

1 **FILLMORE CITY COUNCIL MEETING**

2 September 15, 2015

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4 *Minutes of the regular meeting of the Fillmore City Council held September 15, 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 each member of the governing body on September 11, 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 (Excused)
14 Deborah S. Oeppinger
15 Michael K. Rhinehart

16
17 Others: Ian Adams, Scott Barney, Jeff Mitchell, Dallas Griffith, Rick Roberts and Gabe
18 Miller of Kimball and Roberts, David and Corinne Lewis, Anna and Kristine
19 Camp, Kary and Susan Kesler, Brandon Bartholomew, David Remkes, and
20 Doug Radunich.

21
22 6:30 p.m. Welcome and Pledge of Allegiance- Mayor Larsen
23 Mayor Larsen excused Councilmember Eric Jenson.
24

25 **ADMINISTRATIVE BUSINESS**

26 Minutes

27 MOTION: To approve the minutes of the meeting held August 18, 2015.
28 By: Councilmember Jackson
29 Second: Councilmember Rhinehart
30 Vote: Unanimous. Motion carried.
31

32 Bills – Payroll

33 MOTION: To approve the September 15, 2015 payroll and payment of bills listed
34 on the invoice register dated August 19 – September 15, 2015.
35 By: Councilmember Rhinehart
36 Second: Councilmember Jackson
37 Vote: Unanimous. Motion carried.
38

39 Purchase Order

40 MOTION: To approve the purchase of 2016 Fourth of July Fireworks in the amount
41 of \$13,499 from Fireworks America.
42 By: Councilmember Rhinehart
43 Second: Councilmember Holt
44 Vote: Unanimous. Motion carried.
45

46 Building Permits

- 47 • 15-11 David and Vicki Allen - a residential garage at 290 West 300 North
- 48 • 15-12 Sean Iverson - new home at 255 South 300 West

- 50 • 15-14 Randy Christianson - home addition at 355 North 100 East
51 • 15-15 Jay D. Wilcox - shed at 325 North 100 East
52

53 COMMUNICATIONS & REQUESTS 54

55 Brandon Bartholomew – Landfill Hours of Operation

56 Mr. Bartholomew requested that the city landfill be open three more days during the week.
57 He depends on it being open for his business. An increase in operating hours would save
58 him and other contractors the expense of traveling to Delta to dump. Millard County pays
59 an employee to operate the landfill three days each week; it would cost the city \$289.10 per
60 day to keep it open another three days. Councilmember Jackson suggested that Brandon
61 ask the county to open it on an as-needed basis for him. Brandon proposed installing a key
62 pad. It was noted that without supervision people would dump in the wrong areas.
63 Brandon said he would be willing to be on call and open it whenever contractors needed to
64 get in. Councilmember Jackson will discuss the matter with the county officials.
65

66 Kary Kesler – Discuss Plans for Old City Building

67 Mr. Kesler asked the council to reconsider the plan to demolish the old city building.
68 Council explained the reasons for the decision included:

- 69 • extensive water damage in the basement;
70 • the building obstructs the view of the Statehouse;
71 • the cost to comply with current building codes and ADA standards could be as much as
72 \$700,000 and there would be annual operating and maintenance costs

73 Mr. Kesler felt that the building's historical value justified the expense to preserve it. He
74 said sometimes the decisions to demolish old buildings are later regretted. Potential uses
75 for the building could be:

- 76 • renting it to generate income;
77 • restoring it for an events center; or
78 • using it for city storage.

79 He requested to council to think about it and discuss it again at a future council meeting.
80

81 Dallas Griffith – Discuss Possible Purchase of Land in Industrial Park

82 Mr. Griffith is expanding his construction business to include the building and selling of
83 sheds. He inquired about available land in the industrial park. He plans on building a 40 x
84 50 foot building and currently has four employees. He will schedule a time with Mayor
85 Larsen and Flowell Electric to look at the property and assess utility requirements. It was
86 noted that the city must hold a public hearing prior to the sale of property.
87

88 Anna Camp – Millard High School Homecoming

89 Ms. Camp asked the council to co-sponsor the MHS Homecoming event by donating use of
90 the city tent free of charge. The tent would be set up on the southeast corner of the lawn at
91 the high school.

92 MOTION: To allow Millard High School to use the city tent free of charge for the
93 homecoming event.

94 By: Councilmember Rhinehart

95 Second: Councilmember Jackson

96 Vote: Unanimous. Motion carried.

97 **BUSINESS**

98

99 Fiscal Year 2015 Audit Report – Rick Roberts and Gabe Miller of Kimball & Roberts

100 Kimball & Roberts CPA firm of Richfield performed the annual independent audit for the
101 Fiscal Year ending June 30, 2015. Rick Roberts began the report by explaining that the
102 purpose of the audit is to express an opinion on the financial statements of the city to obtain
103 reasonable assurance about whether the statements are free from material misstatement.
104 This is done through random testing, verification of financial transactions, interviews,
105 reading the minutes, ordinances, and policies, and checking for compliance with state
106 statutes. He referenced different pages in the report and explained the data pertaining to
107 the revenues, expenditures, reserves, and investments for the various funds. They also
108 provided an explanation for the new GASB 68 requirement for reporting liabilities.
109

110 Gabe Miller concluded the report by saying Fillmore City is compliant in all areas and is in
111 a better financial position than most of the other entities his firm audits. He complimented
112 the Mayor, council, and administrative staff on their sound management practices and
113 dedication to fiscal responsibility.
114

115 Land Lease Agreement with Safari Minerals

116 Safari Minerals wants to purchase an 11 acre parcel in the industrial park for a ball mill
117 operation. The company mines iron oxide and mills it into a fine dust used for brick
118 coloring. As many as fifteen employees will be hired from the Fillmore Area.
119

120 A public hearing is required prior to the sale of public land. In order for the company to
121 begin operations immediately, the Mayor had proposed a two-month lease agreement to
122 allow time for the hearing and finalization of the sale.

123 MOTION: To approve the lease agreement with Safari Minerals.
124 By: Councilmember Oeppinger
125 Second: Councilmember Jackson
126 Vote: Unanimous. Motion carried.
127

128 Fillmore Water Users Lease Agreement

129 Attorney Greathouse had drafted a water lease agreement with the Fillmore Water Users.
130 He asked council to review it for a week and let him know of any concerns or objections
131 they may have. If council has no corrections Attorney Greathouse will send it to Fillmore
132 Water Users.
133

134 Ordinance 15-04

135 The ordinance will allow the City to clean up weeds, garbage, refuse, unsightly objects and
136 public nuisances in certain circumstances and receive reimbursement from the property
137 owner or occupant, if the owner or occupant fails to clean up the real property after notice
138 is given.
139

140 Diversified Stone has property in the industrial park that needs to be cleaned up. The
141 ordinance will enable the city to have it cleaned up. It will also be a way for the city to stay
142 clean and uncluttered. The ordinance follows the Utah code in enforcing property clean-up
143 and requires the city to designate an inspector. It allows for the clean-up costs to be
144 collected with the landowner’s property taxes without having to go to court.

145 There are some minor typographical errors in the ordinance draft; Attorney Greathouse will
146 make corrections and send the ordinance to Recorder Orton. He clarified that the use of
147 this ordinance to enforce clean-up will only be triggered by complaints.

148 MOTION: To adopt Resolution 15-04 with the noted typographical corrections.

149 By: Councilmember Jackson

150 Second: Councilmember Holt

151 Roll Call Vote: Councilmember Oeppinger Yes

152 Councilmember Rhinehart Yes

153 Councilmember Jackson Yes

154 Councilmember Holt Yes

155 Unanimous (4-0) Motion carried.

156 157 COUNCIL REPORTS

158 159 Councilmember Holt

160 **Streets and Sidewalks**

- 161 • The right-of-way notices will be distributed by September 30.

162 **Fire Department**

- 163 • Councilmember Holt will seek Title 3 money at the next Fire District budget meeting to
164 recover costs of firefighting last year.
- 165 • He does not yet know the delivery date for the new fire truck.

166 167 Councilmember Oeppinger

168 **Animal Control**

- 169 • There is one dog at the shelter; two agencies are interested in adopting it.
- 170 • It was previously reported that Doctor Anderson would come to Fillmore every week.
171 This will not be feasible for him so he will be visiting every other week.

172 173 Councilmember Rhinehart

- 174 • Councilmember Rhinehart will contact Don Edwards about finishing the splash pad.
175 All controls have been installed.
- 176 • Two bids for construction of the fence around the splash pad are being considered.

177 178 Councilmember Jackson

179 **Cemetery**

- 180 • The grading and utility layouts will commence for the expansion project. Sunrise
181 Engineering will be completing these.

182 **Garbage and Landfill**

- 183 • Councilmember Jackson will approach the county about getting access for Brandon
184 Bartholomew to open the landfill for contractors during off hours. If Mr. Bartholomew
185 will be authorized to do this, the city will need to provide some kind of compensation
186 for him.

187 **Disaster and Emergency**

- 188 • September is CERT national preparedness month.
- 189 • A triage field preparedness meeting will be held on September 19, 2015, 10:00 a.m. at
190 the CERT building.
- 191 • CERT needs more volunteers.

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Attorney Greathouse

- Attorney Greathouse asked if the IPA signature page for the Second Amendatory Power Sales Agreement had been sent. Recorder Orton said it was sent by certified mail and he received confirmation that it was delivered to IPA on September 14, 2015.

Recorder Orton

- Scipio Town has paid the annual assessment for Scipio citizens to use the Fillmore library. All the other East Millard communities have paid for the year.
- Recorder Orton asked the council for guidance in waiving utility bills for deployed military personnel. Council instructed him to present a proposed policy amendment at the next council meeting.

Mayor Larsen

- All IPA participating cities, including those in California, have signed into the IPP Conversion Study Project.
- Wild West Jerky is ready to commence business operations. The Planning Commission has approved a Conditional Use Permit allowing them to operate in an Agricultural Zone.

ADJOURNMENT

Upon motion by Councilmember Rhinehart and second by Councilmember Holt, the meeting adjourned at 8:18 p.m.

The next regular council meeting will be held October 6, 2015 at 6:30 p.m.

APPROVED October 6, 2015

Eugene R. Larsen, Mayor