

1 **FILLMORE CITY COUNCIL MEETING**

2 June 2, 2015

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4 *Minutes of the regular meeting of the Fillmore City Council held June 2, 2015 in the Council Chambers*
5 *of the Fillmore City Building. Notice of the time and place of the meeting was posted on the Utah State*
6 *Public Notice website, the Fillmore City website, the Council Chambers, the City Office bulletin board,*
7 *and the President Millard Fillmore Library. Notice was also provided to the Chronicle-Progress, radio*
8 *stations KMTI and each member of the governing body on June 1, 2015.*
9

10 Those present were:

11	Mayor:	Eugene R. Larsen	Council:	Michael D. Holt
12	Attorney:	Greg Greathouse		N. Wayne Jackson
13	Recorder:	Kevin Orton		Eric R. Jenson
14	Staff:	Marlene Cummings		Deborah S. Oeppinger (Excused)
15				Michael K. Rhinehart (Excused)
16				
17	Others:	Ian Adams		Misty Penney
18		Klint Penney		Vicki Allen
19		Bart Adams		Branden Bartholomew
20		Heather Bartholomew		Aaron Leatham
21		Richard Peterson		Lauri Mathews
22		John Orullian		Opal Cluff
23		Laurie Holt		Cortney Lunt
24		Derk Beckstrand		Norma Brunson
25		Dean Rowley		Dennis Whitaker

26
27 6:30 p.m. Welcome (Pledge of Allegiance conducted at the commencement of the
28 RDA Meeting) – Mayor Larsen
29

30 **ADMINISTRATIVE BUSINESS**

31 Minutes

32 **MOTION: To approve the minutes of the meeting held May 19, 2015.**
33 **By: Councilmember Jackson**
34 **Second: Councilmember Jenson**
35 **Vote: Unanimous. Motion carried.**
36

37 Bills – Payroll

38 **MOTION: To approve the May 31, 2015 payroll and payment of bills listed on**
39 **the invoice register dated May 20 – June 2, 2105**
40 **By: Councilmember Jackson**
41 **Second: Councilmember Jenson**
42 **Vote: Unanimous. Motion carried.**
43

44 Building Permit

45 15-05 Jeri Peterson - residential addition at 105 North 200 West
46

47 Electrical Permit

48 15-04 Enterprise Electric - electrical installation for new Statehouse Park pavilion at
49 75 West 100 South

- 50 Mechanical Permits
51 15-02 Centracom - propane installation at 300 East Canyon Road
52 15-03 David Remkes - furnace installation at Chalk Creek Trailer Park, 20 East 300
53 North number 7
54

- 55 Conditional Use Permit
56 Dee Penney and Crystal Rivera to occupy a camp trailer at 375 South 200 West during
57 construction of their new home at that site – permit not to exceed one year.
58

59 COMMUNICATIONS & REQUESTS

- 60
61 Law Enforcement – Lt. Morris Burton
62 Lt. Burton summarized law enforcement activity in Fillmore for the month of March. There
63 were 2 traffic accidents, 11 citations issued for 21 violations, 146 CAD calls were received and
64 there were 119 incidents that resulted in 20 arrests for 54 offenses.
65

- 66 Celebrations Committee – Opal Cluff
67 Businesses are being approached to see if they are interested in helping with floats. Smoky the
68 Bear will be in the parade and will visit with the children afterwards. Millard County Tourism
69 has invited Ms. Cluff to attend a meeting to help with donations. Ms. Cluff shared a letter
70 written from the celebrations committee to local businesses regarding the Fourth of July
71 celebration.
72

73 BUDGET HEARINGS

- 74 **MOTION: To go into a public hearing to accept comment on the proposed**
75 **amendments to the city operating budgets for Fiscal Year ending**
76 **June 30, 2015.**
77 **By: Councilmember Jenson**
78 **Second: Councilmember Jackson**
79 **Vote: Unanimous. Motion carried.**
80

- 81 The proposed budget amendment for the fiscal year 2015 includes an increase of \$33,000. The
82 Fire Department received a larger than anticipated grant. Airport fuel sales have been higher
83 than anticipated. There were three years of CentraCom payments for pole rental; the golf
84 course used a higher amount of water resulting in a larger reimbursement. Expenses increased
85 proportionately. Repairs to city vehicles were higher than anticipated. Sidewalk cost share
86 expenses were higher than budgeted. The city had higher than anticipated expenses for
87 reimbursing the golf course due to higher water usage. The Capital funds will be adjusted
88 because the city did not receive airport grant funding this year.
89

- 90 No public comments were offered in regards to the proposed budget amendments.
91

- 92 **MOTION: To close the first budget hearing and return to regular open**
93 **meeting.**
94 **By: Councilmember Jackson**
95 **Second: Councilmember Jenson**
96 **Vote: Unanimous. Motion carried.**
97

146 Splash Pad Discussion (continuing)

147 Splash pads are exempt from dressing room requirements as long as toilets, lavatories and
148 changing tables are available within 150 feet. (R392-302-31 section 6(vii)) Benefits of having
149 the splash pad connected to the pool include expected increase in usage of the pool as well as a
150 secure location that will mitigate vandalism. The county commissioners will have a meeting
151 next week to discuss a memorandum of understanding between the city and county.

152 A lengthy discussion ensued, and the following points were made:

153

- 154 • Many splash pads do not have showers. The inspector who talked to the Mayor says
155 they are required.
- 156 • Putting a splash pad on Main Street in the park would block the view of the State
157 building. The city purchased the Old City building to take it down so that people
158 searching for the State building can easily locate it.
- 159 • Many in attendance would prefer the pad to go somewhere other than next to the pool.
160 Doing that may cause the pool to close because it would provide competition for the
161 pool. The City does not have the money to do a splash pad away from the pool because
162 of the expense of adding a restroom.
- 163 • When the public initially came to the council about putting in a splash pad, they offered
164 to help fund the project through fundraising. The city is now expected to pay for the
165 project in its entirety.
- 166 • The council will wait until the county commissioners read over the memorandum of
167 understanding before the city decides on anything further.

168

169 Act on Planning Commission Recommendation for Zoning Ordinance Amendment for Child
170 Daycare Centers Conducted in the Providers Dwelling and to Remove Cross Ties to Home
171 Occupation Conditional Use for Child Care Centers and Child Care Facilities

172 A lengthy discussion ensued and the following points were made:

173

- 174 • The council is being asked to remove home occupational conditional use ties when the
175 business is being conducted in the home.
- 176 • There is one household who is asking to have their business allowed to operate as a
177 commercial business in a residential zone. Allowing more than eight children requires
178 an additional outside employee thus making it a commercial business activity.
- 179 • Increasing traffic is a commercial zone issue that is dealt with by businesses in the
180 commercial zone. Allowing sixteen children and additional employees in a home based
181 business will increase traffic in the residential zones.
- 182 • Meg Ryan is the prominent zoning specialist for Utah League of Cities and Town. The
183 city hired her over ten years ago to set up the zoning ordinances Fillmore City currently
184 has. It took over fourteen months of work to establish them.
- 185 • North Ogden City is currently having problems because they allowed many businesses
186 to operate commercially in a residential area. They are now telling businesses that they
187 cannot operate their business due to several complaints from residents and commercial
188 zone businesses. They have given business owners six months to vacate their
189 businesses in the residential zones. The community has been hurt badly by this and it is
190 a door that Fillmore City will open if they allow this ordinance change to be made.
- 191 • In the previous Planning and Zoning meeting, a member of the commission asked the
192 question “what do we want our zones to be?” No one addressed this when it was asked.

193 It is disappointing to Mayor Larsen that it was not addressed because the community
194 needs to be thinking about what the zones should be. Businesses need to be non-
195 intrusive to a residential zone and should protect and promote the public safety, health,
196 and general welfare of the community.

- 197 • Misty Penney stated that this ordinance is only for changing day care, not businesses.
198 There is a need for a change. Mrs. Penney feels the city should be proud that she is
199 providing this service and is complying.
- 200 • Mayor Larsen indicated that Mrs. Penney is not in compliance because she is not
201 following the conditional use permit that she signed in 2009.
- 202 • Greg Greathouse - The planning and zoning recommendation has two phases. One
203 changes the requirements on the conditional use for the day care center, and the other
204 changes the definition of a child care center.

205
206 **MOTION: To go to a hearing upon recommendation from the Planning**
207 **Commission for a zoning ordinance amendment for child daycare**
208 **centers conducted in the providers dwelling and to remove cross ties**
209 **to home occupation conditional use for child care centers and child**
210 **care facilities, and to have a public hearing on the matter.**

211 **By: Councilmember Holt**
212 **Second: Councilmember Jackson**
213 **Vote: Unanimous. Motion carried.**
214

215 Discussion on request to hold drag race at airport

216 The city's insurance carrier will not cover the city for any type of racing activities. The city's
217 airport grant assurance does not allow any activity that does not have anything to do with
218 aviation related activities. It is recommended that the car racers find another venue to hold the
219 races outside Fillmore City limits.

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221 **COUNCIL REPORTS**

222

223 Councilmember Holt

224 Pierce secured the bid for the new fire truck purchase.

225

226 Councilmember Jackson

227 The cemetery crew did a good job on preparations for Memorial Day.

228

229 Councilmember Jenson

230 Water pipe installation will possibly start this week to the KOA and soccer fields. Only
231 culinary water is being used but that can be changed in the future.

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233 **CLOSED SESSION**

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235 **MOTION: To go into a closed meeting to discuss the character, competency or**
236 **mental health of an individual.**

237 **By: Councilmember Jenson**
238 **Second: Councilmember Jackson**
239 **Vote: Unanimous. Motion carried.**

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ADJOURNMENT

After coming out of closed meeting, the following motion was made:

MOTION: To adjourn the meeting.
By: Councilmember Jackson
Second: Councilmember Jenson
Vote: Unanimous. Motion carried.

The meeting adjourned at 8:56 p.m. The next meeting will be held June 16, 2015 at 6:30 p.m.

APPROVED June 16, 2015
Amended minutes for the inclusion of licenses and permits approved June 30, 2015.

Eugene R. Larsen, Mayor