

41 Report of Zoning Administrator Lisa Crosland – training on city maps.
42 Lisa Crosland provided copies of three official city maps: the Streets Master
43 Plan, the Annexation map and the Zoning map.

- 44 • The Streets Master Plan map is developed in conjunction with the
45 Fillmore City General Plan and outlines the goal to maintain,
46 wherever possible, the street grid system outlined in the original Plat
47 of Zion and provide responsible street extensions for future growth.
- 48 • The Annexation map, or Expansion map is required as part of the
49 Annexation Policy Plan for Fillmore City. If a property is not located
50 within the designated expansion area, the City cannot accept a petition
51 for annexation.
- 52 • The Zoning map shows all zoning districts in the city and by
53 identifying the district, an applicant can then go to Chapter 6 of the
54 Fillmore City Land Use Ordinance and find all regulations pertaining
55 to a specific parcel of property.

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57 She provided copies of each map. Chairman Goddard noted that some of the
58 east routes approved on the street map were not included. This map will be
59 reviewed by Lisa Crosland and Sunrise Engineering to insure it is inclusive
60 and that the office receives the corrected map.

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62 **PUBLIC HEARING 7:15 p.m.** To receive public comment on an
63 application to rezone City property described as the west portion of the
64 Fillmore City Municipal Airport property (F7340) from PQP to Light
65 Industrial. Property is located approximately 1400 feet west of the
66 intersection of 200 South and 1100 West on the south side of 200 South.

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68 Chairman Goddard called for a motion to adjourn to conduct the advertised
69 public hearing. **Commissioner Watson MOVED to adjourn regular**
70 **meeting to conduct the public hearing. Commissioner Whatcott**
71 **SECONDED the motion. The motion was approved by unanimous vote.**
72 **The meeting was adjourned at 7:15 p.m.**

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74 Chairman Goddard called for public comment; there being no comment, he
75 called for a motion to adjourn the public hearing.

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77 **Commissioner Hansen MOVED to adjourn the hearing and resume the**
78 **regular meeting. Commissioner Whatcott SECONDED the motion. The**

79 **motion was approved by unanimous vote. The meeting resumed at 7:16**
80 **p.m.**

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82 The Commission reviewed the map showing the area proposed for rezoning.
83 Chairman Goddard explained the criteria that must be met in order to
84 approve a zone change. It was the consensus of the Commission that the
85 application met the criteria in that the land or its environs has changed and it
86 is in the public's interest to encourage redevelopment.

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88 **Commissioner Watson MOVED to recommend to the Fillmore City**
89 **Council that the application be approved and the property zoned Light**
90 **Industrial. Commissioner Bartholomew SECONDED the motion. The**
91 **motion was approved by unanimous vote.**

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93 **PUBLIC HEARING 7:30 p.m. to receive public comment regarding the**
94 **status of the conditional use permit for TDFI, Inc.**

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96 **Chairman Goddard called for a motion to adjourn the regular meeting**
97 **to conduct the public hearing. Commissioner Whatcott MOVED to**
98 **adjourn to public hearing. Commissioner Carling SECONDED the**
99 **motion. The motion was approved by unanimous vote. The regular**
100 **meeting adjourned at 7:25 p.m.**

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102 Chairman Goddard called for public comment.

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104 Jack Lefevre, TDFI Inc.

105 Mr. LeFevre provided the following information:

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- Steel posts are in the ground for the fencing. The majority are completed. He has ordered 5 spools of wire and as soon as it arrives, the wire will be strung, five wires high. The company hired Todd Troseth to install the fencing and it should be completed Saturday. A chain will be strung as a gate across the roadways.

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- Shredded crumb had been shipped to Ash Grove; they are pleased with the product.
- He introduced Mr. Frank Vargas, new site manager. Mr. Vargas has 10 years of experience in the industry and has managed similar recycling facilities.
- The company employs six (6) workers.

- 117 • Mr. Vargas is looking for other possible vendors for the crumb
118 product.
119 • Openings in the fencing will be chained off.
120

121 Larry Peterson

122 Mr. Peterson read the following statement:

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124 *“I am Larry Peterson, a resident of Fillmore and I wish to make a few comments on the TDFI*
125 *Conditional Use Permit for a tire recycling business in the Fillmore City Industrial Park.*

126
127 *As a citizen, I have been involved as an observer in the discussion, issuance, and administration*
128 *of the permit. I have observed the permit area on several occasions.*

129
130 *I understand that Fillmore City is trying to be inviting and encouraging to businesses which will*
131 *provide tax base and employment within the city. One of the objectives of the Industrial Park was*
132 *just that purpose, which I do support.*

133
134 *I also recognize that TDFI has had some unanticipated problems, such as getting equipment*
135 *shipped from overseas and getting proper electrical service to service their machinery. These*
136 *problems caused delays which TDFI had no control over.*

137
138 *On the other hand, there are things in the conditional use permit which have not been adhered to*
139 *such as a fence that TDFI has just not done in a proper and timely fashion. The City records*
140 *show evidence of these problems. I have also observed them personally.*

141
142 *I think that whatever is done, or not done, or permitted by the City (inside the Industrial Park or*
143 *at other places in the community) does effect me and other residents of the City. If, in no other*
144 *way than the perception of our community, its desirability as a residence, the administration of*
145 *the public affairs and yes the value of my property. Fillmore was once known as I believe the*
146 *prettiest little city in the State. I’m not sure we could boast that right now.*

147
148 *I think the City of Fillmore has bent over backwards in trying to work with TDFI regarding their*
149 *operation under the conditional use permit issued to them. Some may even say too much, but it is*
150 *obvious by this hearing that TDFI has problems and has not complied with the terms of the*
151 *permit that was issued.*

152
153 *I feel that when a business (or and individual) does not comply with obtaining necessary permits*
154 *and following the conditions of those permits, then action should be taken. It appears to me that*
155 *there were actions required in the Conditional Use Permit that were not taken by TDFI.*

156
157 *My feeling is that the TDFI Conditional Use Permit should be revoked for non compliance and I*
158 *do not feel it is “heavy-handed” for this Commission to recommend this to the City Council and*
159 *would serve the citizens of Fillmore.*

160
161 *I also feel that Fillmore City should consider issuing a new Conditional Uses Permit, with 6*
162 *months review period in order to permit and TDFI will continue to have their business here in*
163 *Fillmore. It may be desirable that new permit be modified to be more specific in certain respects.*

164 This may help to avoid any future misunderstanding on what is required and what the
165 consequences will be for non-compliance.

166
167 An example my well include a fencing requirement which will specify the type and location of the
168 fence. That will include a discussion with this body whether the fence is required for public
169 safety or for the protection of the owner's property. It may be for both but Fillmore City is
170 responsible for the health, safety and welfare of the community.

171
172 While we are talking about safety, it would appear to me that there is a safety hazard with the
173 machinery even when the power is off and locked. It should be signed for safety (and any OSHA
174 requirements) for the protection of employees and visitors, Maybe, considering the reported value
175 of the equipment, that there even be a small, limited entry area securely fenced around the
176 machinery itself.

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178 Many locations and businesses even require performance bonds to assure compliance with their
179 terms. In that case care would be need to specify whether the bond is continual or will be
180 modified upon completion or compliance with which tasks. If you decided this was need to assure
181 the desired operations and/or cleanup if the business ceases to operate, former City councilman
182 Ken Martin would be a good person to consult.

183
184 In summary, ***I think the current Conditional use Permit be terminated for non-compliance. If***
185 ***the city desires a new permit can be issued with whatever new terms are not appropriate.***

186
187 I thank you for the opportunity as a citizen to make my thoughts known on the topic, and for you
188 to consider in making your decision. “

189

190 **There being no further public comment, Chairman Goddard called for**
191 **a motion to adjourn the hearing. Commissioner Watson MOVED to**
192 **adjourn the hearing and resume regular meeting. Commissioner Adams**
193 **SECONDED the motion. The motion was approved by unanimous vote.**
194 **The meeting resumed at 7:48 p.m.**

195

196 Decision on TDFI Conditional Use Permit

197 The Commission discussed the matter at length. Primary concerns were
198 safety and the fencing. TDFI representatives were questioned as follows:

- 199 1. Is product now being shipped from the facility?
200 Yes. Trucks are shipping crumb daily to Ashgrove Cement. The product has met
201 their specifications and they are pleased with it. Mr. Vargas is seeking additional
202 buyers for the crumb and marketing it for uses other than a fuel source.
- 203 2. What, if any danger does the equipment pose while not in operation?
204 The only danger would be if an individual were illegally trespassing and was
205 harmed. They felt their operation was no different than the other industrial uses in
206 the area. It was their opinion that the magnet was not strong enough to pose a
207 serious threat to someone.
- 208 3. What is the height of the fencing posts installed and how many wires
209 will be strung?

210 *Six foot posts were installed in the ground and enough wire for 5 strings will be*
211 *delivered any day.*

212

213 4. Is the company complying with all DEQ and OSHA requirements?

214 *Yes. They have added signage to the property and are not opposed to adding*
215 *more.*

216

217 The Commission discussed the fencing condition; the permit clearly states
218 that the fencing must be perimeter fencing at a minimum of six feet in
219 height. The posts installed cannot meet this requirement. Some modification
220 must be made to the existing posts, or they need to be removed and replaced
221 with 8 foot posts. In addition, the Commission came to the conclusion that
222 perimeter fence could be interpreted to mean the perimeter of the “working
223 area” not the entire 12 acres owned by the company and is not in use.

224

225 TDFI agreed to remove the posts and provide fencing around the entire
226 perimeter of the area currently being used by the operation. Chairman
227 Goddard stated that in light of the information received today, he is not in
228 favor of revoking the conditional use permit.

229

230 Commissioner Watson expressed thanks to TDFI for their willingness to
231 bring the fence into compliance as soon as the materials are received from
232 the supplier. Mr. LeFevre said that barring any unforeseen shipping or
233 weather conditions, the fencing could possibly be completed next weekend.
234 This timeline satisfied the Commission.

235

236 **Commissioner Watson MOVED to allow TDFI 30 days in which to**
237 **comply with the terms of the CUP. Motion seconded by Commissioner**
238 **Bartholomew. Motion was approved by unanimous vote.**

239

240 ADJOURNMENT

241 **Commissioner Bartholomew MOVED to adjourn the meeting.**

242 **Commissioner Watson SECONDED the motion. The motion was**
243 **approved by unanimous vote.** The meeting adjourned at 8:38 p.m.