

1 **FILLMORE CITY COUNCIL MEETING**

2 August 20, 2013

3  
4 *Minutes of the regular meeting of the Fillmore City Council held August 20, 2013 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, KMTI and KNAK radio stations, and each member of the governing body on August 19,*  
9 *2013. Those present were:*

10  
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. Jenson  
15 Deborah S. Oepfinger

16  
17 Others: Lt. Morris Burton, Rick Roberts, Lt. Michael G. Williams,  
18 Kenneth Martin, Dean Draper, Cal VanDyke

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 regular meeting held August 6, 2013  
25 as corrected.  
26 **By:** Councilmember Jackson  
27 **Second:** Councilmember Huntsman  
28 **Vote:** Unanimous. Motion carried.

29  
30 Purchase Orders

31 **MOTION:** To approve purchase order 1319 to Flowell Electric in the amount of  
32 \$14,584.26 for transformers.  
33 **By:** Councilmember Oepfinger  
34 **Second:** Councilmember Huntsman  
35 **Vote:** Unanimous. Motion carried.

36  
37 **MOTION:** To approve the purchase order 1320 to Fireworks America in the  
38 amount of \$12,500 for the July 4, 2014 fireworks show.

39 **By:** Councilmember Jackson  
40 **Second:** Councilmember Jenson  
41 **Vote:** Unanimous. Motion carried.

42  
43 Bills – Payroll

44 **MOTION:** To approve the August 15, 2013 payroll and payment of the bills  
45 listed on the August 7 through August 20, 2013 invoice register.

46 **By:** Councilmember Huntsman  
47 **Second:** Councilmember Jenson  
48 **Vote:** Unanimous. Motion carried.

49 Sign Permit

- 50 • 13-01 Russell Jackson for a free-standing, on-premise sign at 210 South 100 West

51  
52 Business Licenses

- 53 • ABJ LLC, Abe Johnson, home business for dutch oven catering at 330 South 200 East  
54 • Andrews Motocross Park, Mathew Andrews for raceway at 890 South Airway Drive  
55 • Wagons West RV Park, Kary & Susan Kesler to re-open the park at 545 North Main

56  
57 (Councilmember Jackson left the meeting at 6:40 to attend a Community Covenant signing in  
58 Meadow and returned at 7:35.)

59  
60 **AUDIT REPORT**

61  
62 Kimball & Roberts CPA firm of Richfield performed the annual independent audit for the  
63 Fiscal Year ending June 30, 2013. Rick Roberts began the report by explaining that the  
64 purpose of the audit is to express an opinion on the financial statements of the city to obtain  
65 reasonable assurance about whether the statements are free from material misstatement. This  
66 is done through random testing, verification of financial transactions, interviews, reading the  
67 minutes, ordinances and policies, and checking for compliance with state statutes. He  
68 referenced different pages in the report and explained the data pertaining to the revenues,  
69 expenditures, reserves and investments for the various funds. He showed how the statement of  
70 cash flows reconciles beginning with ending balances. They also tested internal controls and  
71 checked for fraud.

72  
73 The only non-compliance they identified was the expenditures of Class C Road monies on a  
74 chip seal project costing over \$167,990. Such projects must be advertised publicly for three  
75 consecutive weeks; this was not done. The city's response to the finding was that the  
76 administration will work closely with the public works to meet the advertising requirement.

77  
78 He concluded by saying Fillmore City is in a better financial position than any of the other  
79 entities his firm audits. He is impressed with office standard of cross training, second party  
80 reviews and monthly random testing of the utility bills. He complimented the Mayor, council,  
81 and administrative staff on their sound management practices and dedication to fiscal  
82 responsibility.

83  
84 **COMMUNICATIONS AND REQUESTS**

85  
86 Law Enforcement Report

87 Lt. Morris Burton was unable to attend the last meeting and asked to have a few minutes to  
88 report the statistics for the month of June. There was 1 accident, 12 citations issued for 14  
89 violations, 121 CAD calls, 97 incidents that resulted in 6 arrests for 8 offenses. It has been  
90 relatively quiet in Fillmore with no major occurrences.

91  
92 **CANVASS OF PRIMARY ELECTION**

93  
94 Mayor Larsen reviewed the statistics for the August 13, 2013 Primary Election. Out of 1233  
95 eligible voters, only 235 voted. There were six council candidates and voters could vote for

96 two. The top four candidates will be on the November 5<sup>th</sup> General Election ballot. Poll books,  
 97 ballots, and other election materials were available for council members to inspect.

**FILLMORE CITY  
 2013 MUNICIPAL PRIMARY ELECTION RESULTS**

	Consolidated Precincts Fillmore 1 & 2	Percent	Rank
<b>Council Candidates</b>			
Rogers, Alan J.	5	1.09%	6
Rhinehart, Mike	139	30.28%	2
Krause, Kendall R.	92	20.04%	3
Martin, Kenneth E.	51	11.11%	4
Holt, Michael D.	158	34.42%	1
Bunker, Jennifer M.	14	3.05%	5
<b>TOTALS</b>	<b>459</b>	<b>100.00%</b>	
Total Votes Cast	235		
Number of Eligible Voters	1233	19.06%	Voter Turnout

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**MOTION:** To accept the canvass of the August 13, 2013 Municipal Primary Election.  
**By:** Councilmember Jenson  
**Second:** Councilmember Oeppinger  
**Vote:** Unanimous. Motion carried.

**BUSINESS**

Approve Sales Agreement with Black Dirt for Industrial Park Property

Attorney Greathouse explained that Black Dirt was apprehensive about some technical issues in the sales contract. The number of jobs to be created was a concern as was the environment provision and first right of refusal clause. Mr. Greathouse felt these precautions are a protection for the city and the fair break on the price of the land is justification to leave them in the contract.

Black Dirt spokesman Cal VanDyke asked for clarification on these issues and what impact a building would have on the repurchase agreement. Attorney Greathouse addressed the questions and a discussion followed. Mayor Larsen emphasized that the city wants this business to succeed. Mr. VanDyke inquired about dividing the property and paying up front for one parcel so his company would have clear title before putting a building on it. The Mayor noted that a division would necessitate going through the subdivision process. Mr. VanDyke thought it could be accomplished with a lot line adjustment.

He also wondered what could be done about the piles of debris that had spilled over from the adjacent vacant property that once belonged to Diversified Stone. Mayor Larsen answered that the property owner had been given notice to clean it up.

127 Mr. VanDyke was anxious to move forward: Black Dirt has product commitments to meet in  
128 the spring and time is of the essence.

129

130 Attorney Greathouse asked council for direction for changes to the Sales Agreement. The  
131 terms were discussed and agreed upon.

132 **MOTION: To approve the sales contract with Black Dirt with the changes as**  
133 **discussed, and authorize the Mayor to sign it.**

134 **By: Councilmember Holt**

135 **Second: Councilmember Jackson**

136 **Vote: Unanimous, motion carried.**

137

### 138 Community Covenant Signing

139 The Mayor and Council had signed the Community Covenant Agreement as part of the Fourth  
140 of July celebration. However, the document had to be redone and therefore re-signed. Lt.  
141 Michael G. Williams gave a recap of the purpose of the program initiated by the Secretary of  
142 the Army in 2008. It was designed to foster and sustain effective community partnerships with  
143 the Army to improve the quality of life for soldiers and their families. It is a nation-wide  
144 program; since 2010 it has been adopted by most of the Utah communities. He said he enjoys  
145 visiting the different areas and thanked the council for participating. Each council member  
146 signed the covenant agreement.



147

148 *Left to Right: Deborah Oeppinger, Michael Holt, Mayor Eugene Larsen, Lt. Michael Williams,*  
149 *Eric Jenson, Josephine Huntsman, Wayne Jackson*

150

### 151 IPA Agreements

152 Attorney Greathouse explained that he had just received the IPA Fourth Amendment to the  
153 Intermountain Power Agency Organization Agreement and the IPA Second Amendatory  
154 Power Sales Contract but he had not received the resolutions and he was not ready to advise  
155 the council on them.

156           **MOTION:**    **To table action on the IPA Agreements until the next meeting when**  
157                           **the Resolutions are ready to adopt.**  
158           **By:**               **Councilmember Huntsman**  
159           **Second:**       **Councilmember Oeppinger**  
160           **Vote:**           **Unanimous. Motion carried.**

## COUNCIL REPORTS

### Councilmember Jenson

#### **Historic Preservation**

- The Great Basin National Heritage Board meeting will be held September 7<sup>th</sup> in Fillmore.

### Councilmember Jackson

#### **CERT**

- Thanks to Recorder Cummings for getting the new CERT headquarters ready for the emergency volunteers. Fillmore City owns the building formerly occupied by Central Utah Counseling Center at 65 West Center. When the agency moved to a new location the Council decided not to rent the building again but to keep it for city purposes. It has been cleaned, repaired and painted.
- CERT members will be conducting a fund raising auction during the Old Capitol Arts and Living History Festival in September.

#### **Garbage**

- The county has not installed the signs at the transfer station.

### Councilmember Huntsman

#### **Library**

- A representative of the Utah State Library met with the librarian to re-certify the library. To recertify next year more training for both the staff and the library board will be required.
- Pre-school story hour will begin September 4<sup>th</sup> at 10:00 a.m. and continue each Wednesday throughout the school year.
- The Women's Book Club meets the first Wednesday of every month at 10:00 a.m.
- Author of the Great and Terrible series, U.S. Congressman Chris Stewart will visit the library on September 5<sup>th</sup> from 4:30 to 5:30 p.m.

#### **Cemetery**

- The pioneer monument project is continuing. Councilmember Huntsman and Megan Davies will finish identifying burials with damaged and missing markers so the next batch of headstones can be ordered.

### Councilmember Oeppinger

#### **Celebrations**

- The Cancer Relay for Life was well organized and raised about \$10,000. There were more participants this year and more people are expressing a desire to serve on the committee.
- The community theater production of *Seussical the Musical* at the North Park amphitheater was amazing. The Chronicle Progress gave the play great coverage. The park venue is a beautiful setting and she is committed to finding more ways to use the amphitheater.

204 • The Old Capitol Arts and Living History Festival will be September 5<sup>th</sup> - 7<sup>th</sup>.

205 **Animal Control**

- 206 • Another dog has been adopted from the pound. Photographs of impounded dogs are  
207 put on the website to make people aware of the adoption program.  
208 • Dr. Anderson comes to Fillmore every other Wednesday.  
209 • Animal Control Officer Matt Haupt does a great job and is very professional. People  
210 are pleased with the animal control efforts.

211

212 Councilmember Holt

213 **Sidewalks**

- 214 • There is a problem with youth riding motorcycles on the sidewalks.

215 **Fire Department**

- 216 • There have been a few fires, but no serious ones.

217 **Parks**

- 218 • Doug Jenkins appreciates using the park for his summer musical productions.  
219 • An Eagle Scout Project is underway to refurbish the two signs near the entrance of the  
220 North Park visitor center.

221

222 Attorney Greathouse and Recorder Cummings had nothing to report.

223

224 Mayor Larsen

- 225 • The meetings with Rocky Mountain Power are not going too well. There will be one  
226 more meeting and the Mayor has invited backup troops to help weight the talks in favor  
227 of the city. The power quality is poor and the transmission line is at capacity. It's been  
228 ten years since the city starting requesting a line upgrade; Rocky Mountain Power  
229 keeps pushing the time frame for improvements back. The city can't grow without an  
230 upgrade. Rocky Mountain Power is trying to get the users to pay for it but the users  
231 pay wheeling fees that should cover maintenance and upgrades. The Mayor and  
232 Durand Robison met with Senator Ralph Okerland in Richfield to solicit his help with  
233 the power transmission issues. Mayor Larsen plans to draft a grievance letter for Rocky  
234 Mountain Power and asked council members to contact him with their thoughts and  
235 ideas about it.

236

**ADJOURNMENT**

237

238 **MOTION: To adjourn the meeting.**

239 **By: Councilmember Oeppinger**

240 **Second: Councilmember Holt**

241 **Vote: Unanimous. Motion carried.**

242

243 The meeting adjourned at 8:35 p.m. The next meeting will be held September 3, 2013 at 6:30  
244 p.m.

245

246 APPROVED September 3, 2013

247

\_\_\_\_\_  
Eugene R. Larsen, Mayor

248

249 ATTEST: \_\_\_\_\_

250 Marlene Cummings, CMC

251 City Recorder