

FILLMORE CITY COUNCIL MEETING

October 18, 2022

Minutes of the regular meeting of the Fillmore City Council held October 18, 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 October 14, 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, Molly Stevens, Judy Roberts, Rita Sherman, Drew Geiger, Rick Roberts, Gage Miller, Doug Hayes, Ernie Thornton, Julie Smith, Mark Stevenson, Matt Ward, Lauri Mathews, Devan Shields, Julie Harmon, Wayne Aston, Brandon Eccles, Abe Johnson, Brent Jackson, Debbie Jackson, and Vicki Lyman.

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

ADMINISTRATIVE BUSINESS

Minutes

MOTION: To accept the meeting minutes from the October 4, 2022 council meeting, as written.

By: Councilmember Winget

Second: Councilmember Hare

Vote: Unanimous. Motion carried.

Payroll and Bills

MOTION: To approve the payment of bills listed on the invoice register dated October 5, 2022 – October 18, 2022 and payroll dated October 15, 2022.

By: Councilmember Monroe

Second: Councilmember Winget

Vote: Unanimous. Motion carried.

49 **PUBLIC HEARING**

50
51 MOTION: To go into a public hearing at 6:35 p.m. for the purpose of receiving
52 public comment regarding approval of a preliminary plat of the Ridges
53 Subdivision located at approximately 200 East to 700 East and 500
54 South to 340 South. Applicant: Heber Valley Property, LLC.
55 By: Councilmember Winget
56 Second: Councilmember Alldredge
57 Vote: Unanimous. Motion carried.
58

59 Rita Sherman shared a concern regarding the Zion's plat in the city's general plan. It was
60 explained that a copy of the General Plan is available on the city website or can be obtained by
61 contacting the office staff. Ms. Sherman also asked about a traffic plan for this plat, and it was
62 assured that one was performed and is available to the public. The proposed plat also follows
63 the master street plan established by the city. Councilmember Monroe illustrated this with the
64 electronic whiteboard and a map of the current street master plan.
65

66 Brent Jackson is in favor of development of the proposed property. Mr. Jackson is also in
67 favor of a graduated approach to developing it in several phases, as opposed to developing the
68 whole thing at once. Mr. Jackson is also in favor of the park being a public park, not private as
69 there are no parks in this area of Fillmore.
70

71 Abe Johnson also is in favor of this proposed development. This is a prime area to build
72 homes. Mr. Johnson also expressed an opinion that the park should be public, not private.
73

74 MOTION: To go out of the public hearing at 6:49 p.m.
75 By: Councilmember Alldredge
76 Second: Councilmember Hare
77 Vote: Unanimous. Motion carried.
78

79
80 **COMMUNICATIONS AND REQUESTS**

81
82 Fiscal Year 2021-2022 Financial Audit Report – Kimball & Roberts (Gabe Miller and Rick
83 Roberts)

84 Gabe Miller and Rick Roberts reviewed the financial statements and the independent auditors
85 report from the audit. The auditor's opinion is that the financial statements represent fairly the
86 financial position of the city to include all funds and cash flows in accordance with generally
87 accepted accounting principles. The unassigned amount of the city's General Fund increased
88 to \$294,000, and all funds were within budgeted revenues and expenses for the year, and all
89 funds realized an increase in the fund balance and net position. Fillmore City's debt also
90 decreased by \$255,000 last year. The city's retirement liabilities for the year were non-existent
91 due to the exceptionally strong performance of the investments, however, that will likely
92 change in the coming years due to ongoing investment volatilities.
93

94 Request to Support Bar D Wranglers Performance at the Fillmore City 2022 Christmas Event –
95 Abe Johnson, (Friends of Territorial Statehouse)

96 Mr. Johnson suggested that there are a lot of local citizens who cannot afford to leave town to
97 attend events such as the Shakespeare Festival and other events/concerts around the state, so it
98 should be incumbent on our local leadership to provide some of these opportunities to “give
99 back” to the community. Mr. Johnson would like to see the city support a Christmas concert
100 for the next three years. The Bar D Wranglers will be in Utah this December and have
101 indicated that they would be available to perform in Fillmore.

102
103 Mr. Johnson is asking the city council to donate \$3,000 towards a Bar D Wranglers
104 performance this year to match two donations from Millard County and Friends of Territorial
105 Statehouse. The Friends of Territorial Statehouse will be charging \$10.00 per person
106 admission to help pay for the event next year. This will be added to the November 1, 2022 city
107 council meeting agenda.

108
109 Fillmore City Infrastructure Standards and Code Requirements – Wayne Aston, American
110 Spec ESG

111 Mr. Aston introduced Ernie Thornton of Sunrock, Doug Hayes of Ferguson Waterworks, Drew
112 Geiger of Horox Engineers and Brandon Accles of Big D Construction. Mr. Aston and his
113 guest presenters made an argument for the numerous benefits of allowing material other than
114 ductile iron pipe to be allowed to be installed by developers in Fillmore. They specifically
115 would like to see PVC pipe allowed in the city code. Mayor Holt stated that the only reason
116 PVC is not allowed in Fillmore is because of the rocky content of the ground in Fillmore.
117 Councilmember Monroe stated that despite the rocky soil composition, the problems with
118 laying plastic in the ground can be mitigated by proper installation. The presenters also
119 provided evidence of PVC being a good material to use if mitigating efforts of proper
120 installation are used. Mr. Aston stated that excessive costs and wait times to acquire ductile
121 iron are two major reasons for requesting the code amendment to allow for PVC.

122
123 Devan Shields of Sunrise Engineering stated that ductile iron is not antiquated and is not
124 “going away.” Fillmore City has provided a considerable amount of investment in continuing
125 to use ductile iron in their system. Councilmember Alldredge asked if ductile iron and PVC
126 interface easily, and Mr. Shields answered that they do interface easily. Catastrophic failures
127 generally are more significant with PVC. Mr. Shields also stated that whichever direction the
128 council decides to go on this decision that neither one would be a bad decision for the city.
129 Many cities are now allowing for both materials to be used within their systems.

130
131 Mayor Holt stated that if the city council decides to allow PVC to be used in the city’s water
132 system, standards approved by the city’s engineers will be added to the code to ensure proper
133 installation.

134
135 Implementation of Landfill Fees on Fillmore City Building Permits

136 Councilmember Monroe explained that the city council is considering implementing a landfill
137 fee specifically for the Fillmore landfill on Fillmore building permits. Fillmore would collect
138 the fee for the benefit of the landfill located in Fillmore, and Fillmore would enter into an
139 interlocal agreement with Millard County to ensure those fees went toward the landfill located

in Fillmore. It is similar to fees currently implemented by Delta City that are collected for the county landfill in Delta, however, the loads going into the Fillmore landfill would be tracked by yards, as the Fillmore landfill does not have a scale to weigh the loads going in. It was reiterated that these fees collected would only be used for expenses associated with the Fillmore landfill, in that those collected will not go into the general county landfill fund, but rather into an account created specifically for the Fillmore landfill operations. It is a concern of the city council that illegal dumping is happening in Fillmore.

BUSINESS

Resolution 22-23 Adding a Bulk Water Usage Deposit to the Fillmore City Utilities Policy

Councilmember Winget explained that the city is considering implementing this refundable deposit policy because sometimes purchasers of bulk water will damage the hydrants, causing costly repairs to the city. A refundable deposit will be used to help mitigate this risk.

MOTION: To table until the next regularly scheduled city council meeting.
By: Councilmember Jenson
Second: Councilmember Winget
Vote: Unanimous. Motion carried.

Preliminary Plat of the Ridges Subdivision Located at Approximately 200 East to 700 East and 500 South to 340 South, Applicant: Heber Valley Property, LLC

Heber Valley Property, LLC would like to present a master plan agreement to the city council in the next city council meeting. Doing this would allow both parties to be more specific in agreements for subsequent phases for this project as they develop each phase of the project.

MOTION: To approve the preliminary plat for the Ridges Subdivision located at 200 East to 700 East and 500 South to 340 South for Heber Valley Property, LLC contingent upon clarifying upon the plat that it is a preliminary plat for all three phases, instead of only for phase one, and changing the labels and legal description to reflect such; removing the signature blocks; removing lots 71 and/or 72 as a master planned street will be going through that area; notating on the plat that 15% of the total acreage will be "Open Space;" and 525 East going south must line up with the existing street right-of-way width.
By: Councilmember Alldredge
Second: Councilmember Hare
Vote: Unanimous. Motion carried.

COUNCIL REPORTS

Councilmember Monroe

No report

Councilmember Hare

No report

Councilmember Alldredge

Water

- It was determined that the city needed one isolation valve less than anticipated on the flooding mitigation project, which will save the city some expenses.
- As the winter season is quickly approaching, construction on the new water tank project may need to commence in the spring of 2023, however, trenching for the project can begin this year. Devan Shields of Sunrise Engineering stated that funding terms on the loan for this project are projected to be favorable to the city.

Electric

- A member internal generation (MIG) study will be performed for Fillmore City to determine if it would benefit the city to use a gas-powered generator owned by UAMPS that could be used in emergencies that would produce 5 megawatts of power to the city. This would not power the whole city, however it would help to keep most of the system running in an emergency.

Flood Mitigation

- Councilmember Alldredge attended the most recent Millard County Commission meeting, and in that meeting the commission discussed how much Fillmore City should pay for sharing the costs of construction of the mitigation ponds. An amount to be paid by the city of \$64,000 was discussed, however it was stated that the county would send Fillmore City a bill. Councilmember Alldredge asked the county commission to attend a city council meeting to discuss this amount with the Fillmore City Council as opposed to simply sending a bill for payment without prior discussion regarding the matter.

Councilmember Winget

Planning & Zoning

- The Planning Commission is close to finalizing a proposal for a new annexation policy.

Councilmember Jensen

Parks

- The public works crew has winterized the city parks for the season.

Legal Counsel – Elise Harris

Mrs. Harris asked the council what position they would like to take regarding an application for a zone change to Residential 1 in Millard County located about 1 mile south of the Fillmore City Industrial Park west of Interstate 15 in response to Millard County asking for that opinion. Fillmore City recently could not approve an annexation of this property into Fillmore City limits because it is not on the expansion map, and it would have created an island. The city

council's concern is that changing this area to a residential zone may have an adverse impact on an area that is predominantly industrial, and in that the two zones are not compatible.

Mayor Holt

The city office will be increasing efforts to enforce code violations around town, especially those that involve nuisances, living in trailers illegally, debris piled on city rights-of-way, etc.

Closed Executive Session

MOTION: To go into a closed executive session at 8:50 p.m. to hold a strategy session to discuss pending or reasonably imminent litigation (52-4-205). Those asked to attend the closed session in addition to all councilmembers were Attorney Elise Harris and Recorder Kevin Orton. Councilmembers Monroe, Alldredge, Hare, Winget and Jenson all voted yes.

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

The council returned to the open public meeting at 9:05 p.m.

MOTION: To move forward with the eminent domain process, under Utah Code Ann. § 78B-6-501 *et seq.*, to allow for Fillmore City to acquire certain easements to complete a power extension improvement project.

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

ADJOURNMENT

Upon motion by Councilmember Jenson and second by Councilmember Winget, the meeting adjourned at 9:06 p.m.

The next regularly scheduled council meeting will be held November 1, 2022 at 6:30 p.m.

APPROVED November 1, 2022

Michael D. Holt, Mayor