

1 **FILLMORE CITY COUNCIL MEETING**

2 March 18, 2014

3
4 *Minutes of the regular meeting of the Fillmore City Council held March 18, 2014 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 Millard*
8 *County Chronicle-Progress, radio stations KMTI and KNAK, and each member of the governing body*
9 *on March 14, 2014. Those present were:*

10
11 Mayor: Eugene R. Larsen Council: Michael D. Holt
12 Attorney: Greg Greathouse N. Wayne Jackson
13 Recorder: Marlene Cummings Eric R. Jenson
14 Deborah S. Oeppinger
15 Michael K. Rhinehart

16
17 Others: Dan Rowley, Pam Goodrich, Robert Worley, Scouts: Jeff Bell,
18 Casey Bell, Kyle Swallow, Bryan Lundin, Duncan Herbst, Jaren Camp,
19 Nathan Despain, Kaser Whitaker, Jayden Grose, Peyton Rodriquez,
20 Vicki Mitchell

21
22 6:30 p.m. Welcome and Pledge of Allegiance – Mayor Larsen
23

24 **ADMINISTRATIVE BUSINESS**

25 Minutes

26 **MOTION:** To approve the minutes of the meeting held March 4, 2014 as
27 corrected.
28 **By:** Councilmember Oeppinger
29 **Second:** Councilmember Jenson
30 **Vote:** Unanimous. Motion carried.

31 Bills – Payroll

32 **MOTION:** To approve the March 15, 2014 payroll and payment of the bills
33 listed on the invoice register dated March 5 – 18, 2014
34 **By:** Councilmember Jackson
35 **Second:** Councilmember Holt
36 **Vote:** Unanimous. Motion carried.

37 Encroachment Permit

38 Stevens Investments for a sidewalk encroachment at 25 South Main
39 **MOTION:** To approve the permit to allow a front door landing to encroach 5
40 feet onto a 15 foot sidewalk.
41 **By:** Councilmember Jackson
42 **Second:** Councilmember Oeppinger
43 **Vote:** Unanimous. Motion carried.

44 Building Permit

45 14-06 Stevens Investments to remodel commercial building at 25 South Main

46 Demolition Permit

47 14-02 Crystal Rivera to demolish residential building at 385 South 200 West
48

49 Justice Court Clerk

50 Mayor Larsen introduced Alexis Taylor.

51 **MOTION: To ratify the appointment of Alexis Taylor as a Fillmore City Justice**
52 **Court clerk.**

53 **By: Councilmember Oeppinger**

54 **Second: Councilmember Jenson**

55 **Vote: Unanimous. Motion carried.**

56

57 Celebrations Committee

58 Councilmember Rhinehart presented the name of Opal Cluff to serve on the celebrations
59 committee.

60 **MOTION: To appoint Opal Cluff as a member of the Celebrations Committee.**

61 **By: Councilmember Jackson**

62 **Second: Councilmember Holt**

63 **Vote: Unanimous. Motion carried.**

64

65 **COMMUNICATIONS AND REQUESTS**

66

67 Central Utah Public Health

68 Pam Goodrich distributed information about HB95-*Retail Sale of Tobacco Products* and
69 addressed the issue of electronic cigarettes, which are included in the definition of tobacco
70 products. E-cigarettes are battery-powered devices that deliver doses of nicotine and other
71 additives to the user in aerosol form. Glamorized advertisements for E-cigarettes are designed
72 to attract children. The use of this unregulated product is escalating at an alarming rate among
73 the youth; it has become a “gateway” drug. Due to the candy-like flavors, aggressive
74 marketing, and lack of safety statistics, monitoring the use of E-cigarettes is a public health
75 priority.

76

77 Mrs. Goodrich wanted the council to be aware that tobacco specialty stores are trying to come
78 into small cities; Nephi City has had three applications. HB95 establishes regulations for new
79 tobacco specialty businesses but does not apply to those that existed prior to May 8, 2012. She
80 encouraged council members to read the handouts thoroughly and become familiar with the
81 restrictions and zoning regulations of the new law.

82

83 **BUSINESS**

84

85 Agreement for Engineering and Technical Services

86 Attorney Greathouse had worked with Sunrise Engineering to incorporate the requested
87 changes to the agreement. This contract was initially approved in 2005 and is now being
88 updated for a term of two years with automatic one year renewals. It can be terminated at any
89 time except during a project.

90 **MOTION: To approve the Agreement with Sunrise Engineering for**
91 **Engineering and Technical Services.**

92 **By: Councilmember Jenson**

93 **Second: Councilmember Jackson**

94 **Vote: Unanimous. Motion carried.**

95

96

97 Work Release No. 2014-1

98 This is the first Work Release under the new Engineering Contract for the Fillmore City
99 Culinary Water System Master Plan.

100 **MOTION: To approve Work Release No. 2014-1 with Sunrise Engineering.**

101 **By: Councilmember Jenson**

102 **Second: Councilmember Oeppinger**

103 **Vote: Unanimous. Motion carried.**

104

105 Terri Hoover Simple Lot Subdivision

106 On February 25, 2014 the Planning Commission reviewed an application from Terri Hoover
107 for a simple lot subdivision at 300 West 500 South. The property is in the Highway
108 Commercial Zone, fronts an existing road, and city utilities are accessible. The Planning
109 Commissions submitted a written recommendation to the city council to approve the
110 application to create a new parcel with a 90 foot frontage.

111 **MOTION: To accept the Planning Commission recommendation and approve**
112 **the Terri Hoover Simple Lot Subdivision.**

113 **By: Councilmember Jackson**

114 **Second: Councilmember Jenson**

115 **Vote: Unanimous. Motion carried.**

116

117 Electronic Marquee Memorandum of Understanding

118 Council had previously agreed to share the cost of an electronic marquee sign with Millard
119 County. The Memorandum of Understanding was drafted to establish guidelines and
120 responsibilities for the purchase, installation, maintenance and operation of the sign.

121 **MOTION: To approve the Memorandum of Understanding between Fillmore**
122 **City and Millard County for the electronic marquee.**

123 **By: Councilmember Jackson**

124 **Second: Councilmember Oeppinger**

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

126

127 Electronic Marquee Policy

128 The purpose of the sign is to communicate important public announcements and inform the
129 public of upcoming community events, programs, and activities. The policy will govern the
130 operation and use of the marquee. Attorney Greathouse suggested that the word “will” be
131 changed to “may” under the section Hours of Operation.

132 **MOTION: To approve the Electronic Marquee Policy with the suggested word**
133 **change.**

134 **By: Councilperson Oeppinger,**

135 **Second: Councilperson Jenson**

136 **Vote: Unanimous. Motion carried.**

137

138 Street Lights

139 The Street Light Replacement Program is an on-going multi-year project. Each year the city
140 spends about \$10,000 to replace the bulbs with LED lights. The price of the lights has been
141 coming down and the city has been able to purchase more of them. The estimated cost savings
142 the first year was \$6,500. The life span of the lights should be about 20 years so the total cost
143 savings will more than pay for the replacement costs. Question was raised if the cost savings

144 for changing yard lights to LED bulbs would result in lower rates to the customers. Mayor
145 Larsen said it may be a possibility.

146 **MOTION: To approve the expenditure of approximately \$10,000 for LED**
147 **lights.**

148 **By: Councilmember Jackson**

149 **Second: Councilmember Oeppinger**

150 **Vote: Unanimous. Motion carried.**

151

152 HB 97 Limitation on Local Government Regulation of Animals

153 This bill was passed by an overwhelming majority in both the House and Senate. It prohibits
154 municipalities from passing breed specific legislation. Fillmore City has prohibited pit bulls
155 for many years because of the mutilation and death they are capable of causing. Unlike other
156 dogs, when a pit bull bites, its jaws lock. Pit bulls have enormous jaw strength and a “hold and
157 shake” bite style designed to inflict maximum damage on their victims. The ban on these dogs
158 was an effort by the city to protect its citizens; it was challenged in court and the city won.
159 Mayor Larsen had sent letters to the legislators urging them not to vote for this bill but they
160 voted for it anyway. He has also sent a letter to Governor Herbert asking him not to sign it. If
161 it becomes law, it goes into effect on January 15, 2015.

162

163 Council discussed the issue and the impact it could have on the city. Councilmember
164 Oeppinger has extensive experience with dogs and confirmed the logic for banning pit bulls.
165 She stated that some people claim that the way a dog is taken care of and raised determines its
166 behavior but that is not true. Some dogs are naturally very protective of owners and some are
167 extremely possessive. Requiring a security bond for dog owners was suggested. Attorney
168 Greathouse said this is another example of the “property rights” mind set of the legislature this
169 year. It seems the law makers are more concerned about individuals than what is best for the
170 majority. He will do some research; there is still time to explore alternative solutions.

171

172

COUNCIL REPORTS

173

174 Councilmember Jenson

175 **Water**

- 176 • There was a problem with the SCADA water monitoring system. Some parts had to be
177 replaced.

178

179 Councilmember Jackson

180 **Garbage**

- 181 • He met with the county commissioners about the transfer station and they have agreed
182 that it will stay. The signs still have not been replaced.

183 **Cemetery**

- 184 • Tree roots are causing road damage; maybe it is time to replace some of the older trees.

185 **Other**

- 186 • He wondered if there is a city ordinance to address an escalating problem. His
187 neighbor keeps bringing truckloads of salvage from the city landfill. It is a nuisance as
188 well as a health hazard and will get worse as the weather gets warmer. Mayor Larsen
189 said the city has a nuisance ordinance and salvage yards are not allowed in the city. He
190 will send a letter to the offending property owner.

191

192 Councilmember Rhinehart

193 Nothing to report

194

195 Councilmember Oeppinger

196 **Historic Preservation**

197 • The two day conference in Delta focused on main streets in small cities and towns. She
198 has been thinking about what can be done in Fillmore. Mayor Larsen commented that
199 good things are happening on Main Street: the Roper Lumber building is being
200 remodeled, Central Utah Counseling has relocated to an upgraded Main Street building,
201 the decorative street lights will be extended when UDOT does the asphalt replacement
202 project.

203 **Animal Control**

204 • There is one male dog at the animal shelter. The adoption program has been very
205 successful over the last two years.

206 **Other**

207 • May 10th will be the “kick off” for the Cancer Relay for Life. A “daffodil days”
208 fundraiser for the event will be held this week.

209

210 Councilmember Holt

211 **Fire Department**

212 • Fire District meeting will be held tomorrow night. The Fillmore Fire Department will
213 be submitting a request for a new Quint fire truck and building upgrades.

214

215 Attorney Greathouse

216 • He reviewed some of the bills passed by the state legislature that could affect the city.

217

218 Mayor Larsen

219 • City employees were given a demonstration for the ITRON smart grid software. The
220 company is preparing a price quote; the cost has come down since the first quote.

221 • Beaver and Monroe are now onboard with the IPP Agreements.

222

223

ADJOURNMENT

224

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

226 **By: Councilmember Jackson**

227 **Second: Councilmember Holt**

228

229 The meeting adjourned at 8:29 p.m. The next meeting will be held April 1, 2014 at 6:30 p.m.

230

231

232

233 APPROVED April 1, 2014 _____

234

Eugene R. Larsen, Mayor

235

236 ATTEST: _____

237 Marlene Cummings, CMC

238

City Recorder

239