

FILLMORE CITY COUNCIL MEETING

July 19, 2022

Minutes of the regular meeting of the Fillmore City Council held July 19, 2022 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 July 15, 2022.

Those present were:

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

Others present were: Trevor Johnson, Robert Worley, Mike Louder, Japheth McGee, Lindsay Williams, Jonathan Munoz, Zach Jacobson, Deyanira Diaz, Bevan Johnson, Jim Young, Kris Ewert, Sheri Beckstrand, Matt Ward, and Dan Rowley.

6:30 p.m. Welcome by Mayor Holt and pledge of allegiance.

ADMINISTRATIVE BUSINESS

Minutes

MOTION: To accept the meeting minutes from the July 5, 2022 council meeting, as corrected.

By: Councilmember Jenson

Second: Councilmember Winget

Vote: Unanimous. Motion carried.

Payroll and Bills

MOTION: To approve the payment of bills listed on the invoice register dated July 6, 2022 – July 19, 2022 and payroll dated July 15, 2022.

By: Councilmember Monroe

Second: Councilmember Alldredge

Vote: Unanimous. Motion carried.

Licenses and Permits

- Building Permit Application 22-16 for Jesse Durant located at 345 North 200 West, for a new awning addition to an existing dwelling.
- Building Permit Application 22-17 for Jon Scottorn located at 60 West 300 North, for construction of a new home.

- Building Permit Application 22-15 for Joe Flynn located at 15 South 100 East, for electrical repairs to an existing dwelling.
- Building Permit Application 22-20 for Jonathan Bassett located at 320 Highland Avenue, for construction of a new accessory building next to an existing dwelling.
- Building Permit Application 22-19 for Sandrock Ridge Construction, LLC, located at 660 East 500 South, for construction of a new home.
- Business License Application BL2224 for Crazy Dayz Party Rentals, Owner: Trisha Foster. Business description includes rentals and music DJ services for parties and events.

PUBLIC HEARING

MOTION: To go into a public hearing at 6:36 p.m. to receive public comment regarding amending the Fillmore City municipal code to allow increasing the height requirements for buildings from 45 feet to 75 feet in the Industrial Zone.

By: Councilmember Winget

Second: Councilmember Hare

Vote: Unanimous. Motion carried.

Robert Worley asked if fire suppression would be a concern with this proposed amendment. Attorney Harris explained that the amended code will contain language to state that buildings will require approval from the Fillmore Fire Department before they can obtain a building permit in order to evaluate fire suppression ability.

MOTION: To go out of the public hearing at 6:38 p.m.

By: Councilmember Jenson

Second: Councilmember Winget

Vote: Unanimous. Motion carried.

COMMUNICATIONS AND REQUESTS

Introduction by Johnny Munoz who is Running for Millard County Commissioner

Mr. Munoz has recently been going door-to-door in Millard County to personally meet as many citizens as possible. Mr. Munoz grew up in Millard County and attended Millard High School and has been actively involved in the community. Mr. Munoz stated that he has an ability to fight for the people, and his only intention in running for County Commission is to do what is best for the citizens in the community. Businesses, such as Café Rio and a highly rated surgical clinic, have been approached by Mr. Munoz to see if they would like to do their business in Millard County. Both businesses have endorsed Mr. Munoz in his campaign. The County Commission should find ways to increase value in the community with the County's funds as opposed to carelessly spending those funds. Mr. Munoz seeks out people who are smarter and more experienced than him and seeks their advice when faced with big decisions.

92 Discussion Regarding Culinary Water Subsidies Agreements for Paradise Golf Course

93 Mayor Holt explained the need to explore water subsidy options for the Paradise Golf Course
94 because of the continually increasing concern about the ongoing drought situation that the
95 Millard County region is faced with and the anticipated growth that Fillmore will likely
96 experience. Councilmember Monroe stated that watering schedules in the subsidy agreement
97 are not being followed, and that that needs to be addressed. Councilmember Monroe also
98 would like clarification on whether the new water rate structure is being used for the
99 reimbursement of the golf course water overages and reimbursements. Councilmember Jenson
100 stated that the golf course is an amenity to the community that the city does not have much
101 involvement with. The only involvement the city has with them is to provide extra water every
102 month. Councilmember Monroe stated that if and when growth hits Fillmore, it will become
103 more challenging to provide an adequate amount of water for the community's demand for it.
104 Councilmember Alldredge talked about the concern of existing city storage water tank levels as
105 they relate to the amount of watering that is done at night. When too many irrigation systems
106 are being run at night (especially by large users), the levels in the tanks have recently been
107 getting alarmingly low at certain times, according to the city's public works director. The
108 council also commended the golf course management for making efforts already (especially
109 last year) to decrease their water usage.

110
111 Mike Louder, Paradise Golf Course Manager, explained that trying to water at night does not
112 work very well to keep the course green due to pressure differences depending on what time of
113 day or night it is. The schedule has been adjusted over the last few years to water when
114 pressure is higher to keep the whole course playable. Mr. Louder reiterated the fact that they
115 have done everything they can to reduce the amount of consumption.

116
117 Robert Worley of Sunrise Engineering to Discuss Flooding Mitigation Plan as a Result of the
118 Halfway Hills Wildfire

119 There is a concern regarding how much water may flow down Chalk Creek during future
120 storms as a result of the recent Halfway Hill Wildfire burn scar. When the term "100-year
121 storm" is used, it does not mean that a storm of that magnitude hits once every 100 years, but
122 rather that there is a 1 in 100 chance of that storm hitting this year. Last year, Delta City had a
123 100-year storm and then the very next day, they had another very large one. Statistically, that
124 should not have happened, but the point is that it is possible. A small storm would not pose
125 much of a flooding threat, but a large storm could. A model and map were provided that
126 shows where the water will likely flow in the event of a very large storm hitting the mountain.

127
128 The hotter a wildfire is, the more likely it is for almost all of the water to run down the
129 mountain as opposed to being absorbed by the compacted soil, as it would be before the
130 wildfire. During small storms, the water will pass through the natural channel ways without a
131 problem, but not for larger storms.

132
133 There is also a concern regarding the spring collection point. There will need to be alterations
134 done to the spring collection point to ensure that debris that could be washed down the hill
135 does not contaminate the spring water.

136
137 By the end of this week, a high-level, presumptuous model should be provided that will show
138 how flood run-off water would flow through Fillmore. There are also several locations along

the Creek in town where water and sewer lines cross underneath the creek bed. Work may need to be done to ensure the continued structural integrity of those as well as their isolation valves.

Councilmember Alldredge stated that this will not be a one-year mitigation process. Holden City had a wildfire years ago where flooding took place in Holden three years after the fire as a result of the burn scar area. Considering the Halfway Hills Fire, many of the drainages in the burn area pass through Fillmore.

Councilmember Monroe stated that the most important thing to do right now is to make sure that all isolation valves are in place at all creek crossings. Councilmember Alldredge shared an idea of installing additional retention ponds to help with flood mitigation efforts.

BUSINESS

Ordinance 22-15 Amending the Fillmore City Municipal Code to Allow Height Limit on Buildings Within the Industrial Zone to Increase from 45 Feet to 75 Feet

Councilmember Alldredge strongly supports the stipulation in the ordinance that states that the height increase will need to be approved by both the fire department and the Federal Aviation Administration before any permits are approved.

MOTION: To adopt Ordinance 22-15.

By: Councilmember Alldredge

Second: Councilmember Winget

Roll-Call Vote:

Councilmember Monroe – Yes

Councilmember Hare – Yes

Councilmember Alldredge – Yes

Councilmember Winget – Yes

Councilmember Jensen - Yes

Unanimous. Motion carried

Option of Right of First Refusal to Purchase Black Dirt Organics Property in the Fillmore City Industrial Park According to Terms Included in the Industrial Park Land Purchase Agreement Between Black Dirt Organics and Fillmore City

It was determined that even though the property is not located within the boundaries of the Fillmore City Industrial Park, there exists an Industrial Park agreement with Black Dirt Organics, t. The council acknowledged that Black Dirt Organics has owned the property for ten years and has paid off their debt obligation to the city for the property. Regardless of why the original agreement was made under the Industrial Park policy, the council wishes not to exercise their right of first refusal so as not to disrupt Black Dirt Organics selling their property to another buyer.

Kris Ewart asked if the property comes back into the city's ownership, would that benefit the citizens of Fillmore. The council explained that the intent of the Industrial Park is not for buyers to speculate and "flip" the property to make a quick profit, the intent is to create more

jobs for the community. An Industrial Park policy land sales agreement ensures that the city does not take part in this type of activity because the agreement states that the city, if they exercise their first right of refusal to repurchase the property, will always repurchase at the same price that they sold it. Councilmember Monroe stated that if the seller has a legitimate business lined up to purchase the property for the use of establishing a business that would create jobs for the community, then the city should not interfere with that. It is clear to Councilmember Hare that Black Dirt's intentions were never to purchase this property to simply turn around and sell it for a profit, as evidenced by their running a business on the property over the last ten or so years. The rest of the council agreed with Councilmembers Monroe and Hare's points and decided that it would be in the best interest of the city to waive their right of first refusal to re-purchase the property in this agreement.

MOTION: To waive the city's right of first refusal in the Industrial Park land sale agreement entered into in 2013 when Fillmore City sold said property to Black Dirt Organics.

By: Councilmember Hare

Second: Councilmember Monroe

Vote: Unanimous. Motion carried.

Agreement With Terri Hoover to use a Fillmore City-Owned Billboard

MOTION: To table.

By: Councilmember Alldredge

Second: Councilmember Monroe

Vote: Unanimous. Motion carried.

Resolution 22-11 Adopting Dixie Power Standards into the Fillmore City Code

MOTION: To adopt Resolution 22-11.

By: Councilmember Jenson

Second: Councilmember Winget

Roll-Call Vote:

Councilmember Monroe – Yes

Councilmember Hare – Yes

Councilmember Alldredge – Yes

Councilmember Winget – Yes

Councilmember Jenson - Yes

Unanimous. Motion carried

Resolution 22-12 Authorizing the Steel Solar 1A Project Amended and Restated Transaction Schedule Under the Master Firm Supply Agreement with UAMPS

MOTION: To adopt Resolution 22-12.

By: Councilmember Alldredge

Second: Councilmember Jenson

Roll-Call Vote:

Councilmember Monroe – Yes

Councilmember Hare – No
Councilmember Alldredge – Yes
Councilmember Winget – Yes
Councilmember Jenson - Yes
Motion carried 4 to 1 in favor.

Resolution 22-13 Adopting a Public Infrastructure District (PID) Policy

Japhath McGee and Marcus Keller of Zions Bank Division of Finance introduced themselves. In 2019, the Utah State legislature passed a bill allowing for public infrastructure districts (PID). PIDs offer a means to provide infrastructure for new developing areas. The specific areas pay for the developments as opposed to using a generalized obligation for the entire community. Cities and counties can create the PIDs that are separate legal entities from the city or county, and they levy taxes on the owners of the district to help pay off the infrastructure debt. Statutorily, the mill rate levy is limited to 15 mills, but in creating a PID, further limitations can be outlined. Most cities will not allow a PID to be created within the city unless the project to be financed through the PID provides a public benefit. Mayor Holt reiterated that this would not increase taxes for Fillmore City residents, but only increase taxes for those within the district. Once a policy is put in place, then all who wish to enter into a PID must operate within the governing bounds of the policy that the city council has put into place. Councilmember Hare stated that the action item tonight does not obligate the city council to approve anything, it only sets in place the city's PID policy and guidelines. The council also thanked Gilmore and Bell for their help.

MOTION: To adopt Resolution 22-13.

By: Councilmember Hare

Second: Councilmember Alldredge

Roll-Call Vote:

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

COUNCIL REPORTS

Councilmember Monroe

Garbage and Landfill

- Millard County is exploring the idea of doing away with hauling garbage themselves and may seek bids for a transfer station. It remains to be seen how this may affect the landfill in Fillmore City.

280 Councilmember Hare

281 **Celebrations**

- 282 • The Capital Days celebration that was being planned for this year will be postponed
283 and will take place on the first Saturday of August of next year (2023). Great Lakes
284 Cheese will be sponsoring this event along with the Fillmore City celebrations
285 committee.

286 **Other**

- 287 • Councilmember Hare verified with the State Tax Commission that the gas tax that has
288 been discussed in recent council meetings would be a newly imposed tax to Fillmore
289 citizens. The council is not interested in imposing any new taxes at this time.

290
291 Councilmember Alldredge

292 **Water**

- 293 • Councilmember Alldredge disclosed that he is a part-time employee of the Paradise
294 Golf Course, as the council is currently holding discussions regarding golf course water
295 subsidies from the city.
- 296 • There were five contractors who attended the contractor's pre-bid meeting for the new
297 water tank project.

298
299 Councilmember Winget

300 **Planning and Zoning**

- 301 • The Planning Commission is doing a great job keeping up on the zoning ordinance
302 updates.

303 **Fire Department**

- 304 • The firefighters also have done a very good job of fighting the wildfire and they need to
305 be thanked for all they do. Councilmember Alldredge also provided details of
306 firefighters' efforts in fighting all the fires and commended them for their efforts.

307
308 Councilmember Jenson

309 **Parks**

- 310 • Councilmember Jenson has recently received comments (from non-local firefighters)
311 regarding how nice the parks are in town and how well they are being kept up.

312
313 Closed Executive Session

314
315 MOTION: To go into a closed executive session at 8:47 p.m. to hold a strategy
316 session to discuss purchase of real property. Those asked to attend the
317 closed session in addition to all councilmembers were Attorney Harris
318 and Recorder Kevin Orton. Councilmembers Monroe, Alldredge, Hare,
319 Winget, and Jenson all voted yes.

320
321 By: Councilmember Hare
322 Second: Councilmember Alldredge
323 Vote: Unanimous. Motion carried.

324
325 The council returned to the open public meeting at 9:04 p.m.
326

ADJOURNMENT

Upon motion by Councilmember Hare and second by Councilmember Jenson, the meeting adjourned at 9:04 p.m.

The next regularly scheduled council meeting will be held August 2, 2022 at 6:30 p.m.

APPROVED August 2, 2022 _____
Michael D. Holt, Mayor