

1 **FILLMORE CITY COUNCIL MEETING**

2 March 1, 2016

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4 *Minutes of the regular meeting of the Fillmore City Council held March 1, 2016 in the Council*
5 *Chambers of the Fillmore City Building. Notice of the time and place of the meeting was posted on the*
6 *Utah State Public Notice website, the Fillmore City website, the Council Chambers, the City Office*
7 *bulletin board, and the President Millard Fillmore Library. Notice was also provided to the Chronicle-*
8 *Progress, radio station KMTI and each member of the governing body on February 26, 2016.*
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10 Those present were:

11 Mayor: Eugene R. Larsen Council: Michael D. Holt
12 Attorney: Greg Greathouse Ian E. Adams
13 Recorder: Kevin Orton Eric R. Jenson
14 Jeffrey D. Mitchell
15 Michael K. Rhinehart

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17 Others: Taylor Crosland, Sara Komarek, Becki Pentz, Dave Allen, Vicki Allen,
18 Wayne Jackson, Alan Roper, and Doug Radunich (Chronicle Progress)

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21 6:30 p.m. Welcome and Pledge of Allegiance - Mayor Larsen
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24 **ADMINISTRATIVE BUSINESS**

25 Minutes

26 MOTION: To approve the minutes of the meeting held February 16, 2016 with
27 corrections.
28 By: Councilmember Mitchell
29 Second: Councilmember Adams
30 Vote: Unanimous. Motion carried.
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32 Bills – Payroll

33 MOTION: To approve the February 29, 2016 payroll and payment of bills listed on
34 the invoice register dated February 3, 2016 – February 16, 2016.
35 By: Councilmember Rhinehart
36 Second: Councilmember Jenson
37 Vote: Unanimous. Motion carried.
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39 Permits

- 40 • Building Permit (15-30) for Greg Kelsey at 255 East 500 South for new home
41 construction.
42 • Building Permit (16-01) for Trevor Wade at 160 South 400 West for new home
43 construction.
44 • Building Permit (16-03) for Jeff Bell at 630 East Canyon Road for storage shed
45 addition.
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49 National Guard Planning Committee

50 A committee has been formed for the purpose of working to keep the National Guard stationed
51 in Fillmore. Nephi and Fillmore cities are drafting proposals to submit to General Jeff Burton
52 on March 29, 2016. Both Fillmore and Nephi want to have the National Guard stationed in
53 their respective cities. Wayne Jackson has been appointed to chair the committee. The
54 following individuals will be working on the committee under his direction: Cloyd Day, Bart
55 Whatcott, Tracy Whatcott, Mike Rhinehart Jr., and Cody Wilcox.

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57 MOTION: To accept the names of Cloyd Day, Bart Whatcott, Tracy Whatcott,
58 Mike Rhinehart Jr., and Cody Wilcox to serve on the National Guard
59 Planning Committee

60 By: Councilmember Jenson

61 Second: Councilmember Holt

62 Vote: Unanimous. Motion carried.

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65 Appoint new regular voting member to Planning Commission

66 Lars Rasmussen has been serving on the Planning Commission as an alternate member as of
67 July 1, 2014. It was proposed that Mr. Rasmussen be appointed as a regular voting member
68 effective immediately.

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70 MOTION: To approve Lars Rasmussen as a regular voting member of the Fillmore
71 City Planning Commission

72 By: Councilmember Rhinehart

73 Second: Councilmember Adams

74 Vote: Unanimous. Motion carried.

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COMMUNICATIONS AND REQUESTS

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79 Law Enforcement Report - Lieutenant Morris Burton

80 Lt. Burton summarized law enforcement activity in Fillmore for the month of January. There
81 were 0 traffic accidents, 13 citations issued for 14 violations, 109 CAD calls were received and
82 there were 94 incidents that resulted in 16 arrests for 41 offenses.

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84 County Commission Report – Alan Roper

85 The county soccer fields are ready for water and need a new water billing account set up. The
86 Community Impact Board will be replacing Claudia Garrett’s position in July of 2016. Mayor
87 Larsen is interested in filling the position. Commissioner Roper will submit Mayor Larsen’s
88 name for application to the Board. Six County Association of Governments is working on
89 economic development projects by identifying needs, wants, and different capabilities of cities
90 and counties across the state. A team from Utah State University puts together groups who
91 would like to represent the county to assess the capabilities and infrastructure in the county and
92 decide what can be done to improve infrastructure. Fillmore City and Millard County need to
93 get involved with this program so they are ready when projects come up.

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96 Millard County is in support of House Bill 341 that allows Intermountain Power Project to split
97 off into different segments, which would in turn put them in a good position economically
98 when coal burning will no longer be allowed. This may happen in 2027. Attorney Greathouse
99 would like to see them offer the power in Utah first, and then if nobody signs up within a given
100 amount of time, then they can offer it elsewhere. Recorder Orton will provide a copy of the
101 minutes to the county office showing Fillmore City's vote supporting the gas tax to go on the
102 next ballot to be voted on.

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104 Fire Department Report – Councilmember Holt

105 The new fire truck is finished, inspected and ready to be delivered to Fillmore. A final
106 inspection will be conducted when it arrives. Fillmore City is in need of a new fire station.

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108 Clean Air Ordinance – Sara Komarak

109 Sara likes the option of imposing a \$25.00 fine for a first offence and a \$100.00 fine for a
110 second offence for smoking in public places within Fillmore City. Mayor Larsen said that the
111 clean air ordinance would be discussed by the council later in the meeting.

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BUSINESS

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116 Culinary Water Rate Increase

117 Councilmember Mitchell – Fillmore City is the biggest water user. When billing for water
118 usage overages, Fillmore City will pay more than any other customer. The preferred option
119 would be option one. The base rate is the highest and everyone is paying their fair share to pay
120 back the water bond payments.

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122 Councilmember Adams prefers option four. It is more equitable for everyone. The big water
123 users will get a break after 500,000 gallons is used, thus this option gives the big users a break.

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125 Councilmember Rhinehart prefers option four. In looking at the base rate going from \$22.50 to
126 \$27.50 seems more equitable for those on fixed incomes. Option one would raise water bills
127 35% and that can be a large burden on those with fixed incomes. These people would be
128 paying for those who are using more water. Option four spreads the cost to everyone more
129 equally.

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131 Councilmember Holt prefers option four because everyone has to pay their portion.

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133 The last water rate increase imposed by Fillmore was in 2007. The base rate at that time
134 increased \$5.00 to fund a water improvement project.

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MOTION: To accept option four on the culinary rate increase. This option will increase the base rate to \$27.50. Overage rates are \$0.80 per 1,000 gallons for 5,001 to 20,000 gallons used, \$0.90 per 1,000 gallons for 20,001 to 100,000 gallons used, \$1.20 per 1,000 gallons for over 100,000 gallons used, and \$1.15 per 1,000 gallons for over 500,000 gallons used.

By: Councilmember Holt
Second: Councilmember Adams
Vote: Councilmembers Holt, Adams, Rhinehart and Jenson voted Yes. Councilmember Mitchell voted No. Motion carried by 4 to 1 majority vote.

Discussion on Clean Air Ordinance

A lengthy discussion ensued regarding a clean air ordinance in Fillmore and the following points were made:

- Attorney Greathouse asked the council to consider how broad they want the definition to be.
- “Smoking in public places” is better terminology than “clean air ordinance” when considering the new ordinance.
- If there is too much discretion by way of enforcement, then it becomes very difficult to enforce.
- Other cities in the state have designated smoking areas. If this option were implemented, it would require more signage.
- Councilmember Mitchell has spent the last two weeks talking to people about this and has not had one person who thinks passing an ordinance is a good idea. He talked to people from Gunnison and they question why they have an ordinance in place because it is not enforced. The auto show and ATV jamboree draw smokers to Fillmore to attend these events. Passing a no smoking ordinance may deter them from attending in the future.
- Councilmember Adams spoke to several members in the community and found that about half are in favor and the other half are against passing an ordinance.
- The majority of the council is in support of the initiative. However, they do not know how it will be enforced.
- Becki Pentz has not received any objections from the community because it is a norm that people smoke outdoors in public. However, all citizens have a right to be in a smoke free environment.
- It was proposed to start out with only using signage and implement voluntary compliance. Mayor Larsen said that signage will put the eye of scrutiny on smokers, and that alone may deter some from smoking in public areas. Becki Pentz added that some will ignore the signs, but some will adhere to them and follow the rules. The signage should also be confined to playground areas and not parks as a whole.
- The council asked Becki, Sara, and Taylor to conduct more research by talking to more people in the community and report the findings back to the council.

190 MOTION: To approve a signage ordinance to prohibit smoking in public areas.
191 By: Councilmember Holt
192 Second: None – Councilmember Holt rescinded the motion
193 Vote: Motion not carried.

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196 MOTION: To table until the next council meeting to allow for more research
197 By: Councilmember Holt
198 Second: Councilmember Jenson
199 Vote: Unanimous. Motion carried.

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201 Attorney Greathouse will draft a proposed ordinance that is more voluntary and specific to
202 where signs should be posted. This will be added to the next regular meeting agenda.

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205 Resolution 16-01 Municipal Wastewater Planning Program Report

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207 MOTION: To accept Resolution 16-01, the Municipal Wastewater Planning
208 Program Report

209 By: Councilmember Holt

210 Second: Councilmember Jenson

211 Vote: Roll-call vote:

212 Councilmember Holt – Yes

213 Councilmember Adams – Yes

214 Councilmember Rhinehart – Yes

215 Councilmember Mitchell – Yes

216 Councilmember Jenson – Yes, Motion carried.

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219 **COUNCIL REPORTS**

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221 Councilmember Jenson

222 **Water**

- 223 • Councilmember Jenson met with Sunrise Engineering to discuss the Main Street
224 drainage project. Other needed repairs or upgrades should be considered to be
225 completed in conjunction with the drainage project, such as re-surfacing Main Street
226 and replacing the water line that runs parallel to Main Street. This line has had a couple
227 of leaks. All pipes that cross Main Street should be looked at while exposed to see if
228 they need to be replaced. This should be done because the Utah Department of
229 Transportation prefers to avoid having their new roads cut into.

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231 Councilmember Mitchell

232 No report

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Councilmember Rhinehart

Airport

- Councilmember Rhinehart attended a meeting with State Aeronautics. Each year airport projects are evaluated. The following projects were discussed:
 - 1) The State of Utah has committed \$62,500 to re-do the apron. Fillmore City would need to pay the same amount to complete the \$125,000. These monies may no longer be viable as this is a 2015 project. Fillmore City will look into getting the BLM to share in that cost as they also use the apron for their operations.
 - 2) In 2017, a crack sealing/pavement preservation project is scheduled where the State of Utah will pay up to \$126,000 and Fillmore City's cost will be \$14,000.
 - 3) In 2018, an electrical lighting project is scheduled where the State will pay up to \$300,000 and Fillmore City's cost will be \$33,333.
 - 4) In 2021, a pavement preservation project is scheduled where the cost will be \$150,000.

State Aeronautics is excited and in support of the possibility of the National Guard stationing in Fillmore. If that happens, several guard members are expected to relocate to Fillmore.

Councilmember Adams

Celebrations

- All supplies for the Easter celebration have been ordered and delivered. The committee would like to establish sub-committees to aid in celebration preparations. Names for those committee members will need to be brought before the city council.

Streets

- Public works is in need of a wing plow for one of the plow trucks. It would be beneficial for snow removal if another snow plow breaks down. John Mitchell will need to provide Recorder Orton with a dollar amount to add into the 2017 budget.

Councilmember Holt

Fire Department

- The fire department is awaiting the outcome of the legislative session where they will be deciding on boundaries and budget amounts for fire prevention. Councilmember Holt will report that outcome to the council next month.

Greg Greathouse

No report

Recorder Orton

The city office has a new employee starting on March 7, 2016. Her name is Barbara Emmett. The city staff is excited to have her join the city office team.

Mayor Larsen

Marlene Cummings will retire from her service with the Fillmore City Office on March 15, 2016.

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ADJOURNMENT

Upon motion by Councilmember Rhinehart and second by Councilmember Jenson, the meeting adjourned at 8:26 p.m.

The next regular council meeting will be held March 15, 2016 at 6:30 p.m.

APPROVED March 1, 2016 _____
Eugene R. Larsen, Mayor