

1 **FILLMORE CITY COUNCIL MEETING**

2 November 5, 2013

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4 *Minutes of the regular meeting of the Fillmore City Council held November 5, 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, KNAK and KMTI radio stations, and to each member of the governing body on November 1,*
9 *2013. 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. Jenson
15 Deborah S. Oeppinger

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17 Others: Lt. Morris Burton, Chief Darren Brunson, Commissioner Alan Roper,
18 Kendall Krause, George Young

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

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22 **ADMINISTRATIVE BUSINESS**

23 Minutes

24 **MOTION:** To approve the minutes of the regular meeting held October 15,
25 **2013 as corrected.**
26 **By:** Councilmember Oeppinger
27 **Second:** Councilmember Huntsman
28 **Vote:** Unanimous. Motion carried.

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30 Bills - Payroll

31 **MOTION:** To approve the October 31, 2013 payroll and payment of the bills
32 listed on the October 16 through November 5, 2013 invoice register.
33 **By:** Councilmember Jackson
34 **Second:** Councilmember Jenson
35 **Vote:** Unanimous. Motion carried.

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37 Building Permit

- 38 • 13-27 George Richardson-unattached garage at 200 West 330 South

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40 **COMMUNICATIONS AND REQUESTS**

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42 Law Enforcement Report

- 43 • Lt. Morris Burton summarized the Sheriff’s Office activity in Fillmore for the month of
44 September. There were 11 citations issued for 14 violations; there were 4 vehicle
45 accidents. The Department received 96 CAD calls; the incident report was missing;
46 there were 13 arrests for 31 offenses.

- 48 • There has been a lot of activity with five reported vehicle/deer accidents. Lt. Burton
49 explained that some Utah Highway Patrol responses show on the report if the call was
50 received by the sheriff's dispatch. Troopers often respond to Main Street incidents
51 since it is a state highway.
- 52 • One arrest was a convicted sex offender who failed to comply with sex offender
53 registration. Some offenses require a lifetime registration; others are a ten-year
54 registration after probation and no further violations. Registrants must check in with
55 the Sheriff's Office every month to confirm their addresses. Officers make random
56 checks to verify the information. During one check, officers found child pornography
57 on the offender's computer which is a second degree felony. Each image carries a
58 separate offense. This person will probably go to prison for the five pictures that were
59 found on his computer.
- 60 • There have been a couple of suicides and a search and rescue callout for a lost hunter.
61 The department was also called for two downed airplanes; one near Scipio and the
62 other west of Delta.

63 64 Millard County Commission Report

- 65 • Commissioner Alan Roper stated that the county is re-visiting the need for school
66 resource officers. Millard School District is one of the few districts in the state that
67 does not have resource officers. In order to provide this protection it must be a
68 combined effort between the cities, the county, and the schools. He plans to have a
69 financial proposal by January, 2014.
- 70 • The Commissioner thanked the Planning Commission for moving forward with the
71 request to subdivide property so the county can build the new Millard County Public
72 Health Office. He also thanked Councilmember Huntsman for her work on economic
73 development, and the Mayor and council for all they do. It is important for the city and
74 county to work together.

75 76 Fire Department Report

- 77 • Chief Darren Brunson said it is a pleasure to work with Councilmember Holt and he
78 wondered if the council assignments would change with the seating of the new
79 councilmembers in January.
- 80 • There were three calls last month: another false alarm at 2:00 a.m. at Great Lakes
81 Cheese; and a false alarm at Mount Catherine Manor. A valid alarm at the Manor was
82 for a power pole that had been smoldering. The pole had been hit by lightning last year
83 and the rubber gaskets had not been changed and must have overheated. Electrical fires
84 can be very dangerous, so the firefighters wait for Flowell Electric to respond before
85 they get involved.
- 86 • The Department wants to adopt the revised by-laws before the end of the year. The
87 Chief had tried to email them to Attorney Greathouse but will resend them to a different
88 email address.
- 89 • Public Relations Officer Kendall Krause did a great job with Fire Prevention Week.
90 The elementary program was well done and over 300 parents and children attended the
91 open house at the station. Chief Brunson stressed how important it is to work with the
92 youth since they will be the future firefighters.

- 93 • The insurance adjuster has inspected the damage caused when the fire truck struck the
94 building and ripped the door off the fire truck. Luckily no one was injured. The
95 insurance will pay for repairs for both the building and the truck.
96 • Open burning is now allowed. Fire season is closed during the summer months when
97 fire hazards are the greatest. At this time of year there are no restrictions. It is safer to
98 burn leaves on the street right-of-way rather than in a back yard. People should let the
99 Sheriff's Office know when they plan to burn to eliminate unnecessary callouts for the
100 fire department.

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BUSINESS

Resolution 13-10 to Amend the Fillmore City Fee Policy

104 According to Sheryl Dekker, Millard County Landfill Operations Manager, the county landfill
105 classifications and fee schedule changed in 2007. Mrs. Cummings has found no
106 documentation in the city office of this change and the quarterly payments to the county are
107 always accompanied with a spreadsheet showing the fee schedule, classifications, and
108 amounts. A computer generated report for the quarter is also included with the check. The
109 county landfill department has never notified the city office that the spreadsheet is incorrect.
110 The error was recently discovered when Mrs. Dekker asked the city for the number of
111 industrial customers; the schedule the city uses does not have industrial customers.
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114 This resolution is necessary to adjust the city fee policy to match the county landfill schedule.
115 Recorder Cummings suggested the council may want to amend the resolution to approve the
116 collection rate increase. Since Holt Trucking does not have a delivery date for the new truck,
117 council chose not to amend the resolution.

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**MOTION: To approve Resolution 13-10 to amend the Fillmore City Fee Policy
for the landfill categories and rates.**

119

By: Councilmember Jackson

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Second: Councilmember Oeppinger

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Vote: Councilmember Jenson Yes

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Councilmember Jackson Yes

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Councilmember Huntsman Yes

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Councilmember Oeppinger Yes

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Councilmember Holt Yes

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Motion carried with a unanimous vote.

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COUNCIL REPORTS

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Councilmember Jenson

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Planning and Zoning

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- 133 • The Planning Commission has received a request to divide residential property to
134 remove a shop from a home lot. Attorney Greathouse advised that this division should
135 be a boundary adjustment because it doesn't meet the requirements for a subdivision.
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Councilmember Jackson

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Shop and Equipment

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- 139 • The fuel tank on the big truck has been repaired.

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Other

- Millard County has budgeted for the Veterans Memorial upgrade.
- Mr. Jackson is willing to serve on the resource officer committee.

Councilmember Huntsman

Library

- The library board has decided not to sponsor the street fair this year. Although the event has been highly successful, it is very time consuming and there is not enough volunteer help. It puts a strain on the library budget and operations. The chamber of commerce was invited to take it over, but getting enough volunteers is also a problem for the chamber.
- Juan Lee from the Utah State Library conducted a training session for the library employees and volunteers earlier in the day. The training manual is a valuable resource.

Economic Development

- There has been no response on the Request for Information (RFI) that was submitted to EDC Utah last month.
- Mayor Larsen noted that the city has been contacted by a company that plans to manufacture bicycle bags and is interested in the old sewing plant.

Councilmember Oeppinger

Celebrations

- Plans for the Christmas Lighting celebration are in the final stages. The Millard High School Sterling Scholars will be helping. Since so many children have allergies, there will be no peanuts in Santa’s treat bags. Park displays may be erected any time after November 14th. Mrs. Oeppinger is trying to involve more people and get more business participation. Santa will ride down Main Street on a fire truck then go to the American Legion building to visit with the children.
- Stephanie Barton has resigned as the Relay for Life Chairperson. This has been a positive event and needs to keep moving forward.

Animal Control

- There have been no animal problems and there are no dogs in the pound.

Councilmember Holt

Fire Department

- The Fillmore Fire House is the only fire station in the county that has not been renovated. The department will submit a request to the fire district for building upgrades this year.

Parks

- The Eagle Project for repairing and painting the bleachers at the North Park is finished.

Attorney Greathouse

- ASCAP, the music licensing group (mafia) has backed down, stating that the company cannot prove what music the city uses, the company relies on the “honor system”. The city did not buckle under the pressure tactics of the group and refused to pay for

186 licensing without any guarantee that the fees would be paid to the specific artists whose
187 copyrighted music was used.
188 • The IPA agreements are moving slowly.
189 • The Black Dirt sales agreement is ready for signing. First American Title will contact
190 the city office to set a time for the Mayor and Recorder to sign the documents.

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Mayor Larsen

193 • A mistrial has been declared in the dairy's lawsuit against IPP for cattle loss from stray
194 voltage.
195 • This is Election Day for the Municipal General Election. The meeting was kept short
196 in order for Recorder Cummings to attend to her election duties when the polls close.

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ADJOURNMENT

200 **MOTION: To adjourn the meeting.**
201 **By: Councilmember Oeppinger**
202 **Second: Councilmember Holt**
203 **Vote: Unanimous. Motion carried.**

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205 The meeting adjourned at 7:44 p.m. The next regular meeting will be held November 19, 2013
206 at 6:30 p.m.

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APPROVED November 19, 2013

Eugene R. Larsen, Mayor

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ATTEST: _____

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Marlene Cummings, CMC

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City Recorder