

1 **FILLMORE CITY COUNCIL MEETING**

2 September 2, 2014

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4 *Minutes of the regular meeting of the Fillmore City Council held September 2, 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 Chronicle-*  
8 *Progress, radio stations KMTI and KNAK, and each member of the governing body on August 29,*  
9 *2014.*

10  
11 Those present were:

12 Mayor: Eugene R. Larsen Council: Michael D. Holt  
13 Attorney: Greg Greathouse Eric R. Jenson  
14 Recorder: Marlene Cummings Deborah S. Oeppinger  
15 Deputy Michael K. Rhinehart  
16 Recorder: Jamie Orullian N. Wayne Jackson  
17  
18 Others: Bart Adams, Rick Roberts, Don Thomson, Lt. Morris Burton

19  
20 6:30 p.m. Welcome and Pledge of Allegiance – Mayor Larsen

21  
22 **AUDIT REPORT**

23  
24 Kimball & Roberts CPA firm of Richfield performed the annual independent audit for the  
25 Fiscal Year ending June 30, 2014. Rick Roberts began the report by explaining that the  
26 purpose of the audit is to express an opinion on the financial statements of the city to obtain  
27 reasonable assurance about whether the statements are free from material misstatement. This  
28 is done through random testing, verification of financial transactions, interviews, reading the  
29 minutes, ordinances, and policies, and checking for compliance with state statutes. He  
30 referenced different pages in the report and explained the data pertaining to the revenues,  
31 expenditures, reserves, and investments for the various funds.

32  
33 He concluded by saying Fillmore City is compliant in all areas and is in a better financial  
34 position than many of the other entities his firm audits. He is impressed with the office  
35 standard of cross training, second party reviews, and monthly random calculations of the utility  
36 bills. He complimented the Mayor, council, and administrative staff on their sound  
37 management practices and dedication to fiscal responsibility.

38  
39 **MOTION: To approve findings of the Audit conducted by Kimball & Roberts**  
40 **for the Fiscal Year ending June 30, 2014.**  
41 **By: Councilmember Jenson**  
42 **Second: Councilmember Holt**  
43 **Vote: Unanimous. Motion carried.**  
44

45 **ADMINISTRATIVE BUSINESS**

46 Minutes

47 **MOTION: To approve the minutes of the meeting held August 19, 2014 as**  
48 **corrected.**  
49 **By: Councilmember Jackson**

50           **Second:**       **Councilmember Oeppinger**  
51           **Vote:**           **Unanimous. Motion carried.**

52    Bills – Payroll

53           **MOTION:**    **To approve the August 31, 2014 payroll and payment of bills listed**  
54                           **on the invoice register dated August 20 – September 2, 2014.**

55           **By:**               **Councilmember Oeppinger**  
56           **Second:**       **Councilmember Jackson**  
57           **Vote:**           **Unanimous. Motion carried.**

58    Purchase Order

59           **MOTION:**    **To approve purchase order 1418 to Fireworks America for \$12, 501**  
60                           **for fireworks for July 4, 2015.**

61           **By:**               **Councilmember Rhinehart**  
62           **Second:**       **Councilmember Jenson**  
63           **Vote:**           **Unanimous. Motion carried.**

64

65    Building Permit

66           14-08 Brittany Stott – Re-roofing permit at 288 North Main

67

68    Business License

69           Nathan Porter – Fillmore Fitness Center at 25 South Main

70

71    Sidewalk Cost-Share

72           Eldon Frampton – Sidewalk repair at 380 North Main

73

74    Encroachment Permit

75           14-09 CentraCom Interactive to install conduit along 1400 South 2400 North

76           **MOTION:**    **To approve the encroachment permit for CentraCom to install**  
77                           **conduit along 1400 South 2400 North.**

78           **By:**               **Councilmember Jackson**  
79           **Second:**       **Councilmember Oeppinger**  
80           **Vote:**           **Unanimous. Motion carried.**

81

82   **COMMUNICATIONS AND REQUESTS**

83    Law Enforcement Report

84           • Lt. Morris Burton distributed the July report. There were 3 traffic accidents, 14  
85                           citations for 19 violations, 139 service calls 116 were incidents with reports, and 16  
86                           arrests for 24 violations. He reported that the Sheriff’s Office updated their reporting  
87                           software and the data presented last month was not accurate, the figures were lower  
88                           than what they should have been.

89    Celebrations Committee

90           • Don Thomson presented an after action review of the Fourth of July celebration.  
91                           Expenditures for the event totaled \$2,579.32 with all invoices accounted for except one.  
92                           Donations totaled \$1,950. Overall, the celebration was a tremendous success. Mr.  
93                           Thomson indicated that the city staff, especially Megan Davies, was excellent to work  
94                           with.

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96

97

**BUSINESS**

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99

100 Adopt Ordinance 14-02 to Establish Employee Appeals Board

101 **MOTION: To adopt Ordinance 14-02 to Establish Employee Appeals Board**  
 102 **By: Councilmember Oeppinger**  
 103 **Second: Councilmember Jackson**  
 104 **Vote: Councilmember Jenson Yes**  
 105 **Councilmember Jackson Yes**  
 106 **Councilmember Rhinehart Yes**  
 107 **Councilmember Oeppinger Yes**  
 108 **Councilmember Holt Yes**

109 **Motion carried with a unanimous vote.**

110

111 Planning Commission Recommendation

112 Following the Aug. 26, 2014 public hearing, the planning commission submitted a written  
113 recommendation to the city council to amend the zoning ordinance to change the maximum  
114 street grade from 10% to 8%.

115 **MOTION: To accept the planning commission recommendation**  
 116 **to amend the zoning ordinance to change the maximum street**  
 117 **grade from 10% to 8%.**  
 118 **By: Councilmember Jackson**  
 119 **Second: Councilmember Jenson**  
 120 **Vote: Unanimous. Motion carried.**

121

122 Ordinance 14-03

123 A 10% street grade is too steep for the city’s snow removal trucks and firefighting equipment.  
124 It has been determined that enacting this ordinance will enhance the ability of the city to  
125 provide essential services to its citizens.

126 **MOTION: To adopt Ordinance 14-03 amending chapter 6-12 design standards**  
 127 **of the Fillmore City Code**  
 128 **By: Councilmember Jackson**  
 129 **Second: Councilmember Jenson**  
 130 **Vote: Councilmember Jenson Yes**  
 131 **Councilmember Jackson Yes**  
 132 **Councilmember Rhinehart Yes**  
 133 **Councilmember Oeppinger Yes**  
 134 **Councilmember Holt Yes**

135 **Motion carried with a unanimous vote.**

136

137

**COUNCIL REPORTS**

138 Councilmember Holt

139 **Streets**

- 140 • A meeting was held with the NRCS (National Resources Conservation Service) to  
 141 address flooding issues on Center Street and also on 300 South. Federal funds are  
 142 available; the city will apply for funding.

143 **Parks and Recreation**

- 144 • Bart Whatcott is the new East Millard Recreation Director. Mr. Whatcott recently met  
 145 with the county commissioners and discussed building baseball fields where the county

146 had originally planned to build new soccer fields. The county is also considering  
147 making the existing church softball fields into soccer fields. The goal is to keep  
148 baseball fields by baseball fields and soccer fields by soccer fields in order to host  
149 tournaments and keep events centralized.

150 **Fire Department**

- 151 • All the paperwork has been submitted for the CIB grant for a new ladder truck.
- 152 • Citizens have complained stating that the fire department should purchase a used ladder  
153 truck instead of a new one.

154 Councilmember Oeppinger

155 **Animal Control**

- 156 • There are several dogs in the pound. A pit bull was picked up over the weekend. The  
157 owner of the dog claims that the dog is not a pit bull. It was determined that the dog is  
158 at least part pit bull.
- 159 • There have been several complaints that Dr. Anderson does not arrive on time.

160 **Library**

- 161 • Book club and story hour begin tomorrow. The library is applying for a \$1,000 grant  
162 for an Indian tribe to come and perform. The library might also qualify for some grant  
163 money through the Great Basin Natural History Society.

164 **Historic Preservation**

- 165 • The Great Basin board meeting will be held this week during the Arts Festival.

166 **Other**

- 167 • The American Cancer Society Relay for Life has been scheduled for July 31- August 1,  
168 2015.

169 Councilmember Rhinehart

170 **Airport**

- 171 • The BLM has not contacted anyone regarding the airport lease contract.

172 **Celebrations**

- 173 • He thanked Don Thomson and the celebrations committee for doing a great job on the  
174 Fourth of July.

175 Councilmember Jenson

176 **Water and Sewer**

- 177 • A meeting was held Thursday August 21, 2014 at 10:00 a.m. at Councilmember  
178 Jenson's office to discuss what can be done to address problem areas in the city that are  
179 prone to flooding. He is waiting to hear if the flood areas meet the qualifications for  
180 federal funds. If funding is available it may take a few years to actually receive these  
181 funds.

182 **Planning & Zoning**

- 183 • The commission held a public hearing at the last planning meeting about changing the  
184 street grade from 10% to 8%. The mayor also did training on variances.

185 Councilmember Jackson

186 **Cemetery**

- 187 • There is a cemetery expansion meeting scheduled for Friday Sept. 5, 2014 at 1:30 p.m.

188 **Other**

- 189 • He recently spent time in Washington D.C. and shared the national security resolution  
190 with the council.

191

192

193

194 Attorney Greathouse

- 195 • The county commission primary election between Jim Dyer and Jim Withers is still  
196 unresolved. The Lt. Governor brought action against the judge for her order for the  
197 county to hold a new election. The judge did not follow the law and exceeded her  
198 authority. The matter has been turned over to the Supreme Court and a hearing will be  
199 held this Friday.
- 200 • The city ordinance on pit bulls includes all pit bull breeds even if they are only part pit  
201 bull. The owner can have a test done, and pay for the test, to eliminate any question. If  
202 it is determined that the dog is not a pit bull, it may be released to the owner. If it is a  
203 pit bull it must be removed from the city limits or euthanized. Attorney Greathouse is  
204 working to find a solution to the new pit bull law that goes into effect in January  
205 making it legal to own a pit bull in Fillmore City.

206 Mayor Larsen

- 207 • A splash pad meeting is scheduled for Thursday September 4, 2014 at 4:00 p.m.
- 208 • Mayor Larsen thanked Recorder Cummings for the great job that she does, which was  
209 indicative from the results of the audit. Fillmore City is managed in a conservative and  
210 frugal manner. He challenged the council to continue in this direction and keep the  
211 mindset of maintaining a financially secure city.

212

213 Closed Session

214 **MOTION: To convene to closed session for the purpose of discussing**  
215 **acquisition of real property.**

216 **By: Councilmember Jackson**

217 **Second: Councilmember Oeppinger**

218 **Vote: Unanimous. Motion carried.**

219

220 The audience was excused. The meeting was closed at approximately 7:55 p.m. Those present  
221 were Mayor Larsen, Attorney Greathouse, Recorder Cummings, Deputy Recorder Orullian,  
222 Councilmembers Holt, Oeppinger, Rhinehart, Jackson, and Jenson.

223

224 The regular meeting resumed at approximately 8:05 p.m.

225

226 **ADJOURNMENT**

227

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

229 **By: Councilmember Jenson**

230 **Second: Councilmember Oeppinger**

231 **Vote: Unanimous. Motion carried.**

232

233 The meeting adjourned at 8:07 p.m. The next meeting will be held Sept.16, 2014 at 6:30 p.m.

234

235

236 APPROVED September 2, 2014

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

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238

239 ATTEST: \_\_\_\_\_

240 Jamie Orullian

241 Deputy Recorder