

FILLMORE CITY COUNCIL MEETING

September 6, 2022

Minutes of the regular meeting of the Fillmore City Council held September 6, 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 September 2, 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:

Corbin Gordon, ChrisAnn Jenson, Matt Haupt, Dee Penney, Crystal Rivera, Randy and Arlene Bartholomew, Dallas and Kathy Griffith, Pamella Brunson, Terri Hoover, Erik Knight, Jim Frampton, Sierra Dickins, Takako and Terry Scottorn, Rita Sherman, Judy Roberts, Russell Shields, Ryan Peterson, Ethan Bishop, Rozann Stuckey, Dan Rowley, Terry Messersmith, Vickie Martinez, Bob Stevens, Deanna Stevens, Jaden Stevens, Katrina Stevens, Taralee Schwartz, Lauri Mathews, Lesli Shields, Donna Dyer, Jackie Payne, Randle Brunson, Don Fuller, Ellie Fuller, Abe Johnson, Brandon Bartholomew, Kim Stevenson, Julia Peterson, and Johnny Munoz.

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

ADMINISTRATIVE BUSINESS

Minutes

MOTION: To accept the meeting minutes from the August 16, 2022 council meeting, as written.

By: Councilmember Winget

Second: Councilmember Monroe

Vote: Unanimous. Motion carried.

Payroll and Bills

MOTION: To approve the payment of bills listed on the invoice register dated August 17, 2022 – September 6, 2022 and payroll dated August 31, 2022.

By: Councilmember Monroe

Second: Councilmember Jenson

Vote: Unanimous. Motion carried.

49 Purchase Orders

50 MOTION: To approve Purchase Order 23-06 in the amount of \$19,501.00, payable
51 to Fireworks & Storage FX America for the purchase of fireworks for
52 the 2023 Fillmore City 4th of July fireworks display.

53 By: Councilmember Winget

54 Second: Councilmember Monroe

55 Vote: Unanimous. Motion carried.

56
57 Licenses and Permits

- 58 • Building Permit Application 22-29 for Brandon Bartholomew located at 537 North 230
59 East for construction of a new home.
- 60 • Building Permit Application 22-28 for Brandon Bartholomew located at 585 North 230
61 East for construction of a new home.
- 62 • Building Permit Application 22-22 for Shon Rasmussen located at 700 East 525 South
63 for construction of a new home.
- 64 • Building Permit Application 22-30 for Adam Britt located at 535 South 800 East for
65 construction of a new carport.
- 66 • Business License Application BL2229, for 5th Main Salon located at 5 North Main
67 Street, Owner: Tara Chlarson, Business Description: Hair Salon
- 68 • Business License Application BL2228, for Little Sunshine Preschool, LLC located at
69 275 East 500 South, Owner: Rachel West, Business Description: Preschool.

70
71
72 **COMMUNICATIONS AND REQUESTS**

73
74 Millard High School Student Body Request Approval for a 5K Fundraiser Run Following the
75 Homecoming Football Game

76 On September 23, 2022, immediately following the homecoming football game, the student
77 body will be doing a 5K run starting at the North Park pavilion and going down Main Street to
78 the Cluff's Carhop Café and turning east toward the mountains and completing a "square" until
79 they end up back at the North Park. No road closures of city streets are being requested.

80 Councilmember Alldredge expressed a concern about holding the run while it is dark outside.

81 The student body explained that the route will be lit up and marked.

82
83 MOTION: To support the Millard High School Student Body in their plans to hold
84 the 5K run following the homecoming football game on September 23,
85 2022.

86 By: Councilmember Alldredge

87 Second: Councilmember Winget

88 Vote: Unanimous. Motion carried.

94 Corbin Gordon of CG Law Group (and attorney for Heber Valley Properties LLC) Presentation
95 on Fillmore Homes, LLC, Specifically Regarding Their Proposals for Zone Changes within
96 Fillmore City and Plans for Residential and Commercial Development in Fillmore

97 Mr. Gordon provided a presentation that included the following points:

- 98 • Fillmore Homes, LLC has submitted six pending applications on three projects to
99 include The Retreat (annexation of 56 acres and a zone change to General
100 Commercial), The Reserve (zone change of a proposed 15 acre subdivision to
101 Residential 2 and street change), and The Ridges (street change within a proposed 60
102 acre subdivision)
- 103 • Many of Fillmore citizens' children are forced to leave Fillmore and not return because
104 they either cannot afford to live here with a lack of available affordable housing, or
105 because there are not enough job opportunities available. If this trend continues,
106 Fillmore will not grow and will eventually "collapse." In order to keep people in
107 Fillmore, the city needs to plan for and make provisions for economic opportunity.
- 108 • There are businesses coming to Fillmore and many of their employees may find it
109 difficult to find affordable housing in Fillmore as it currently is not available.
- 110 • The current development proposals of Fillmore Homes, LLC are using existing zones
111 that have already been approved by Fillmore City, they are simply proposing that the
112 city move them around to meet the needs of the specific development and are
113 addressing the city's needs for affordable housing.
- 114 • Fillmore City's existing zoning and Master Plan both embrace the need for future
115 growth and different types of housing.
- 116 • The current Rural Residential zone does nothing to address affordable housing needs.
117 The Residential 2 zone is much more flexible and accommodating to allow for more
118 affordable housing options.
- 119 • Cities and towns are distinctly different from the surrounding County in that they are
120 expected to be the main provider for affordable housing in the area as well as the
121 economic base for its citizens.
- 122 • A city needs two things to survive: a growing population and a sound commercial base
- 123 • The three proposed developments would provide Fillmore with 126 town homes, 20
124 apartment units, 17 lots for tiny homes, 16 lots of 0.2 acres for stand-alone single
125 family homes (for a total of 179 affordable housing units), 198 single family units on
126 lots ranging from 0.3 acres to 1.0 acre, one new hotel, a 9-unit strip mall, a 10-lot food
127 truck concourse, and one public park.
- 128 • Overall impacts of the proposals include, but are not limited to providing multiple
129 housing options, including affordable housing for Fillmore, creating a much needed
130 commercial core on the south end of the city, and assuring that Fillmore is a place that
131 can continue to grow and prosper into the next decade.

132
133
134 **PUBLIC HEARINGS**

135
136 MOTION: To go into a public hearing at 6:41 p.m. for the purpose of receiving
137 public comment regarding amending the Fillmore City Water Fund
138 Budget to increase the budget appropriations amount \$1,500,000 in the
139 Water Fund Capital Projects account.

140 By: Councilmember Alldredge

141 Second: Councilmember Winget
142 Vote: Unanimous. Motion carried.

143

144 Devan Shields of Sunrise Engineering, who is assisting the city with the loan application
145 process, stated that the application was submitted to the Utah Division of Drinking Water
146 (DDW) today. A \$1,500,000, 30-year loan at 2.5% interest is being applied for to help fund a
147 project to build a new 1-million-gallon water tank. Mayor Holt explained that the purpose of
148 constructing a new water tank is to stay ahead of the anticipated growth and development that
149 Fillmore will likely see in the future. The city council has been considering the need for this
150 project to be completed for over three years. Councilmember Alldredge explained that one
151 year ago, the cost estimates for this project were such that the city at that time could have paid
152 for the entire project with the city's Water Fund reserve. One year later, the cost of labor and
153 materials has increased such that the city now needs to finance an additional \$1.5 million in the
154 form of a DDW water bond to fund the project.

155

156 MOTION: To go out of the public hearing at 6:45 p.m.
157 By: Councilmember Alldredge
158 Second: Councilmember Winget
159 Vote: Unanimous. Motion carried.

160

161 MOTION: To go into a public hearing at 7:14 p.m. to receive public comment
162 regarding a proposed zone change from Rural Residential to Residential
163 2 at approximately 200 West to 400 West and 600 North to 750 North.
164 Applicant is Heber Valley Property, LLC
165 By: Councilmember Monroe
166 Second: Councilmember Hare
167 Vote: Unanimous. Motion carried.

168

169 Randal Brunson supports controlled, moderate growth. Mr. Brunson was serving on the
170 Fillmore City Planning Commission when this property was purchased from the original
171 owners. After much discussion and thought on the part of the Planning Commission at the
172 time, this area was zoned Rural Residential. It was also determined at the time that a
173 Residential 2 zoning designation in this area was not a good fit. When it was purchased at this
174 time, the new owner sold the property when they discovered that it was not zoned Residential
175 2, whereas the current owner is coming to the city requesting a zone change. Mr. Brunson
176 added that previous zone change requests in the past have been submitted to the Planning
177 Commission and each time the commission did not recommend a zone change to the city
178 council because it does not fit. Mr. Brunson agrees with Mr. Gordon when he stated "if you
179 are not growing, you are dying", however, changing this zone would not be smart growth.
180 There are other areas of Fillmore that would be better locations for the change to a Residential
181 2 zone.

182

183 Rita Sherman stated that this is only one developer working to develop in Fillmore. There are
184 other developers who also have proposed developments in Fillmore and zoning changes need
185 to be considered for all of them. Fillmore needs to grow responsibly and include affordable
186 homes, but they need to actually be affordable. The planning commission should complete

187 their studies and consider everything that is happening instead of making changes at the
188 request of one developer.

189
190 Mayor Holt explained that Heber Valley Property, LLC is not a builder, they are simply
191 developing buildable lots that have infrastructure built into them.

192
193 Dee Penney is not against growth; however, he is not in favor of a zone change for this
194 particular area because it is too close in proximity to Chalk Creek Irrigation waterways.
195 Maintenance of the flood mitigation infrastructure that would be installed in the area as a result
196 of the proposed development would become the responsibility of Chalk Creek Irrigation.
197 Building 30 to 40 homes in this area would be setting up people for a potential flood danger
198 situation.

199
200 Russell Shields lives on 200 West and grew up in Fillmore. Mr. Shields purchased his home
201 15 years ago and bought it because of the location, specifically the quietness of that
202 neighborhood. Mr. Shields referred to the average price of homes that would be built in the
203 proposed developed area and stated that \$300,000 does not constitute affordable housing.
204 Referring to the city's master plan, it states that the Rural Residential zone is meant to be a
205 permanent zone in Fillmore in designated areas where it is desirable to maintain low residential
206 densities with minimum lot sizes of 0.5 acres. 200 West is a narrow road and there should be a
207 plan in place to modify the road to support increased traffic should this proposed development
208 take place. Mr. Shields strongly opposed this proposed zone change as it would present a
209 public safety hazard.

210
211 The council should not approve this zone change unless Chalk Creek Irrigation approves this
212 area to be piped. It was also asked if an environmental impact study has been completed for
213 the area.

214
215 According to the Standard Zoning Enabling Act, a zone amendment to change to high-density
216 may be inconsistent with the comprehensive (or general) plan. If this is the case, then the zone
217 change application should be denied. Also, such a zone change should not be approved if there
218 is sufficient land elsewhere in the city that could be used for high-density use. A zone change
219 also should not be considered if it will significantly impact traffic, and Mr. Shields believes
220 that it would. Mr. Shields also shared a definition of spot zoning and encouraged the council to
221 consider if the city would be spot zoning in this case according to the definition.

222
223 The city's street master plan in this area was thoughtfully planned out so it should not be
224 amended. A change to the street master in this area would only maximize profits at the
225 expense of the surrounding community.

226
227 Lorena Lyden has been told that Heber Valley Property can develop their land as long as they
228 follow all the zoning laws of the city. Although this is true, they are not meeting the
229 requirements, and that is why they are asking for changes to be made. Ms. Lyden is not against
230 growth, however, the amount of growth that is being proposed by Heber Valley Properties is
231 too much for the city's infrastructure to handle. Fillmore City is considering taking out
232 additional loans to add to the infrastructure that has already been in the works for many years.

233 If the city is not able to add to the infrastructure without taking on new loans, then it may be
234 difficult to manage and maintain additional new infrastructure.

235
236 Bob Stevens stated that installing a pipe in Chalk Creek in this area is not going to do any good
237 unless a box is installed under the Interstate because it would not be able to handle the amount
238 of water that would come in a flood situation. The city should contact the Corp of Engineers to
239 assess the best way to handle flood mitigation in the area. Mr. Stevens also encouraged the
240 council to enter into an agreement with Chalk Creek Irrigation because they would be the ones
241 to take care of some of the new infrastructure. Mr. Stevens also believes that this proposed
242 zone change could constitute spot zoning and would consider such an approval irresponsible.

243
244 Judy Roberts read a letter written by Bob Robison who is a resident of Fillmore. Key points in
245 the letter included Mr. Robison's opinion that allowing this zone change that would allow high
246 density housing would permanently change quality of life for citizens of Fillmore in a negative
247 way. Mr. Robison wonders why the city council would consider allowing this change solely
248 for the benefit of a developer at the expense of the rest of the community. Mr. Robison's letter
249 also encouraged the council follow the city's general plan by not changing zones or street plans
250 in rural residential areas. Developers and citizens alike would all benefit if this type of growth
251 were to happen in appropriate areas of town. An approval of this proposal will not be widely
252 accepted and could incite an ongoing fight from citizens to preserve their way of life in
253 Fillmore.

254
255 Devan Shields shared a mischaracterization from Mr. Gordon's presentation in that the
256 presentation included an assumption that there are no buildable lots in Fillmore R2 zones. Mr.
257 Shields added that the sole purpose of this proposed zone change is to increase the value of this
258 property for the investors, regardless of what would end up happening on that property.

259
260 Kathy Griffith is against this zone change proposal. As a health care worker, Mrs. Griffith sees
261 what the housing needs are in this community, and that need is affordable housing. The
262 developers are proposing homes in this development that would have a price range of at least
263 \$300,000. This is not affordable housing. Mrs. Griffith pointed out that 67 homes were built
264 in Fillmore last year, so the city is growing responsibly right now and does not see the need for
265 high-density housing.

266
267 Crystal Rivera stated that Fillmore City does not function without Millard County. The county
268 and the hospital are all short-staffed and the community is not ready for rapid growth. Most
269 county employees could not afford to purchase home in the proposed development area. Ms.
270 Rivera stated that she makes \$32.00 an hour and could barely afford to purchase such a home,
271 and wonders how a county employee who makes \$17.00 an hour could afford it. Wages in this
272 community are not sufficient to purchase a home in the proposed development.

273
274 MOTION: To go out the public hearing at 8:02 p.m. and into a public hearing to
275 receive public comment regarding amending the Fillmore City Street
276 Master Plan to dead-end the west end of 600 North that connects to 400
277 West, creating a cul-de-sac and for a storm water retention basin.

278 Applicant is Heber Valley Property, LLC
279 By: Councilmember Monroe

280 Second: Councilmember Winget
281 Vote: Unanimous. Motion carried.

282

283 Bob Stevens asked about the purpose of the proposed retention pond. Robert Worley of
284 Sunrise Engineering further explained that the developer is required to retain additional storm
285 water that is increased by the addition of roads and houses and the runoff that results from
286 them.

287

288 Russell Shields stated that if the city does not make any improvements to 200 West, then 400
289 West should not be dead ended because of several public safety issues. 400 West would need
290 to be a means of entering and exiting the development and should not be eliminated.

291 Councilmember Alldredge suggested that it may be a possibility in the future to convert 400
292 West into an ingress-egress road in and out of the development should that need become
293 apparent. Councilmember Monroe stated that in his neighborhood on the northeast part of
294 Fillmore west of the landfill, there are two ingress/egresses accessing that neighborhood, and
295 that is the same number that is proposed for this development.

296

297 Davinna Kunz wonders if the city approves developments before studies are completed that
298 have to do with storm or flooding infrastructure or if it is simply being considered for this
299 development. Councilmember Monroe explained that it is difficult to marry up old standards
300 with new development. There will always be problems in each development that will need to
301 be addressed. Councilmember Hare explained that all of these considerations are brought
302 before the Planning Commission before they are moved to the city council, and in this case, the
303 Planning Commission made a recommendation to the city council to approve the development.

304

305 Chad Kunz stated the council should also be reviewing and making sure that requirements are
306 being met, just as the Planning Commission does. Mr. Kunz frequently hears that “the
307 developer will bear all costs” when it comes to introducing infrastructure for a large project,
308 but he does not believe that that happens. The developer may pay for the infrastructure
309 specifically tied to their project, but are they going to pay for new city wells that will need to
310 be drilled, or running new water lines from those wells to the water tanks, the expansion of the
311 sewer lagoons? If it is not included in a conditional use to require a developer to do so, then
312 the cost burden falls on the citizens. There is no reason that the developer cannot develop with
313 the current zone standard. In reference to the Power Point presentation earlier in the meeting,
314 Fillmore citizens know best what is beneficial for Fillmore, not developers who are not from
315 Fillmore.

316

317 MOTION: To go out the public hearing at 8:16 p.m. and into a public hearing to
318 receive public comment regarding approval of a preliminary plat of the
319 Reserve Subdivision located at approximately 600 North to 750 North
320 and 200 West to 400 West. Applicant: Heber Valley Property, LLC

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

324

325 No comments from the public.

326

327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373

MOTION: To go out the public hearing at 8:17 p.m. and into a public hearing to receive public comment regarding approval of a simple lot subdivision located at 385 East Canyon Road. Applicant: Kirk Mundy

By: Councilmember Jenson

Second: Councilmember Alldredge

Vote: Unanimous. Motion carried.

The reason that the Planning Commission made its recommendation for approval is because under the simple lot subdivision ordinance, dedicated public street frontage is required for both lots. Randall Brunson asked if this is a flat lot. There is a flag lot west of this property. Mr. Mundy is considering his options for dividing the flag lot.

MOTION: To go out the public hearing at 8:20 p.m. and into a public hearing to receive public comment regarding amending the Fillmore City Street Master Plan to amend the streets in and around his property, located at approximately 200 East to 700 East and 500 South to 340 South.

By: Councilmember Monroe

Second: Councilmember Hare

Vote: Unanimous. Motion carried.

There was a question from a member of the public regarding the zoning of this property. It was explained that the area was already zoned Residential 2 when (and before) the applicant purchased the property.

MOTION: To go out the public hearing at 8:24 p.m. and into a public hearing to receive public comment regarding approval of a zone change to General Commercial for the Retreat Annexation area located at 800 South Highway 99.

By: Councilmember Alldredge

Second: Councilmember Hare

Vote: Unanimous. Motion carried.

Rita Sherman stated that when this item was previously tabled, the developers were asking for a residential multi-use in the General Commercial zone. Ms. Sherman also stated that the city’s General Commercial zone standards state the proximity of location to residential zones should be carefully considered to avoid any adverse impact on residential. The developers are planning on 170 residential units in this area. Ms. Sherman wanted to know how the annexation will be split up as far as the zoning designations. Attorney Harris explained that when the annexation was considered and discussed previously, the zone change designation was not considered at that time, so it went back to the Planning Commission to make a recommendation after receiving public comment. The Planning Commission considered the request from the developer to change the zone to General Commercial and has now made the recommendation to the city council to approve that request. Currently in the city’s ordinances, there is not a zone designation that addressed mixed uses, so the developer has chosen the General Commercial zone because it most closely fits and allows for what they are planning to develop.

374
375 MOTION: To go out the public hearing at 8:27 p.m.
376 By: Councilmember Hare
377 Second: Councilmember Jenson
378 Vote: Unanimous. Motion carried.
379
380

381 **COMMUNICATIONS AND REQUESTS (CONTINUED)**
382

383 Report on Old Capital and Living History Festival – Abe Johnson

384 Mr. Johnson thanked the council for their continued support of the festival. One of the best
385 things associated with the festival is the school program. There were between 750 and 900
386 fourth graders that attended in 2021. There were also several others from different grades. In
387 2021, the overall attendance decreased and that can mainly be attributed to COVID-19 and
388 losing the Bar-D Wranglers band, who have been very popular in previous years. In 2021, 123
389 different zip codes were represented by way of visitors to the event compared to 94 in 2019.
390 This would also include 22 of the 29 counties in the state of Utah. Visitors from out of the area
391 are coming to experience a lot of the history and education offered at the event.
392

393 The Old Capital and Living History Festival is the largest event in Millard County. So far,
394 since the event began, the lowest attendance numbers have been around 5,000 and the highest
395 have been around 11,000. Attendance numbers are expected to increase in the future as the
396 event will be expanding. Future additions will include a stand-alone native American stage
397 where native American presentations will be held.
398

399 MOTION: To table discussion items: e. Discussion regarding possible on-line
400 Fillmore City payments for miscellaneous payment, and f. Dustin Smith
401 and Rex Mortensen to discuss potential businesses to bring to Fillmore.
402 By: Councilmember Monroe
403 Second: Councilmember Winget
404 Vote: Unanimous. Motion carried.
405

406 Road Improvements to Frontage Road East of Carl's Jr.

407 The council discussed options of repairing a section of the frontage road that runs just east of
408 the Carl's Jr. Differences in costs between tearing all the material out and re-paving and
409 simply chip sealing over the top were considered. If the city does any work to any roads, it
410 must be a result of a need for routine road maintenance, or repairs that come as a result of
411 damaged or dilapidated roads. Terry Messersmith, who is constructing a new RV park just
412 south of the road section, believes that the condition of the road is bad enough that the city
413 should move forward with repairs. The council directed Matt Haupt and Kevin Orton to
414 proceed forward with obtaining bids.
415

416 Resolution 22-20, Clarifying Fillmore City Standards and Specifications for Public
417 Infrastructure
418

419 MOTION: To table until updated drawing standards are provided in the proposed
420 resolution.

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

BUSINESS

Ordinance 22-21 Approving a Zone Change to General Commercial for the Retreat Annexation Area Located at 800 South Highway 99

Mr. Gordon was allowed to share a few comments as they related to the public hearings held earlier in this meeting. Based on Mr. Gordon's legal expertise and research regarding spot zoning, he assured that the council's recommendations to be considered tonight do not represent spot zoning. The comment made earlier in the meeting where a public citizen suggested that the developer is telling Fillmore City what they want in terms of how to handle growth is not accurate. Fillmore had told the developer what they want in terms of growth by creating the Residential 2 zone. The city probably did not create it because they *want* it, however, it was created because the city *needs* it.

Councilmember Monroe explained that changing to General Commercial in this annexation area is an appropriate action from the city based on current and future developments that are taking place in that area of town. It makes good sense for this area to be a commercial/business district. Councilmember Alldredge agrees with this as well as there being a possibility of some housing in that area as well. Councilmember Hare also agrees and added that the south end of town is "not in anyone's back yard", and that it is a perfect fit for that area and fulfills a need for Fillmore. Councilmember Jenson stated that there is a vacant business subdivision right across Highway 99 to the West.

MOTION: To adopt Ordinance 22-21 with the findings that it complies with the Fillmore City General Plan, that it provides for a community need, and that the surrounding community has changed to such a degree to recognize the new zone as appropriate for that area.

By: Councilmember Hare
Second: Councilmember Winget
Roll-Call Vote:
Councilmember Monroe – Yes
Councilmember Hare – Yes
Councilmember Alldredge – Yes
Councilmember Winget – Yes
Councilmember Jenson - Yes
Unanimous. Motion carried

The city will add as an agenda item before the Planning Commission to consider setbacks on Highway 99, since zero feet does not seem appropriate due to the increased speed.

466 Ordinance 22-16 Providing for Approval of Annexation of Certain Territory, Referred to as the
467 Retreat Annexation, into the Corporate Limits of Fillmore City, with the Plat to be Identified as
468 Plat AA in the Records of Fillmore City.

469 MOTION: To adopt Ordinance 22-16 with the findings that the annexation is
470 needed to provide an opportunity for businesses to operate within the
471 designated area, and to create a more contiguous annexed area in this
472 section of the city boundaries.

473 By: Councilmember Alldredge

474 Second: Councilmember Monroe

475 Roll-Call Vote:

476 Councilmember Monroe – Yes

477 Councilmember Hare – Yes

478 Councilmember Alldredge – Yes

479 Councilmember Winget – Yes

480 Councilmember Jensen - Yes

481 Unanimous. Motion carried

482
483 Ordinance 22-17 and Resolution 22-21, Amending Fillmore City Ordinance, Title 1, Chapter
484 10, Purchases, Disposals and Sales to Revise the City's Procurement Process and Resolution
485 22-21 Amending the Fillmore City Purchasing Policy

487 MOTION: To table both Ordinance 22-17 and Resolution 22-21.

488 By: Councilmember Monroe

489 Second: Councilmember Hare

490 Roll-Call Vote:

491 Councilmember Monroe – Yes

492 Councilmember Hare – Yes

493 Councilmember Alldredge – Yes

494 Councilmember Winget – Yes

495 Councilmember Jensen - Yes

496 Unanimous. Motion carried

497
498 Resolution 22-19 Amending Fillmore City Water Fund Budget to Account for a \$1.5 million
499 Loan from the Utah State Division of Drinking Water (DDW) to Fund a Culinary System
500 Improvement Project to Construct a New 1 Million Gallon Water Tank

502 MOTION: To adopt Resolution 22-19 contingent upon the 30 year term and 2.5%
503 interest rate being approved by the DDW that will be proposed in the
504 loan application.

505 By: Councilmember Monroe

506 Second: Councilmember Hare

507 Roll-Call Vote:

508 Councilmember Monroe – Yes

509 Councilmember Hare – Yes

510 Councilmember Alldredge – Yes

511 Councilmember Winget – Yes

512 Councilmember Jensen - Yes

Unanimous. Motion carried

Ratification of City Council Approval to Submit Application to the Utah State Division of Drinking Water (DDW) to Obtain a Water Fund Loan for \$1.5 Million with a 30-Year Term at 2.5% to Finance a Culinary System Water Improvement to Include a New 1 Million Gallon Water Tank

MOTION: To ratify the approval of city council in the August 16, 2022 city council meeting to submit application to the DDW for the above described loan to fund a project to construct a new water tank.

By: Councilmember Hare

Second: Councilmember Monroe

Vote: Unanimous. Motion carried.

Acceptance of Proposal to Complete Construction of a New Water Tank to Provide Needed Improvements to the Fillmore City Culinary Water System

Councilmember Alldredge reiterated that the additional funding to be added to the current fiscal year Water Fund budget for additional projects is not a result of reacting to plans for future growth, it is simply because the costs have increased so dramatically since the council began considering such projects. Fillmore City's infrastructure needs to be improved whether the anticipated growth happens or not.

MOTION: To accept Sunrise Engineering's recommendation to accept the low bid proposal to construct the new water tank near the cemetery.

By: Councilmember Alldredge

Second: Councilmember Winget

Vote: Motion carried four votes to zero in favor, Councilmember Jenson abstained from voting and cited a conflict of interest.

Ordinance 22-18 Approving a Zone Change from Rural Residential to Residential 2 for the Reserve Subdivision Located at Approximately 200 West to 400 West and 600 North to 750 North

Councilmember Hare explained that Fillmore does need growth and that there is a need for additional affordable housing, however, the city should preserve some areas of town to keep them Rural Residential. Councilmember Hare further stated that the city should not approve this until Chalk Creek Irrigation is contacted and it is known what their position is in terms of taking over maintenance of the new irrigation infrastructure.

Councilmember Monroe agreed that this is a valid concern but the council should keep the discussion and decision on whether or not the council wants to change the zone for this area. The question is an overall decision on whether this area should be re-zoned, and other more specific issues should be addressed later.

Councilmember Alldredge stated that he hears frequently, "why doesn't the city do more to provide for housing and economic development?" It is not the city's responsibility to do that but Councilmember Alldredge wanted to help bring these things to Fillmore when he ran for

council. Growth brings new opportunities for the community in many ways. Despite this, there are valid concerns from the public regarding changing the zone to Residential 2 in this particular area. It seems that the main concerns for the Reserve area are the affordable housing, flooding concerns, and potential road and traffic issues.

Councilmember Monroe acknowledged those concerns as being valid but asked the council to consider if they are enough to convince the council to not change the zone.

Councilmember Hare suggested while putting all these concerns aside, the question to consider could simply be, “does the city want to preserve this area as a rural residential area?” With this developer, the other two areas where they are looking to develop are already zoned for higher density.

Councilmember Jenson agreed that the concerns of changing the zone in this area are valid, and wonders if this is really a needed change there. He would also like to see the Rural Residential zone preserved in this area.

Mark Stevenson, (the developer) stated that he contacted Chalk Creek Irrigation and they are in support of a pipe being installed that would make the area safer in terms of flood risk. There are other flood mitigation plans that would use the retention ditch as well. This is a beautiful property that backs up to the golf course and would only include eight more homes than what would be required under the rural residential standard. This development will be very minimal in terms of an impact of traffic.

Councilmember Monroe reminded everyone that Fillmore needs available homes with a price point of \$400,000 or less. There must be more options for people in Fillmore to be able to put a roof over their family’s heads. Not everyone can live in a single-family home, not everyone has parents that they can live with, etc, so options for everyone must be made available.

MOTION: To **NOT** adopt Ordinance 22-18.

By: Councilmember Hare

Second: Councilmember Monroe

Roll-Call Vote:

Councilmember Monroe – No

Councilmember Hare – Yes

Councilmember Alldredge – Yes

Councilmember Winget – Yes

Councilmember Jenson - Yes

Motion carried 4 to 1 in favor to **NOT** adopt Ordinance 22-18.

Ordinance 22-19 Approving an Amendment to the Fillmore City Master Plan for the Reserve Subdivision to Dead-End 600 North that Connects to 400 West, Creating a Cul-de-Sac.

Robert Worley of Sunrise Engineering was asked what his opinion is on the access needs for this area. His response is that a minimum of two safe accesses are needed. Mr. Worley has not received a traffic study to review.

MOTION: To table to allow time for review of a traffic study.

607 By: Councilmember Dennis
608 Second: Councilmember Eric
609 Roll-Call Vote:
610 Councilmember Monroe – No
611 Councilmember Hare – Yes
612 Councilmember Alldredge – No
613 Councilmember Winget – Yes
614 Councilmember Jenson - Yes
615 Motion carried 3 votes in favor to 2 not in favor.
616

617 Ordinance 22-20 Approving an Amendment to the Fillmore City Master Plan at the Ridge
618 Subdivision Located at 200 East to 700 East and 500 South to 340 South
619

620 MOTION: To adopt Ordinance 22-20.
621 By: Councilmember Alldredge
622 Second: Councilmember Hare
623 Roll-Call Vote:
624 Councilmember Monroe – Yes
625 Councilmember Hare – Yes
626 Councilmember Alldredge – Yes
627 Councilmember Winget – Yes
628 Councilmember Jenson - Yes
629 Unanimous. Motion carried
630

631 Preliminary Plat for the Reserve Subdivision Located at 600 North to 750 North and 200 West
632 to 400 West
633

634 MOTION: To allow Heber Valley Property to amend their preliminary plat for the
635 Reserve Subdivision.
636 By: Councilmember Alldredge
637 Second: Councilmember Monroe
638 Vote: Unanimous. Motion carried.
639

640 Simple Lot Subdivision for Kirk Mundy
641

642 MOTION: To table.
643 By: Councilmember Hare
644 Second: Councilmember Winget
645 Vote: Unanimous. Motion carried.
646
647

648
649 **COUNCIL REPORTS**
650

651 Councilmember Monroe
652 **No Report**
653

Councilmember Hare

No Report

Councilmember Alldredge

Water

- Three isolation valves will need to be acquired immediately so they can be installed to ensure protection to city infrastructure as it relates to the flooding risks. The council directed Recorder Kevin Orton to proceed with purchasing three shut-off valves under the emergency procurement clause in the city's procurement policy. This action will be ratified in the next city council meeting.

Councilmember Winget

No Report

Councilmember Jenson

No Report

Mayor Holt

No Report

Closed Executive Session

MOTION: To go into a closed executive session at 10:11 p.m. to hold a strategy session to discuss the purchase, exchange, or lease of real property (52-4-205 (d)). Those asked to attend the closed session in addition to all councilmembers were Attorney Harris and Recorder Kevin Orton. Councilmembers Monroe, Alldredge, Hare, Winget, and Jenson all voted yes.

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

The council returned to the open session at 10:17 p.m.

ADJOURNMENT

Upon motion by Councilmember Alldredge and second by Councilmember Hare, the meeting adjourned at 10:18 p.m.

The next regularly scheduled council meeting will be held September 20, 2022, at 6:30 p.m.

APPROVED September 20, 2022

Michael D. Holt, Mayor