

1 **FILLMORE CITY COUNCIL MEETING**

2 July 2, 2013

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4 *Minutes of the regular meeting of the Fillmore City Council held July 2, 2013 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,*
8 *KNAK and KMTI radio stations, and to each member of the governing body on June 28, 2013.*

9 Those present:

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11 Mayor: Eugene R. Larsen Council: Michael D. Holt
12 Attorney: Greg Greathouse Josephine F. Huntsman
13 Recorder: Marlene Cummings N. Wayne Jackson
14 Eric R. Jensen
15 Deborah S. Oeppinger

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17 Others: Lt. Morris Burton, Chief Darren Brunson, Commissioner Alan Roper,
18 Wendell Robison, Katrina Rhinehart, Austin Rhinehart, DNR Officer
19 Riley Peck, Bill Goddard, Ken Martin, Dan Rowley, Laurie Mathews,
20 David & Vickie Allen, Laurie Holt, Don Tompson, ElDon Frampton,
21 Janet Cooper

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23 6:30 p.m. Welcome and Pledge of Allegiance - Mayor Larsen

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25 **ADMINISTRATIVE BUSINESS**

26 Minutes

27 **MOTION: To approve the minutes of the regular meeting held June 18, 2013 as**
28 **corrected.**
29 **By: Councilmember Huntsman**
30 **Second: Councilmember Jackson**
31 **Vote: Unanimous. Motion carried.**

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33 Bills - Payroll

34 **MOTION: To approve the June 30, 2013 payroll and payment of the bills listed**
35 **on the July 2, 2013 invoice register.**
36 **By: Councilmember Oeppinger**
37 **Second: Councilmember Huntsman**
38 **Vote: Unanimous. Motion carried.**

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40 Building Permits

- 41 • 13-07 Kendall Krause – new residence at 555 South 700 East Sandrock Ridge Road

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43 Natural Impressions had submitted a re-roofing application for the East Millard Swimming
44 Pool. Generally government agencies perform their own building inspections and a city permit
45 is not required. However, due to extensive moisture damage, the entire roof will have to be
46 replaced rather than just the shingles. Because the new construction must comply with
47 commercial code, the contractor applied for a city building permit. He was unsure if the
48 county building inspector would require commercial code standards for the project. The

49 contractor was referred to city building inspector Jason Bullock for clarification and direction
50 before the application is processed.

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52 Business License

53 A business license application for broker services was referred back to the office staff to
54 determine whether or not a state license is required.

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56 **COMMUNICATIONS AND REQUESTS**

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58 Law Enforcement Report

59 Lt. Burton presented the law enforcement statistics for May 2013. There were 2 traffic
60 accidents, 17 citations issued for 22 violations. Calls for service totaled 116 generating 88
61 incidents with 16 arrests for 21 violations. A road rage incident that began in Beaver County
62 ended in McCornick where the offender was arrested and charged with aggravated assault.

63

64 Fire Convention Report

65 Wendell Robison, Drew Rasmussen, and Errol Dearden attended the annual fire convention.
66 Mr. Robison reported that he has been affiliated with the Utah State Firemen's Association for
67 about thirty years and with the National Association for about twelve years and sits on various
68 committees that requires him to be gone about one week every month. There has been over
69 \$10,000,000 in grant money awarded to different fire departments throughout the state over the
70 past ten years which has paid for new equipment and protective gear. He said there are many
71 opportunities and rewards for volunteer firefighters. There is a notable difference in passion
72 levels between the volunteers and the professionals.

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74 Fire Department Report

75 Chief Darren Brunson thanked Mr. Robison for all he has done and continues to do to support
76 the fire fighters.

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93 Boys State Report

94 Austin Rhinehart thanked the council for sponsoring him at Boy's State. He ran for city
95 council, county commission, and state representative and won each election. He didn't make

96 his bid for Boy's Nation. There were 42 speakers which included the governor, some mayors
97 and city council members. They received two hours of educational instruction on the
98 constitution. Scholarships worth \$98,600 were awarded.

99

100 Wildlife Report

101 Riley Peck, Wildlife Resource Officer, expressed concern about the growing number of deer in
102 the city. In 2010 and 2011 the Division was asked to implement control measures; The
103 Division is prepared to help again if the council requests it but cannot do anything until August
104 1st when the fawns are old enough to be separated from their mothers. The sick cougar that
105 was found in the city last week was put down.

106

107 **PUBLIC COMMENT CONCERNING THE GARBAGE RATE INCREASE**

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109 Mayor Larsen was led to believe there is a lot of opposition about the garbage rate increase for
110 automated garbage collection that will go into effect when the Holts get their new truck. He
111 asked for public comment concerning the matter.

112

113 Janet Cooper – She can't lift much and as a widow she looks forward to getting the new large
114 cans that can be wheeled out to the curb for pickup rather than having to carry several heavy
115 cans. Her elderly parents in Hurricane enjoy automated service and find it much easier for
116 them.

117

118 Daniel Rowley – He wondered what it was going to cost him to buy the cans. The Holts will
119 furnish the containers for a small rental fee that will go into a replacement fund. When
120 purchased individually the cans can cost as much as \$200. The Holts are asking people to take
121 responsibility for the cans and keep in them in good condition so they will last.

122

123 Councilmember Huntsman - There are many elderly widows, some who can't walk or see well,
124 that will not be able to wheel the heavy containers out to the curb, especially through the snow.
125 She wondered what the city could do to help these people. It was noted that the cans are
126 balanced and easy to pull. However, Mr. Holt is very accommodating and has always helped
127 those who need help and he will continue to do so.

128

129 Ken Martin - There is no way his wife could move the cans. Mayor Larsen stated that where
130 collection service is provided by a government entity, people with impaired health get no help.
131 The city's private contractor is always willing to help.

132

133 Eldon Frampton – When he moved to Fillmore from Sandy he was surprised to find the
134 archaic manual collection system was still being used. He is delighted to see the city upgrade
135 to automated pickup.

136

137 Councilmember Oepfinger – She does not worry about people that can't manage the large
138 cans. She has full confidence in Mr. Holt and knows him to be a caring and compassionate
139 person who will help those that need it.

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141 Don Tompson – It will be a big benefit to have a 96 gallon can that will replace several small
142 ones; he is looking forward to making just one trip to the curb instead of several. He wondered

143 how the Holts will keep track of the cans. They will be numbered and each number attached to
144 a specific address.

145
146 David Allen - "Welcome to the 21st century."

147
148 Mayor Larsen – The rumor mill is alive and well---The city IS NOT financing an individual.
149 For the past 35 years Fillmore City has contracted for garbage pickup. Contractors do not
150 provide free service. When the cost to provide the service increases, the cost to the customer
151 must increase or the contractor will go bankrupt. The issue is that the Holts' truck is now 22
152 years old. Their choice is to either replace the truck or go out of business. They are sticking
153 their necks out and taking a big risk to buy a new truck and the trash cans. They cannot
154 provide the service for less than it costs them.

155
156 Mike Holt – He and his wife have spent the last three years trying to figure out the most
157 economical way to go. They have done a lot of research and pricing. They are not trying to
158 scalp anyone, they are just trying to run a business and make a living.

159
160 Mayor Larsen closed the comment period by saying he had expected some negative comments,
161 but was pleasantly surprised and pleased with the positive support that had been expressed. He
162 thanked everyone for taking the time to attend the meeting and letting their voices be heard.

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COUNCIL REPORTS

165 Councilmember Jenson

Planning

- 166
- 167 • The Conditional Use Permit for the Screamin' Eagle Raceway has been revoked. There
168 will be a special meeting on July 9th so the new owner can make application for a new
169 CUP that will better fit with his business plan.
 - 170 • The names for two new alternate commission members have been submitted to the
171 Mayor.

Water

- 172
- 173 • The SCADA antenna has been raised and the system is working better.

Sewer

- 174
- 175 • Ross Cummings is checking the sewer flow meter and considering a SCADA system
176 for sewer operations.

177

178 Councilmember Jackson

Waste Management

- 179
- 180 • Signs need to be posted at both the transfer station and landfill to inform the public
181 about what is allowed.

CERT

- 182
- 183 • People should be educated about the chain of command during emergencies.

OTHER

- 184
- 185 • Thad Jensen, *Outreach to Veterans* counselor, is retiring. He has been in Fillmore
186 every week for years and has helped many veterans. Councilmember Jackson asked
187 that the office staff prepare an appreciation certificate from Fillmore City for Mr.
188 Jensen. The new counselor is Rick Mullen.

189

190

191 Councilmember Huntsman

192 **Library**

- 193 • Story hour is going well with an average of 40 to 45 children attending each session.
194 • A professional story teller will be at the library on July 10th at 1:00 p.m. There will not
195 be a morning session that day.
196 • The library staff is working hard to get the float ready for the Fourth of July parade.

197 **Cemetery**

- 198 • The work of documenting the pioneer markers that are damaged or missing is still
199 ongoing.

200 **Economic Development**

- 201 • Councilmembers Huntsman and Oeppinger spent an interesting afternoon at the Utah
202 Manufactures Association convention in Delta on June 21st. Steve Thomas, Regional
203 Director for the manufacturing association would like to meet with the council to
204 explain the objectives of the association.
205 • Senator Ralph Okerlund plans to visit all the rural cities in his jurisdiction. He claims
206 the Utah air is cleaner now than it was in 1970 and it has been accomplished without all
207 the new EPA regulations. He is optimistic about growth in rural Utah and expects it
208 will happen within the next ten to twenty years.
209 • Snow College and Delta Tech are offering a revised curriculum to focus on training
210 students to meet the demands and needs of new businesses.
211 • There was an article in the Sunday Tribune on IPP, the coal industry, and the future of
212 the state.

213

214 Councilmember Oeppinger

215 **Celebrations**

- 216 • The Fourth of July celebration is going to be a dynamic event; it is geared to promote
217 patriotism.
218 • The Chamber's mile long yard sale was a success, people loved it. Laurie Mathews had
219 put a lot of planning into the event. Mrs. Oeppinger complimented Mrs. Mathews for
220 how well it went.
221 • The Chamber sponsored a lemonade stand to raise money for a splash pad. They are
222 having people sign a petition in support that will be presented to the city. They want to
223 know what the process is to get the city to install one. Mayor Larsen will do some
224 research to determine the impact and feasibility of it.
225 • People also loved the car show and the ATV Jamboree.

226 **Animal Control**

- 227 • Dog licensing is moving slowly. People should be given an extra week before being
228 charged the penalty for late licensing.

229

230 Councilmember Holt

231 **Streets & sidewalks**

- 232 • Chris Carling was unaware that any Carling Cement trucks had been dumping the
233 clean-out waste on city property. He wants to be notified if it happens again.

234 **Parks**

- 235 • The culinary water line has been installed in the park and is available for use for the
236 Fourth of July celebration.
237 • Mr. Holt is getting a bid for the removal of three tree stumps in the park.

238 Attorney Greathouse

- 239 • An organization called ASCAP (American Society of Composers, Authors and
240 Publishers) that supposedly protects copyrighted works has contacted Recorder
241 Cummings demanding the city enter into an agreement to use copyrighted materials.
242 The ASCAP representative claims that any city sponsored event that has music is
243 legally liable for copyright infringement. The organization’s website lists
244 establishments that need to license; governments are not on the list. It appears that this
245 group must “surf” the net to find buyers of their product because the representative
246 knew all the different celebrations and activities that are held in Fillmore, and thought
247 the city was the sponsor of all of them. Annual fees are based on population, 1 to
248 50,000 would be \$327. This matter will be scheduled for discussion on the next
249 agenda.
- 250 • Governor Herbert has appointed a taskforce to go around the state to learn what
251 concerns people have about water and water rights.

252
253 Mayor Larsen

- 254 • UAMPS is actively looking at modular nuclear units. The current push is for natural
255 gas; since natural gas is also a fossil fuel (only half as polluting as coal) it won’t be
256 long before the EPA begins attacking natural gas. Solar and wind are unpredictable
257 sources of generation and some environmentalists claim the solar and wind farms are
258 polluting the landscape. UAMPS is trying to get a leading edge and taking a serious
259 look at nuclear generation. The Mayor will bring some talking points to the next
260 meeting.
- 261 • At the first monthly meeting with Rocky Mountain Power, the transmission line
262 overload was discussed. Those in attendance included representatives of Millard
263 County, Flowell Electric, mayors, and large businesses. There will be two more of
264 these meetings.

265 **ADJOURNMENT**

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267 **MOTION: To adjourn the meeting.**
268 **By: Councilmember Oeppinger**
269 **Second: Councilmember Holt**
270 **Vote: Unanimous. Motion carried.**

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272 The meeting adjourned at 8:38 p.m. The next regular meeting will be held July 16, 2013 at
273 6:30 p.m.

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275 APPROVED July 16, 2013

Eugene R. Larsen, Mayor

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277
278 ATTEST: _____
279 Marlene Cummings, CMC
280 City Recorder

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