Councilmember Jenson
81 Second: Councilmember Alldredge
82 Vote: Unanimous. Motion carried.
83

84
85 **COMMUNICATIONS AND REQUESTS**
86

87 Eban Leatham – Discuss Utility Service to Second Dwelling on One Property

88 Mr. Leatham received authorization to subdivide a lot at 90 South 200 West a couple of
89 months ago. Mr. Leatham stated that the lot cannot be split yet due to a loan outstanding on
90 the whole single lot to be divided. He plans on dividing the lots, but until then, he is seeking
91 permission to build a modular home on one of the existing lots with its own water meter before
92 the lot is split. The city code does not allow for two structures with their own separate utility
93 meters on one lot. Mayor Holt will do more research and get back to Mr. Leatham with any
94 possible solutions.

95 **BUSINESS**

96
97 Combine Lots F-22 and F-21-1 for Joe Ashman Located at Approximately 40 West 500 South

98
99 MOTION: To accept Planning Commission recommendation to combine the two
100 lots into one.

101 By: Councilmember Alldredge

102 Second: Councilmember Jenson

103 Vote: Unanimous. Motion carried.

104
105 Simple Lot Subdivision for Terry Messersmith Located at Approximately 550 North 200 East

106
107 MOTION: To accept Planning Commission recommendation to approve a simple
108 lot subdivision for Terry Messersmith located at approximately 550
109 North 200 East, and to ratify approval from the November 2, 2021 city
110 council meeting to approve Fillmore City as co-applicant to Terry
111 Messersmith for a proposed zone change in this area.

112 By: Councilmember Alldredge

113 Second: Councilmember Monroe

114 Vote: Unanimous. Motion carried.

115
116 Ordinance 21-19 Amending the Fillmore City Personnel Policy Regarding Post-Retiree
117 Benefits

118 The amendment in this proposed ordinance gives the early retiree the option to either have the
119 city pay for their single-coverage insurance premium or accept payout for their accrued unused
120 vacation and sick leave. The city will not pay both to an early retiree.

121
122 MOTION: To adopt Ordinance 21-19 contingent upon approval of this ordinance
123 by the Public Employees Health Plan (PEHP) legal council approval.

124 By: Councilmember Winget

125 Second: Councilmember Monroe

126 Roll-Call Vote:

127 Councilmember Jenson – Yes

128 Councilmember Winget – Yes

129 Councilmember Alldredge – Yes

130 Councilmember Dearden – Absent

131 Councilmember Monroe - Yes

132 Unanimous. Motion carried.

133
134
135 **COUNCIL REPORTS**

136
137 Councilmember Monroe
138 **Garbage/Landfill**

- 139 • The Millard County Commission has asked the city council to decide what days they
140 want to keep the landfill open, and once that is decided, the county will decide if they
141 can help fund it. Some local contractors have expressed a willingness to pay a

reasonable amount to help keep the landfill open. Councilmember Monroe stated that the easiest solution may be to impose fees that are not impact fees while using the county rate schedule. Councilmember Monroe further stated that an account needs to be set up (before agreeing to anything), that would ensure revenues for the Fillmore landfill would be only associated to the Fillmore landfill. Councilmember Monroe has assured the county commission that the city will do whatever they can to help with the landfill once the city council is presented with how the county can subsidize landfill operations and be assured that the account is set up to ensure that revenues stay tied to the Fillmore landfill. Councilmember Alldredge stated that in the last county commission meeting he attended, it was stated by county commissioners that Fillmore City does not pay their bills to the county. Councilmember Alldredge helped them to understand that Fillmore City pays all their bills and will not pay any bill for which there is not an agreement entered into by both entities. Councilmember Monroe reminded everyone that the landfill belongs to Millard County and that their name is on the permit to operate the landfill. There remains no agreement in place stating who pays what in terms of operating the landfill.

Councilmember Alldredge

Water

- Councilmember Alldredge reviewed landowner negotiations that are currently underway regarding the new cemetery water tank project.
- There is one more water pumphouse that needs to be reconstructed and Councilmember Alldredge would like to see construction begin by February of 2022. It may also need to be redesigned.

Electric

- Senate Bill 2002 passed overwhelmingly. Eric Larsen (Fillmore City's liaison between Fillmore City and UAMPS) assured Councilmember Alldredge that no matter what happens because of this bill passing, UAMPS and the city will work it all out in the long run, it just may take more time to put power contracts and agreements in place. Matt Ward stated that he has a problem with this and that he feels that the public has not heard the whole story on this and that some information is being withheld.

Councilmember Winget

Law Enforcement

- Councilmember Winget asked the Millard County Sheriff to increase traffic law enforcement within city limits.
- There were nearly double the number of justice court cases in November than in October.

Councilmember Jenson

- No report

Mayor Holt

- Fillmore City asked the Community Impact Board (CIB) earlier this month for a grant amount of \$3 million and loan amount of \$750,000 to help fund construction of a new fire station in Fillmore. CIB extended an offer of the inverse of this request, specifically, \$3 million loan (at 1% interest) amount and \$750,000 as a grant amount.

189 The CIB funding meeting will be held in February of 2022. The fire department will
190 find out how much the Fire District would be willing to help fund on this project before
191 the city returns to the funding meeting in February.

192
193
194 **Closed Executive Session**
195

196 MOTION: To go into a closed executive session at 7:52 p.m. to discuss pending or
197 reasonably imminent litigation as described in Subsection 52-4-
198 205(1)(d) of Utah Code Annotated. Those asked to attend the closed
199 session in addition to Mayor Holt and all councilmembers were Attorney
200 Harris and Recorder Orton. Councilmembers Alldredge, Monroe,
201 Winget and Jenson all voted yes.
202

203 By: Councilmember Monroe
204 Second: Councilmember Jenson
205 Vote: Unanimous. Motion carried.
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207 The council returned to the open session at 8:16 p.m.
208
209

210 **ADJOURNMENT**
211

212 Upon motion by Councilmember Winget and second by Councilmember Monroe, the meeting
213 adjourned at 8:18 p.m.
214

215 The next regular council meeting will be held December 7, 2021 at 6:30 p.m.
216
217

218 APPROVED December 7, 2021

219 Michael D. Holt, Mayor