

1 **FILLMORE CITY COUNCIL MEETING**

2 October 15, 2013

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4 *Minutes of the regular meeting of the Fillmore City Council held October 15, 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 October 11,*
9 *2013. Those present were:*

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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. Jenson
15 Deborah S. Oeppinger

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17 Others: Ken Martin, Mike Rhinehart, Bruce Beckstrand, Terry Scottorn,
18 Klint and Lacie Hughes

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20 6:30 p.m. Welcome and Pledge of Allegiance – Mayor Larsen
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23 **ADMINISTRATIVE BUSINESS**

24 Minutes

25 **MOTION: To approve the minutes of the meeting held October 1, 2013.**
26 **By: Councilmember Huntsman**
27 **Second: Councilmember Jackson**
28 **Vote: Unanimous. Motion carried.**

29 Bills – Payroll

30 **MOTION: To approve the October 15, 2013 payroll and payment of the bills**
31 **listed on the October 1 through October 15, 2013 invoice register.**
32 **By: Councilmember Jackson**
33 **Second: Councilmember Huntsman**
34 **Vote: Unanimous. Motion carried.**

35 Business License

- 36 • Finlinson Apartments, LLC, Jacob Finlinson at 140 South Main

37 Building Permit

- 38 • Alan Roper for roof trusses on commercial building at 95 North Main
39

40 Library Board Appointments

41 Librarian Stephanie Aleman had reported that alternate Cindy Alldredge has replaced Courtney
42 Lunt on the library board. She had submitted a request to appoint Kathy Stringam and George
43 Young as board members; Michele Larsen and Nancy Young as alternate board members.

44 **MOTION: To ratify the appointments to the library board as presented.**
45 **By: Councilmember Huntsman**
46 **Second: Councilmember Jackson**
47 **Vote: Unanimous. Motion carried.**
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COMMUNICATIONS AND REQUESTS

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51 Bruce Beckstrand - Dr. Beckstrand chaired the Fourth of July celebration committee in the
52 capacity of what he perceived to be a calling from his church bishop. He had been instructed
53 to solicit donations for banners, signs, and other supplies for the celebration and was of the
54 opinion that he controlled the expenditures from the funds raised by his committee. He was
55 surprised to get the financial report from the city and find the money had been used for
56 expenditures he did not authorize. He thought there would be a substantial balance left in the
57 fund and wanted to pay Jeff Whitely what was left. Mr. Whitely serves in a state position to
58 help rural communities and was instrumental in arranging for the Thurl Bailey concert. Dr.
59 Beckstrand had submitted a claim to pay Mr. Whitely \$500 which was rejected by the council.
60 When Mr. Whitely was contacted he said he doesn't accept payment from communities for his
61 services; he requested the money be donated to *Friends of the Statehouse*.

62
63 Mayor Larsen explained that the Fourth of July is a city sponsored celebration. Helping with
64 the celebration is a voluntary civic assignment not a church assignment. Each year a different
65 ward is asked to invite members to voluntarily help with the celebration. All funds donated or
66 earned for the Fourth of July are public money; it is receipted by the city and expended by the
67 city as approved by the city council. He thanked Dr. Beckstrand for the excellent celebration
68 which he organized and apologized for the misunderstanding.

69
70 Councilmember Oeppinger, who oversees city celebrations, added that she was sorry for the
71 miscommunications and said she appreciated all the work that was put into the successful
72 celebration.

73
74 Dr. Beckstrand said that in the future people need to understand what is expected. He
75 concluded by saying the state tax commission has requested a list of the Fourth of July
76 vendors. The office staff will compile the list.

77
78 Terry Scottorn - Mr. Scottorn, commander of American Legion Post 61, invited council
79 members and their partners to the annual Veterans Day dinner on Saturday, November 9th at
80 6:00 p.m. He thanked the council for sponsoring the youth who attended Boys State, and
81 reported Legion activities for the past year which included:

- 82 • presented Veteran's Day Programs in all three Fillmore schools
- 83 • furnished the color guard for 14 Millard High School sports events
- 84 • conducted 31 cemetery military rights
- 85 • provided assistance to veterans in various ways
- 86 • selected Boys State participants
- 87 • awarded 3 scholarships to high school seniors
- 88 • helped fill backpacks with school supplies for children of veterans
- 89 • sponsored three Eagle Scout Projects

90
91 A plaque designating the American Legion Building to the National Register of Historic Places
92 has been attached to the building. The structure was built in 1926 on property owned by
93 Fillmore City; it received historical status in 2011.

94
95 Commander Scottorn thanked the council for past support and financial assistance and
96

97 requested a \$1,500 donation to help with legion operations for the coming year.

98 **MOTION: To donated \$1,500 to the American Legion, Post 61.**

99 **By: Councilmember Huntsman**

100 **Second: Councilman Jackson**

101 **Vote: Unanimous. Motion carried.**

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103 Councilmember Jackson noted that a local citizen, Corey Anderson, has been named Peace
104 Officer of the year for the state of Utah.

105

106 Klint and Lacie Hughes – The Hughes have moved from the area and are trying to sell their
107 home which they purchased under the affordable housing program. The city participated in the
108 program with a \$30,000 subordination note on the home. The subordinated note is due and
109 payable in full when the home is sold. However, the poor economy has created an upside-
110 down mortgage and the debt on the home is more than the appraised value. The Hughes are
111 faced with defaulting on their loans, or reducing the price. Mr. Hughes asked if the city would
112 transfer the subordination note to a new buyer to make it possible for him to sell rather than be
113 forced to default.

114

115 Attorney Greathouse advised council to consider the options – lose the \$30,000 through
116 default, or transfer the note with the possibility of repayment in the future. Since the city is in
117 second position, the primary lender would take all the proceeds from a forfeiture sale.

118

119 Mr. Hughes said the potential buyer would be going with the same lender and the lender is
120 familiar with the affordable housing program and subordinated notes.

121 **MOTION: To extend the subordination note to the new buyers with the same
122 rates and terms of the existing note.**

123 **By: Councilmember Jenson**

124 **Second: Councilmember Jackson**

125 **Vote: Unanimous. Motion carried.**

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127 Mr. Hughes agreed to furnish the names and addresses of the lender and the buyer along with
128 the principal amount the lender will finance.

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130 **BUSINESS**

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132 Black Dirt Sales Agreement

133 The Black Dirt sales agreement had been amended per the owners' requests. Attorney
134 Greathouse itemized the changes and explained the reasons for them. Black Dirt wants title
135 insurance on the property and has agreed to pay all closing costs and fees associated with the
136 insurance. Although council had authorized the Mayor to sign the agreement, Mr. Greathouse
137 said the changes were significant enough to bring it back to the council.

138 **MOTION: To accept the changes and authorize Mayor Larsen to sign the
139 agreement for the sale of real property to Black Dirt and the Trust
140 Deed and the Trust Deed Note.**

141 **By: Councilmember Holt**

142 **Second: Councilmember Oeppinger**

143 **Vote: Unanimous. Motion carried.**

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145 **COUNCIL REPORTS**

146
147 Councilmember Jenson

148 **Sewer**

- 149 • The sewer system has passed state inspection.

150 **Water**

- 151 • Water usage has decreased; with the cooler weather the small well is able to supply the
152 demand.

153
154 Councilmember Jackson

155 **CERT**

- 156 • The CERT trailer has been moved near the CERT building for inventorying.
- 157 • Lights from the old ambulance will be mounted on the trailer.

158 **Streets**

- 159 • Ross Cummings has found a stripe painter to buy.

160
161 Councilmember Huntsman

162 **Library**

- 163 • Chris Stewart has canceled his library appearance because the government shut-down
164 has kept him in Washington D.C. He would like to reschedule, but can't set a firm date
165 at this time.
- 166 • Monica Lovell is the new library board chair, and Christina Brinkerhoff is the new vice
167 chair. The next board meeting will be Tuesday, January 14, 2014 at 8:30 a.m.
- 168 • The last state certification report is due the end of October.
- 169 • Jaun Lee from the state library will be in Fillmore on November 5th to train the library
170 board. The meeting will begin at 8:30 a.m.
- 171 • Halloween story hour will run from 3:00 to 5:00 p.m. on October 31st and will coincide
172 with the Chamber of Commerce business district "trick or treat" activity.

173 **Cemetery**

- 174 • Mrs. Huntsman and Megan Davies have finished identifying pioneer graves through
175 1899. It will take quite a few monuments to complete the project. Ross Cummings and
176 Matt Haupt will decide where to set the stones for unidentified graves. They plan to
177 group them all together in one area. This project is a great way to acknowledge and
178 honor the pioneers.

179 **Economic Development**

- 180 • The two-day Six County fact finding tour through the Indian reservations in Utah and
181 Arizona was well worth the effort to attend. The tour was funded by a grant from
182 Mormon Pioneer Heritage. Mrs. Huntsman summarized the highlights of the tour and
183 said she learned so much and was grateful to be able to go on it.

184
185 Councilmember Oeppinger

186 **Celebrations**

- 187 • Arlene Bartholomew will organize the Christmas Lighting celebration.
- 188 • Mrs. Oeppinger apologized that Dr. Beckstrand and his wife didn't understand their
189 responsibilities for the Fourth of July. In the past the celebrations committees have
190 worked closely with the office staff and there was no confusion.

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Animal Control

- A group of citizens have taken it upon themselves to help find homes for dogs at the animal shelter.

Councilmember Holt

Fire Department

- The Department held an open house last Monday.
- One of the members was backing a fire truck and struck the building, knocking a section off the foundation. The truck wasn't damaged, but Millard Fire District will file an insurance claim to pay for building repairs.

Sidewalks

- The public works crew has been grinding sidewalks in areas that have sunk and created tripping hazards.
- Jack Roberts has been instructed to remove his rocks from the sidewalk and street. His rock business does not qualify for a home business license.

Parks

- There is a new ATV kiosk at the Statehouse Park; it was an Eagle Scout project.
- Water in the parks has been shut off and the lines winterized.

Other

- Mr. Holt had a newspaper article about controlling deer in Highland City. A two-year pilot program allows expert archers to hunt deer in the city. He planned to give the article to Wildlife Officer Riley Peck. There have been six deer removed from Fillmore.

Attorney Greathouse

- IPA agreements are still pending. Some cities are refusing to sign because their citizens work in the coal mines.

Mayor Larsen

Law Enforcement

- The new Sergeant for the Fillmore UHP office is Greg Kelsey from Nephi. He worked in Fillmore under Sergeant Rhoades command. Sergeant Kelsey has discussed the city safety contract with his superiors and is making the necessary changes to allow officers to work the overtime hours at their convenience. He will be moving to Fillmore when he sells his home in Nephi.

Electric

- The task force for the Rocky Mountain Power transmission line upgrade held their first meeting. As a result, RMP has agreed that the line to Fillmore needs to be upgraded to 1500 megawatts. There will be two more meetings.
- The \$485,000,000 stray voltage law suit filed against IPP by the dairies is being heard in court. A judgment against IPP could close the plant.

ADJOURNMENT

MOTION: To adjourn the meeting.
By: Councilmember Huntsman
Second: Councilmember Oeppinger
Vote: Unanimous.

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The meeting adjourned at 8:26 p.m. The next meeting will be held November 5, 2013 at 6:30 p.m.

APPROVED November 5, 2013

Eugene R. Larsen, Mayor

ATTEST: _____
Marlene Cummings, CMC
City Recorder