

1 **FILLMORE CITY COUNCIL MEETING**

2 December 2, 2014

3  
4 *Minutes of the regular meeting of the Fillmore City Council held December 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, two radio stations, and each member of the governing body on November 28, 2014.*  
9

10 Those present were:

11 Mayor: Eugene R. Larsen Council: Michael D. Holt  
12 Attorney: Greg Greathouse Eric R. Jenson  
13 Recorder: Marlene Cummings Deborah S. Oeppinger  
14 Staff: Megan Davies Michael K. Rhinehart  
15 N. Wayne Jackson  
16

17 Others: Don Thomson, Robert Worley, Jeremiah Newman  
18

19 6:33 p.m. Welcome and Pledge of Allegiance – Mayor Larsen  
20  
21

22 **ADMINISTRATIVE BUSINESS**

23 Minutes

24 **MOTION: To approve the minutes of the meeting held November 18, 2014 as**  
25 **corrected.**  
26 **By: Councilmember Jackson**  
27 **Second: Councilmember Jenson**  
28 **Vote: Unanimous. Motion carried.**  
29

30 Bills – Payroll

31 **MOTION: To approve the November 30, 2014 payroll and payment of bills**  
32 **listed on the invoice register dated November 17 - December 2, 2014.**  
33 **By: Councilmember Jenson**  
34 **Second: Councilmember Jackson**  
35 **Vote: Unanimous. Motion carried.**  
36

37 Building Permits

- 38 • 14-24 Jim Sampson for residential addition at 150 West 100 South
  - 39 • 14-26 Eugene Larsen for horse shelter at 85 South 300 West
- 40

41 Electrical Permits

- 42 • 14-16 John Mitchell for furnace installation at 250 East 300 South
  - 43 • 14-17 DQS Holdings for electrical repair at 60 South 100 East
  - 44 • 14-18 G.A. Roper Investments for electrical service at 95 North Main
  - 45 • 14-19 Jolynn Stevens for new electric meter at 335 South 300 West
- 46  
47  
48  
49

50 **COMMUNICATIONS AND REQUESTS**

51  
52 Law Enforcement Report - Lt. Morris Burton

- 53 • Lt. Burton summarized law enforcement activity in Fillmore for the month of October.  
54 There were 2 accidents, 6 citations for 7 violations, 130 CAD calls, and 97 incidents  
55 reported. There were 9 arrests for 15 offenses. Question arose about a response for a  
56 dead body on the report. The Lieutenant explained that all unattended deaths must be  
57 reported to the Sheriff’s Office and investigated. One of the deputies is also a certified  
58 medical examiner.
- 59 • Councilmember Jackson reported there have been unlicensed door-to-door salespeople  
60 in Fillmore. Lt. Burton said the Sheriff’s Office should be notified and an officer will  
61 be dispatched to halt the activity. Sometimes such vendors will have saturated the  
62 whole town before they are reported. His preference is to issue a citation to the  
63 offenders, but some deputies just talk to them.

64  
65 Fire Department Report

66 No report; Chief Brunson was not in attendance.

67  
68 Millard County Commission Report

69 No report; Commissioner Roper asked to be excused because he had to attend the  
70 county budget hearing.

71  
72 Celebrations Committee Report

73 Committee Chairman Don Thomson reported on the Christmas lighting celebration. Overall it  
74 went well, and there were a lot of lessons learned. Windy weather put a damper on vendor  
75 booth activity, but a couple of vendors stayed until the parade was over. There was a record  
76 breaking twenty-one floats. A program MC will be added next year. Having a Santa in two  
77 locations was a good improvement, the lines weren’t so long and an estimated 400 children had  
78 more individual time with the jolly old man in the red suit. Mr. Thomson expressed  
79 appreciation to the Millard County Sheriff’s Office, Search and Rescue, Fillmore Fire  
80 Department, the American Legion, the Statehouse, Drew Rasmussen, James Dean, and  
81 everyone who helped in any way with the event. Council thanked Mr. Thomson and the  
82 celebrations committee for presenting such a successful celebration.

83  
84 Citizen Letter

85 Each councilmember had received a copy of a letter from Kary Kesler urging that council  
86 meetings begin with prayer. Attorney Greathouse advised that it is legal to open a public  
87 meeting with prayer; however the opportunity to offer the prayer must be extended to all  
88 denominations and can exclude none no matter what god they worship. Mayor Larsen said if  
89 the council wanted to make a decision on the request to let him know and he will place it on  
90 the next agenda.

91  
92 **BUSINESS**

93 Smart Grid Bid

94 Sunrise Engineering had advertised in behalf of Fillmore City for bids for power meters and  
95 automated meter infrastructure. Tantalus was the only bid received and it was opened on  
96 November 25<sup>th</sup>. Engineer Robert Worley had reviewed the bid and submitted a written  
97 comment and observation sheet to identify variances between the requirement of the Request

98 for Bids (RFB) and the actual bid documents. He recommended that the city attorney  
99 thoroughly review the agreement to see if the risk taken on by the city is acceptable.

100

101 Attorney Greathouse had reviewed the bid and had some serious concerns:

- 102 • Tantalus had submitted the bid but the equipment is to be provided by Riter  
103 Engineering.
- 104 • Warranty on equipment furnished by a third party may or may not be acceptable.
- 105 • Contract is the most one-sided contract he has ever seen.
- 106 • Payment terms don't match.
- 107 • Tantalus is providing the network but placing the responsibility on the city to make sure  
108 it runs.
- 109 • Cost of service options are not clearly identified.
- 110 • Warranties exempted too many things and made the city liable for everything.
- 111 • Contract should conform to Utah law not Delaware law.

112

113 He recommended that the bid be rejected and redo it. The bid is basically two bids, one for  
114 engineering and one for automation. If it is accepted there will be more legal issues and not  
115 many options. There is a sixty day award period and Attorney Greathouse suggested using that  
116 time to negotiate the contract terms.

117

118 Jeremiah Newman of Riter Engineering addressed the council. He clarified that his company  
119 is the Itron distributor in Utah and will furnish the meters. Tantalus provides the technology.  
120 Contract terms are meant to be negotiated prior to finalization. Tantalus is more than willing to  
121 negotiate. Brigham City has a similar system but a different service level.

122

123 Robert Worley added that the contract needs to address how the components will work  
124 together, and how to protect the city from the escalation of annual costs. He suggested that  
125 Attorney Greathouse work with the Tantalus legal department to resolve the differences.  
126 Contract negotiations can drag on for sixty days or more. Attorney Greathouse cautioned the  
127 council to be careful and look at options to protect the city.

128

129 Mayor Larsen suggested that the bid award be tabled pending negotiations.

130

**MOTION: To table the matter while contract issues are negotiated.**

131

**By: Councilmember Holt**

132

**Second: Councilmember Oeppinger**

133

**Vote: Unanimous. Motion carried.**

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### 135 Water Master Plan

136

Robert Worley advised council to wait to adopt the plan until the final draft is submitted.

137

**MOTION: To table the matter to the next meeting.**

138

**By: Councilmember Jenson**

139

**Second: Councilmember Jackson**

140

**Vote: Unanimous. Motion carried.**

141

### 142 Discussion of Animal Ordinance Amendment

143

Attorney Greathouse had provided councilmembers with a new draft of the dog ordinance

144

145 changes with two different options. The first option is vague and not as strict as the second one  
146 which is more aggressive. Council favored the more restrictive option.

147

148 Different points of discussion included:

- 149 • fines and penalties
- 150 • time allowed for adoptions
- 151 • basis for termination
- 152 • vicious animals
- 153 • insurance requirement for dog owners
- 154 • rabies vaccination and licensing for puppies
- 155 • definition of puppy
- 156 • dogs that do damage

157

#### 158 BLM Lease

159 The lease with BLM for space at the airport has never been finalized. The asphalt in the  
160 designated BLM apron is in very bad shape. A state grant application to resurface it is  
161 pending, waiting for verification of how much BLM will pay. The original lease was for 2.8  
162 acres, but the new map shows 1 acre. The proposed agreement has been simplified. The rate  
163 has been \$10 per year. Staff was instructed to check with Nephi City to find out how much  
164 BLM pays for space at the Nephi airport.

165

166

### COUNCIL REPORTS

#### 167 Councilmember Jenson

##### 168 **Planning Commission**

- 169 • At the last meeting the commission received training on subdivisions and flag lots.

170

#### 171 Councilmember Jackson

##### 172 **Garbage & Landfill**

- 173 • The promised signs for the transfer station seem to have been forgotten.

##### 174 **Emergency**

- 175 • There will be an emergency management meeting at the high school; council will be  
176 notified of the date and time.
- 177 • Corinna Kessler, Fillmore CERT commander, has requested that a monthly budget  
178 report for the department be included with her check.

179

#### 180 Councilmember Rhinehart

##### 181 **Celebrations**

- 182 • The Christmas lighting celebration was good.

183

#### 184 Councilmember Oepfinger

##### 185 **Historic Preservation**

- 186 • The monthly meeting will be held in Ely Nevada on Saturday, December 6.

##### 187 **Other**

- 188 • Thanks to Megan Davies for all she has done for the city. She will be moving in  
189 January; her husband has a new job with Brigham City.

190

191

192 Councilmember Holt

193 **Fire Department**

- 194 • The annual fire school will be held in St. George. This important training helps reduce  
195 insurance rates.  
196 • He will be attending fire district meeting.  
197

198 Mayor Larsen

- 199 • The annual Utah Association of Municipal Power Systems (UAMPS) area meeting for  
200 elected officials will be held in the council chambers tomorrow at noon. Pizza, drinks,  
201 and cookies will be furnished.  
202 • The Itron electric meters are highly recommended. Beaver City chose Cooper Power  
203 Systems for its smart grid system. When the Mayor met with Cooper officials two  
204 years ago, they estimated \$350,000 for a system that would meet Fillmore's needs.  
205 This was much higher than the original estimates for the Itron meters. The Tantalus  
206 bid was higher than projected but still under the Cooper figure. The Tantalus and Riter  
207 Engineering people have been good to work with; the council needs to try to negotiate a  
208 better contract with them. Both the water and electric meters can be read and relayed to  
209 the city office by the Tantalus program. Water leaks and meter tampering can also be  
210 detected by the software.  
211 • Two of Flowell Electric's key employees, Steve Iverson and Gordon Staples, will be  
212 retiring on January 2, 2015.  
213

214 **ADJOURNMENT**

215  
216 **MOTION: To adjourn the meeting.**  
217 **By: Councilmember Oeppinger**  
218 **Second: Councilmember Rhinehart**  
219 **Vote: Unanimous. Motion carried.**  
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221 The meeting adjourned at 8:26 p.m. The next meeting will be held December 16, 2014 at 6:30  
222 p.m.  
223

224  
225 APPROVED December 16, 2014 \_\_\_\_\_

226 Eugene R. Larsen, Mayor  
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