

1 **FILLMORE CITY COUNCIL MEETING**

2 September 16, 2014

3  
4 *Minutes of the regular meeting of the Fillmore City Council held September 16, 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 September 12,*  
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, Carl Aldrich, George & Nancy Young, Kary & Susan  
19 Kesler, Abe Johnson, Alan Roper, Judy Huntsman, Doug Jolley

20  
21 6:30 p.m. Welcome and Pledge of Allegiance – Mayor Larsen

22  
23 **ADMINISTRATIVE BUSINESS**

24 Minutes

25 **MOTION:** To approve the minutes of the meeting held September 2, 2014.  
26 **By:** Councilmember Jackson  
27 **Second:** Councilmember Jenson  
28 **Vote:** Unanimous. Motion carried.

29  
30 Bills – Payroll

31 **MOTION:** To approve the September 15, 2014 payroll and payment of bills  
32 listed on the invoice register dated September 3 – September 16,  
33 2014.  
34 **By:** Councilmember Jenson  
35 **Second:** Councilmember Rhinehart  
36 **Vote:** Unanimous. Motion carried.

37  
38 Purchase Order

39 **MOTION:** To approve purchase order 1419 for Commercial Fire Alarm  
40 System for \$6,266.  
41 **By:** Councilmember Rhinehart  
42 **Second:** Councilmember Jackson  
43 **Vote:** Unanimous. Motion carried.

44  
45 Business License

46 Michele Larsen – Karate Instruction at 288 South Main

47  
48 Sidewalk Cost-Share

49 Kendall Krause – Sidewalk at 555 South 700 East

50 COMMUNICATIONS AND REQUESTS

51  
52 Old Capitol Arts & Living History Festival Report

- 53 • Abe Johnson thanked Fillmore City for their support of the Arts Festival. This year was
- 54 the most successful year so far with an estimated 10,500 participants. An extra day was
- 55 added to the festival, events began on Wednesday instead of Thursday. On Friday
- 56 approximately 1,000 elementary school students and teachers from Beaver, Gunnison,
- 57 Nephi, Salina, and Fillmore participated in festival events. Mr. Johnson reported that a
- 58 more dependable funding source needs to be identified to keep up with the current
- 59 needs and future growth of the festival.
- 60 • Doug Jolley reported that the approximate cost of the festival was \$32,719. There were
- 61 about 50 artist booths, and several food vendors. The living history area of the festival
- 62 grew this year and more people attended on Friday than ever before. Mr. Jolley also
- 63 stated that alternate funding sources need to be identified. The Great Basin Heritage
- 64 Foundation indicated that their funding will cease at some point. He thanked the city for
- 65 the water line that is available for vendors to use and asked if the City would consider
- 66 extended power access further to the west.

67  
68 PUBLIC HEARING

69  
70 MOTION: To open the public hearing to receive public comment regarding the

71 purchase of a building and .31 acres of real property on the

72 northwest corner of 100 South Main in Fillmore.

73 By: Councilmember Rhinehart

74 Second: Councilmember Holt

75 Vote: Unanimous. Motion carried.

76

77 At 7:05 Mayor Larsen gave an opening statement and then asked for public comment.

78

79 Mayor Larsen indicated that the Territorial Statehouse Museum lost two full-time employees a

80 few years ago. Shortly after that the state considered closing the museum. The problem is that

81 there are several state parks not generating enough revenue to cover expenses. Senator Stowell

82 was contacted and a lot of work was done to save the historical museum from closure.

83 Ultimately, Governor Herbert decided that the museum would remain open and the state

84 developed a plan to increase tourism. Part of that plan included tearing down the building

85 referenced to increase visibility of the museum. A complaint that is heard continuously is that

86 tourists are not able to find the park and museum. When this building came up for sale the state

87 tried to secure funding for the purchase but they were not successful. Fillmore City would like

88 to purchase this property for several reasons; to clean up and beautify the corner, improve

89 visibility of the museum, and ultimately, to control what happens with the building and

90 property.

91

92 Susan Kesler asked about the possibility of another entity, like the county, purchasing the

93 property. She does not want the trees to be cut down and feels that visibility is more of a

94 problem coming from the north. Mrs. Kesler could see the reason for wanting control over the

95 building and property but is worried about the expense involved with purchasing and tearing

96 down the building. She recognized that the arts festival brings a lot of people to Fillmore and

97 thought it would be great if Fillmore could receive some nationwide publicity.

98 Judy Huntsman stated that she was involved with several of the meetings held by the State  
99 when plans regarding increasing tourism were discussed. The State had wonderful ideas about  
100 creating a pillar or archway to draw attention to the museum and park. One of the main  
101 concerns in those meetings was getting rid of the building on the corner. She felt that it would  
102 be an advantage for the city to have control over the property even though she hates to see the  
103 old city building torn down. She is hoping that the State may acquire some funding for the  
104 original plans in the next few years.

105  
106 George Young indicated that the structure represents an era of this city's growth and  
107 development and he doesn't see the building as an obstruction. He doesn't know how people  
108 driving through town could miss the museum. He would like to see the building and the golf  
109 course cleaned up and urged the city council to avoid tearing the building down. He indicated  
110 that the State's plan to increase tourism is no guarantee. The entire block is filled with  
111 buildings that represent every stage of Fillmore's development. Some of the buildings are  
112 beautiful, some are ugly; to take one down to open the area is not good thinking.

113  
114 Carl Aldrich thanked the council for supporting the park and museum. The opinion of the  
115 employees at the museum is that the corner should be public property. He passed the park and  
116 museum four times when he came to interview for his job, and wonders how many people do  
117 the same. He thinks that owning the property and opening the corner up would be positive and  
118 the blighted miniature golf course needs to go, it blocks the view of the museum, and the  
119 statehouse employees do the weeding. He is indifferent on tearing down the building but  
120 indicated that whoever purchases it will need to invest about \$400,000 to open it to the public  
121 and that is on top of opening and operating a business. As a professional historian, he  
122 encouraged the council to take time deciding if the historical building should be taken down.  
123 However, the museum staff will support whatever decision is made.

124  
125 Kary Kesler said he has been thinking about whether the building should stay or go. He thinks  
126 that money could be better spent on signage indicating directions to the museum and park.

127  
128 Alan Roper appreciates the city looking into the matter.

129  
130 Abe Johnson stated that he approves of the purchase of the property and hopes that the city will  
131 go ahead with the purchase.

132  
133 Bart Adams said he would like to echo Carl Aldrich's perspective about getting the building up  
134 to code to meet handicapped and fire requirements and asked what the purchase price was. He  
135 indicated that there are several building on the frontage and finds it hard to believe that  
136 removal of one small building would take care of the visibility problem. He asked if the city  
137 would sell the property to the state if funds become available and asked about maintenance  
138 issues.

139 There was no other public comment.

140 **MOTION: To close the public hearing.**  
141 **By: Councilmember Jenson**  
142 **Second: Councilmember Jackson**  
143 **Vote: Unanimous. Motion carried.**

144  
145

146 **PUBLIC HEARING**

147  
148 **MOTION: To open the public hearing to receive public comment on the**  
149 **proposal to amend the Capital Projects budget for the purchase of a**  
150 **building and .31 acres of real property.**  
151 **By: Councilmember Jenson**  
152 **Second: Councilmember Oeppinger**  
153 **Vote: Unanimous. Motion carried.**  
154

155 Mayor Larsen declared the public hearing open and asked for public comment.

156  
157 Abe Johnson stated that he thinks the city needs to go ahead with the purchase.

158  
159 Susan Kesler asked where the money to fund the purchase was coming from. Recorder  
160 Cummings explained that the money would come from the Capital Projects fund reserve for  
161 Capital purchases and improvements.

162  
163 Bart Adams asked how much it was going to cost to level the building. Mayor Larsen  
164 estimated around \$50,000.

165  
166 There was no other public comment.

167 **MOTION: To close the public hearing.**  
168 **By: Councilmember Jackson**  
169 **Second: Councilmember Jenson**  
170 **Vote: Unanimous. Motion carried.**  
171

172 The regular city council meeting resumed at 7:34 p.m. Mayor Larsen asked for council  
173 comment on the building purchase.

- 174
- 175 • Councilmember Jenson said yes the city should go ahead with the purchase.
  - 176 • Councilmember Rhinehart indicated that he thought the area needed to be cleaned up  
177 and agreed that the property should be purchased.
  - 178 • Councilmember Oeppinger stated that she agreed with everyone and that the purpose of  
179 the hearing was to receive public comment. She indicated that if the building is not  
180 purchased the city has no control over it. She talked about when she first moved here  
181 and was driving up and down main street, she saw a lot of garbage in that area and the  
182 building caught her attention because it is an eye sore. For the purpose of  
183 beautification, she thinks it is a good idea to purchase the property.
  - 184 • Councilmember Jackson said that the American Legion members would like to see the  
185 building purchased and cleaned up. The trees around the building and around the  
186 legion hall are old and starting to fall down. He would like to move forward with the  
187 purchase.
  - 188 • Councilmember Holt agreed with the other councilmembers and said they should go  
189 ahead with the purchase.
  - 190 • Recorder Cummings asked the council to approve \$2,000 for the earnest money deposit  
191 if they choose to proceed with the purchase.
  - 192 • Attorney Greathouse indicated that the real estate purchase contract would need to state  
193 that authorization of the purchase of the property would be subject to entering a

194 satisfactory purchase agreement that stated the \$2,000 earnest money deposit would be  
195 refunded if the seller defaults on the contract.

196  
197 **MOTION:** To approve the purchase of property located on the  
198 northwest corner of 100 South and Main and earnest money  
199 deposit of \$2,000 to be held by First American Title  
200 Insurance Company.  
201 **By:** Councilmember Oeppinger  
202 **Second:** Councilmember Holt  
203 **Vote:** Unanimous. Motion carried.

204  
205 **BUSINESS**

206  
207 Resolution 14-06 to Amend the Capital Projects Budget

208 **MOTION:** To adopt Ordinance 14-06 to amend the capital project budget.  
209 **By:** Councilmember Rhinehart  
210 **Second:** Councilmember Jenson  
211 **Vote:** Councilmember Jenson Yes  
212 Councilmember Jackson Yes  
213 Councilmember Rhinehart Yes  
214 Councilmember Oeppinger Yes  
215 Councilmember Holt Yes

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

217  
218 Land Lease Application for Freeway Sign

219 The original lease agreement was with Jim Slavens. The business was sold and is now under  
220 new management that has submitted a land lease application to keep the advertising sign on  
221 City property.

222 **MOTION:** To approve the land lease application for a freeway sign for the Pine  
223 Creek Inn.  
224 **By:** Councilmember Jackson  
225 **Second:** Councilmember Holt  
226 **Vote:** Unanimous. Motion carried.

227  
228  
229 **COUNCIL REPORTS**

230 Councilmember Holt

231 **Parks and Recreation**

232 • New steps have been installed at the Wildlife Park. They were put in for an Eagle Scout  
233 project. There are a few additional projects at the park that will also be completed this  
234 year for Eagle Scout projects.

235 **Fire Department**

236 • Two windows were blown out at the fire house during the last wind storm. The  
237 windows were fixed and new windows have been ordered and will be installed by  
238 members of the fire department.

239  
240  
241

242 Councilmember Oeppinger

243 **Animal Control**

- 244 • Two dogs were adopted from the pound last week.

245 **Library**

- 246 • She asked the Great Basin Historical Society about grants that might benefit the library  
247 at their board meeting last week. She obtained information and will forward it to the  
248 librarian, Stephanie Aleman.

249 **Historic Preservation**

- 250 • She thanked the city for the use of the building last week for the Great Basin Historical  
251 Society board meeting.

252

253 Councilmember Rhinehart

254 **City Shop, Yard & Equipment**

- 255 • The motor has gone out on the city loader and needs to be rebuilt. The estimated cost is  
256 around \$8,000.

257 **Celebrations**

- 258 • The celebrations committee met and helped welcome home the veterans that went on  
259 the Honor Flight.  
260 • The celebrations committee would like to do a Christmas festival the Saturday of the  
261 lighting ceremony and light parade. They are in the process of solidifying plans.

262

263 Councilmember Jenson

- 264 • No Report

265

266 Councilmember Jackson

267 **Garbage & Landfill**

- 268 • The transfer station has been cleaned up and looks really good.

269 **Other**

- 270 • He thanked the city for the welcome home given to the Honor Flight Veterans.

271

272 Attorney Greathouse

- 273 • He reviewed the report from Sunrise Engineering on the 40 year water plan and stated  
274 that the plan identifies a need for 6,340 acre feet of water. This water will come from  
275 724 feet of right in Chalk Creek, and 5,610 acre feet in well water and springs. The city  
276 has a surplus with current use at 2,357 acre feet. The economic projection indicates that  
277 at the end of 40 years the city might be 50 feet short but it is unlikely that growth with  
278 occur that rapidly.

279

280 Recorder Cummings

- 281 • She will contact Bill Justesen regarding the purchase of the property.  
282 • The city offices will be closed Friday. The office staff will be attending training on  
283 Pelorus in Provo. However, court will still be held.

284

285 Mayor Larsen

- 286 • A splash pad meeting was held Thursday September 11, 2014 at 4:00 p.m. It was  
287 determined that the splash pad will not be tied to the swimming pool. The committee  
288 looked at putting the splash pad on the north side of the pool where the volleyball court

- 289 is now. The county is planning to develop more parking to the west and some issues  
290 with land need to be negotiated.
- 291 • UAMPS is getting nervous about coal. According to recent political indications, there is  
292 a possibility that there will be no coal power in 10 years. IPP is slated to operate until  
293 2027 but the federal government is actively closing plants by making upgrade standards  
294 impossible to attain financially.
  - 295 • The substation underbuild is complete. New reclosers were needed and have been  
296 installed.
  - 297 • The old Rasmussen Motel, owned by Don Fullmer, was condemned several years ago.  
298 Don Fullmer has agreed to demolish the building by the end of November. If it is not  
299 removed by the end of November it will be removed at Don Fullmer's expense.

300  
301 **ADJOURNMENT**

302  
303 **MOTION: To adjourn the meeting.**  
304 **By: Councilmember Oeppinger**  
305 **Second: Councilmember Jackson**  
306 **Vote: Unanimous. Motion carried.**  
307

308 The meeting adjourned at 8:04 p.m. The next meeting will be held Oct.7, 2014 at 6:30 p.m.  
309

310  
311 APPROVED October 7, 2014

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

312  
313  
314 ATTEST: \_\_\_\_\_  
315 Jamie Orullian  
316 Deputy Recorder