

1 **FILLMORE CITY COUNCIL MEETING**

2 January 20, 2015

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4 *Minutes of the regular meeting of the Fillmore City Council held January 20, 2015 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 stations KMTI and KNAK, and each member of the governing body on January 16,*  
9 *2015.*

10  
11 Those present were:

12 Mayor: Eugene R. Larsen Council: Michael D. Holt  
13 Attorney: Greg Greathouse N. Wayne Jackson  
14 Recorder: Marlene Cummings Eric R. Jenson  
15 Staff: Jamie Orullian Deborah S. Oeppinger  
16 City Engineer: Robert Worley Michael K. Rhinehart  
17  
18 Others: David & Vicki Allen

19  
20 6:30 p.m. Welcome and Pledge of Allegiance – Mayor Larsen

21  
22 **ADMINISTRATIVE BUSINESS**

23 Minutes

24 **MOTION: To approve the minutes of the meeting held January 6, 2015.**  
25 **By: Councilmember Oeppinger**  
26 **Second: Councilmember Jackson**  
27 **Vote: Unanimous. Motion carried.**

28  
29 Bills – Payroll

30 **MOTION: To approve the January 15, 2015 payroll and payment of bills listed**  
31 **on the invoice register dated January 7 – January 20, 2015.**  
32 **By: Councilmember Jenson**  
33 **Second: Councilmember Rhinehart**  
34 **Vote: Unanimous. Motion carried.**

35  
36 Business License

37 Cassa Carter for acrylic nails at Lemon’s Salon, 5 North Main

38  
39 **BUSINESS**

40  
41 Culinary Water System Master Plan 2014

42 Engineer Robert Worley stated that the plan is based on a five point analysis of Fillmore City’s  
43 culinary water system: water right, source capacity, treatment, storage capacity, and  
44 distribution. The plan analyzes current needs, current usage, and the projected needs for the  
45 next twenty years. The plan should be reviewed and updated every five years.

46  
47 Water storage capacity requirements are separated into three categories: indoor, outdoor, and  
48 fire protection. With an existing storage capacity of 759,000 gallons, Fillmore City meets the

49 state requirement but will need a new storage tank by 2030 if the projected growth rate  
50 becomes a reality.

51

52 The plan identifies weaknesses in the system and lists needed improvements. Fire suppression  
53 and pipe replacement are high priorities. Mr. Worley recommended phasing the improvements  
54 over a fifteen year period and suggested potential funding sources. If the upgrades were done  
55 as a single project it would take three to four months to secure funding and up to two years to  
56 complete the work. Large projects usually rank high for grant approvals; a rate increase would  
57 be necessary to qualify for a grant. The Mayor and Councilmember Jensen will work with Mr.  
58 Worley to get the process started.

59

60 Resolution 15-01

61 **MOTION: To approve Resolution 15-02 adopting the 2014 Fillmore City**  
62 **Culinary Water System Master Plan.**

63 **By: Councilmember Jensen**

64 **Second: Councilmember Rhinehart**

65 **Vote: Councilmember Jensen Aye**

66 **Councilmember Jackson Aye**

67 **Councilmember Rhinehart Aye**

68 **Councilmember Oepfinger Aye**

69 **Councilmember Holt Aye**

70 **Motion carried.**

71

72 BLM Airport Lease

73 The date on the contract needs to be corrected.

74 **MOTION: To approve the BLM Airport lease contract pending the date**  
75 **correction from January 1, 2015 to January 31, 2015.**

76 **By: Councilmember Jackson**

77 **Second: Councilmember Rhinehart**

78 **Vote: Unanimous.**

79 **Motion carried.**

80

81 Tantalus Smart Meter Contract

82 Attorney Greathouse is still working with the Tantalus attorney to customize the contract terms  
83 and give the city more protection; it may be ready for approval at the next meeting. Payment  
84 terms are still being negotiated and there are many extra costs the city had not anticipated  
85 including: (1) Tantalus will ship the meters to a designated shipping point at which time  
86 ownership will pass to Fillmore City making the city responsible for delivery charges to  
87 Fillmore, and (2) the system will require five data transmission modems which are not included  
88 in the bid.

89

90 Public Comment

91 Mayor Larsen welcomed David and Vicki Allen to the meeting and asked if they had any  
92 particular concerns. Mr. Allen asked about economic development. The Mayor said that  
93 Rhinehart Oil has purchased property on the south I-15 interchange and will be building  
94 something but has not disclosed what it will be, only that it may supply 30 jobs for area  
95 residents.

96

## COUNCIL REPORTS

97

98

99 Councilmember Holt

### 100 **Streets & Sidewalks**

- 101 • The road base on many streets has been damaged by storms and is breaking off. Mr.  
102 Holt will work with John Mitchell to determine what can be done to prevent further  
103 deterioration.

### 104 **Fire Department**

- 105 • Commissioner Draper is now over the fire district. Fire district meeting will be  
106 tomorrow night.  
107 • The fire department was awarded \$450,000 from the Community Impact Board for a  
108 new ladder truck.

109

110 Councilmember Oeppinger

### 111 **Library**

- 112 • The library is working with the schools for the March 5<sup>th</sup> Dr. Suess Day reading  
113 challenge.  
114 • Jody Robison had five people sign up for the adult education program she and the  
115 librarian have designed.

### 116 **Historic Preservation**

- 117 • The Great Basin Heritage meeting will be in Delta next month.

### 118 **Animal Control**

- 119 • There are seven dogs in the pound; four were brought in by owners who no longer  
120 wanted them and asked the city to have them adopted. There needs to be some  
121 clarification of what can and can't be done.

122

123 Councilmember Rhinehart

124 No Report.

125

126 Councilmember Jackson

### 127 **Garbage**

- 128 • The Fillmore transfer station is temporarily closed due to damage caused by an operator  
129 caused equipment malfunction. Mike Holt will have to go to the Delta dump to empty  
130 his truck; he should talk to the county commissioners about reimbursement for the extra  
131 time and expense involved.  
132 • The sign at the transfer station still has not been replaced.

### 133 **Emergency Management**

- 134 • Sheriff Dekker will be conducting an emergency training for elected officials on  
135 Tuesday, February 24 in the county commission chambers.

### 136 **Cemetery**

- 137 • There is not time to complete the grant application for the cemetery expansion project  
138 before the next deadline; it should be ready for the next application period. CIB  
139 funding will not be granted to projects that have been started.

140

141 Councilmember Jenson

142 No report.

143

144

145 Mayor Larsen  
146 In 2009 a home occupation license was granted for a day care for 8 children. City code limits a  
147 home day care to 8 children, which includes the owner's children. The license has been  
148 renewed each year and the owner never indicated any change in her operation. This year the  
149 city recorder learned that the home owner now has 16 children and employs her mother to help  
150 and has for several years. State code allows 16 children and there must be at least two adults  
151 for more than 8 children; however, state code also requires license holders to abide by local  
152 laws if they are more restrictive. Fillmore Code not only limits the number of children to 8,  
153 but it also restricts the employees of a home business to occupants of the home.

154  
155 Councilmember Rhinehart said he has researched home occupation laws of other cities and  
156 many of them allow employees that are not residents of the home. The day care owner has  
157 scheduled time on the next planning meeting agenda to request a zone change or an ordinance  
158 amendment to allow more than 8 children and employees that do not live in the home.

159  
160 Mayor Larsen explained that the planning commission put a lot of research, time, and  
161 discussion into the home occupation regulations before they were adopted. A public hearing  
162 was held before the ordinance became law. Residential zones are the most sensitive zones and  
163 the intent was to protect residential areas from commercial activities that could endanger the  
164 health, safety, and welfare of the residents. Legislators must consider what is best for the  
165 majority and not change laws for the benefit of a few.

166  
167 It was suggested that a public hearing be held to determine the will of the people. Attorney  
168 Greathouse advised that a public hearing is to take comment on a proposed action. The people  
169 have the right to present their request to the planning commission but before the commission  
170 holds a public hearing, the commissioners need to decide if they are going to recommend an  
171 ordinance amendment and if so, define what change they are recommending. Ultimately it  
172 will be the city council that decides whether or not to amend the code.

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#### ADJOURNMENT

176 **MOTION: To adjourn the meeting.**  
177 **By: Councilmember Oeppinger**  
178 **Second: Councilmember Rhinehart**  
179 **Vote: Unanimous. Motion carried.**

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181 The meeting adjourned at 8:07 p.m. The next meeting will be held February 3, 2015 at  
182 6:30 p.m.

183

184

185 APPROVED February 3, 2015

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Eugene R. Larsen, Mayor

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