

1 **FILLMORE CITY COUNCIL MEETING**

2 September 17, 2013

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4 *Minutes of the regular meeting of the Fillmore City Council held September 17, 2013 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, KMTI and KNAK radio stations, and each member of the governing body on September 13,*  
9 *2013. Those present were:*

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

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17 Others: Ken Martin, Mike Rhinehart, Doug Nielsen, Dean Draper,  
18 John and Jamie Orullian

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

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22 **ADMINISTRATIVE BUSINESS**

23 Minutes

24 **MOTION:** To approve the minutes of the meeting held September 3, 2013.  
25 **By:** Councilmember Oeppinger  
26 **Second:** Councilmember Huntsman  
27 **Vote:** Unanimous. Motion carried.

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29 Bills – Payroll

30 **MOTION:** To approve the September 15, 2013 payroll and payment of the bills  
31 listed on the September 4 through September 17, 2013 invoice  
32 register.  
33 **By:** Councilmember Jackson  
34 **Second:** Councilmember Huntsman  
35 **Vote:** Unanimous. Motion carried.

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37 **PUBLIC HEARING**

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39 Fillmore City intends to apply to the Community Impact Board for a grant to help pay for a  
40 culinary water master plan.

41 **MOTION:** To open the public hearing to receive comment on the city  
42 application for a CIB grant.  
43 **By:** Councilmember Oeppinger  
44 **Second:** Councilmember Jenson  
45 **Vote:** Unanimous. Motion carried.

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47 Mayor Larsen declared the public hearing open and asked Doug Nielsen of Sunrise  
48 Engineering to speak.

49 Mr. Nielsen prepares funding applications; he was filling in for Robert Worley who was out of  
50 town. He said the CIB grant, if awarded, is a 50% matching grant with the city paying half the  
51 cost of the project. The application is due October 1<sup>st</sup>. He explained that a master plan helps  
52 cities prepare and budget for system upgrades, maintenance, and growth; it needs to be  
53 reviewed and updated at least every five years. Ross Cummings, Fillmore City Public Works  
54 Director, will be retiring next year. His experience and knowledge of the water system will be  
55 critical to the plan development, so now is a good time to do it.

56

57 Mayor Larsen asked for public comments concerning the funding options, project scope,  
58 implementation schedule and its effect on residents.

59

60 Mike Rhinehart asked how much the plan would cost. After learning it may run as much as  
61 \$30,000 he said he favored the project if the city had the money to pay its share of the cost.

62

63 Attorney Greathouse advised the council to include an impact fee analysis with the plan.  
64 Impact fees cannot be adjusted without a study to justify it.

65

66 There was no other public comment.

67 **MOTION: To close the public hearing.**

68 **By: Councilmember Jackson**

69 **Second: Councilmember Huntsman**

70 **Vote: Unanimous.**

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72 The regular city council meeting resumed at 6:54 p.m.

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## 74 **COMMUNICATIONS AND REQUESTS**

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76 East Millard Recreation Director Jamie Orullian explained that the county has allocated  
77 \$10,000 for an outdoor LED sign. She distributed pictures and price quotes from Stewart  
78 Signs: \$16,448 for a six foot display and \$17,058 for a ten foot display. These factory sale  
79 prices are effective until September 20<sup>th</sup> and represent a \$1,000 savings. The county would  
80 like to install the marquee on the library grounds. Mrs. Orullian invited the city to share the  
81 cost and use of the sign. The metal frame has a lifetime warranty and the LED is guaranteed  
82 for five years but will probably last more than twenty years. There are many options for  
83 graphic design and fonts. Installation will require a cement pad and power; city and county  
84 employees could work together to assemble and install it. The designated control computer  
85 requires an eight foot antenna for short range wireless programming.

86

87 Mayor Larsen stated that he and Recorder Cummings had talked many times about the benefits  
88 of having an electronic sign to advertise city events and disseminate information to the public.  
89 He felt this cost saving opportunity should be given serious consideration. If accepted, a  
90 contract for joint ownership would need to be drafted and policies written for use and  
91 maintenance.

92

93 Attorney Greathouse said that Delta City installed an electronic marquee several years ago and  
94 used it for a while, but for some reason it isn't being used now. He suggested contacting the  
95 Delta City office to find out what the problem is.

96

97 Council discussed the issue and answered questions from the audience.  
98 **MOTION: To partner with Millard County to purchase a ten foot electronic**  
99 **LED display from Stewart Signs.**  
100 **By: Councilmember Oeppinger**  
101 **Second: Councilmember Jackson**  
102 **Vote: Four yes votes, one no.**  
103 **Motion carried with a majority vote.**

104 Councilmember Huntsman stated that she is opposed to polluting the roadside with signs.

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## BUSINESS

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### UHP Safety Contract

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In 2010 Utah Highway Patrol Sergeant Kevin Rhoades asked the city to consider paying overtime hours for off-duty troopers to provide more coverage for Fillmore. This would be a way to help troopers supplement their incomes without taking second jobs while enhancing the safety of Fillmore citizens and the traveling public. The city agreed and Lance Davenport, Commissioner of Public Safety, signed the Service Agreement with Fillmore City on March 26, 2010. This worked well for several years, the freeway accident rate dropped and Fillmore City Justice Court was processing up to 400 tickets each month.

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Millard County subsequently negotiated a service agreement with the same terms. Troopers who had been patrolling the Fillmore boundaries were happy to have a larger area to work and Fillmore's coverage declined. Recorder Cummings had prepared a statistical report for the council which detailed the number of monthly traffic citations processed by Fillmore since the contract was signed. There has been a steady decline with only 71 tickets in August, 2013. The revenue generated from fines has dropped from around \$40,000 per month to \$12,000. The city's share of the \$12,000 is only \$4,500 which is only a fraction of the monthly court costs and legal fees.

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Council needs to decide if the Safety Contract should continue; it can be terminated at any time.

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### Justice Court

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Council also needs to determine the future of the Fillmore City Justice Court. Justice Courts are not intended to be revenue sources for cities; courts are a service to the community. Until the UHP contract was negotiated in 2010, the revenues from court fines were minimal. Without the revenues generated from the safety contract the city will again be funding the court from the General Fund.

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Judge Robison's term will expire next year; he is considering retirement at that time. The term of office for a justice court judge has just increased from four years to six years. The city had considered disbanding the justice court at the time Judge Hare resigned and had learned it is a lengthy process and if it is done while a judge is in office, the city must pay the judge's salary until his term expires.

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Recorder Cummings had contacted Rick Schwermer at Utah Courts about the possibility of disbanding the Fillmore City Justice Court. He had confirmed that if the council decides to do it, the process should be started as soon as possible to coincide with Judge Robison's retirement.

145 Attorney Greathouse added that the state legislature continues to debate doing away with  
146 justice courts; it may or may not happen. Disbanding a court is a long process.

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148 The national economy is still in a slump. Council needs to decide what to do; what is best for  
149 Fillmore City and the citizens. Mayor Larsen asked the council to give these matters some  
150 serious thought before any decisions are made.

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152 **CLOSED SESSION**

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154 Mayor Larsen called for a closed session.

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156 **MOTION: To convene to closed session for the purpose of discussing the**  
157 **character, professional competency, or physical or mental health of**  
158 **an individual.**

159 **By: Councilmember Huntsman**

160 **Second: Councilmember Jenson**

161 **Roll Call: Councilmember Jenson Yes**

162 **Councilmember Jackson Yes**

163 **Councilmember Huntsman Yes**

164 **Councilmember Oeppinger Yes**

165 **Councilmember Holt Yes**

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167 (NOTE: Given the purpose of the closed meeting no recording or minutes were maintained, as  
168 allowed under Subsection 52-4-206(6)(b) of Utah Code Annotated. Mayor Larsen will sign an  
169 *Affidavit Related to Closed Meeting.*)

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171 The audience and Recorder Cummings were excused. The meeting was closed at 7:30 p.m.  
172 Those present were Mayor Larsen, Attorney Greathouse, and Councilmembers Jenson,  
173 Jackson, Huntsman, Oeppinger and Holt.

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175 The regular meeting resumed at 7:50 p.m. Council accepted Penny Ferrin's withdrawal of her  
176 acceptance of the justice court clerk/office assistant position.

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179 **COUNCIL REPORTS**

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181 Councilmember Jenson

182 **Sewer**

- 183 • The annual sewer cleaning is underway; different sections of the system are cleaned  
184 and videoed each year. There have been no problems reported, but sometimes the  
185 pressure from the cleaning process will cause a minor backup in home plumbing.

186 **Historic Preservation**

- 187 • The Great Basin National Heritage Board has approved an observatory for a national  
188 park.  
189 • Members of the board were very complimentary of Carl Camp and his family and all  
190 they do at the Statehouse Museum and Park.

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193 Councilmember Jackson

194 **CERT**

- 195 • CERT members are moving supplies into the CERT building. They are pleased with  
196 the new space and feel it will work well for them.

197 **Garbage**

- 198 • The county still has not installed the signs at the transfer station.

199 **Community Covenant**

- 200 • Backpacks filled with school supplies are ready to distribute to children of military  
201 families.

202

203 Councilmember Huntsman

204 **Library**

- 205 • Librarian Stephan Aleman has just completed catalog training; she will be updating the  
206 catalog system in the library to meet current standards.  
207 • Author of LDS fiction *Tennis Shoes Adventure Series*, Chris Heimerdinger, will visit  
208 the library on Monday, September 30<sup>th</sup> from 6:00-8:00 p.m.

209

210 Councilmember Oepfinger

211 **Celebrations**

- 212 • The Old Capitol Arts and Living History Festival was a great success. Yellow Pix was  
213 a big hit and will be a good way to gauge festival attendance. Doug Jolley and Abe  
214 Johnson are to be commended for a job well done.  
215 • Halloween will not be celebrated in the schools. The Chamber of Commerce is  
216 sponsoring a “trunk or treat” for area children on October 31<sup>st</sup>.

217 **Animal Control**

- 218 • Two dogs that were in the pound for several weeks have been adopted by two Delta  
219 families.

220 **Other**

- 221 • The Chamber of Commerce meeting last week honored the 911 first responders.  
222 • The old Stevens Motel on Main Street is listed for sale with Signature Realty for  
223 \$400,000. Mrs. Oepfinger wondered if there is some way it could be incorporated with  
224 a historical grant and purchased by the city for a community center.

225

226 Councilmember Holt - nothing to report.

227

228 Attorney Greathouse - nothing to report.

229

230 Recorder Cummings

231 The Fourth of July chairman has submitted a request to pay \$500 to Jeff Whitely for arranging  
232 to have the Thurl Bailey concert. Friends of the Statehouse sponsored the entertainer and  
233 helped pay his fee. Mr. Whitely serves in a volunteer position and does not charge for his  
234 services; he has indicated that any money the city wants to pay him should be donated to  
235 Friends of the Statehouse. Council discussed the request and arrived at the consensus that the  
236 claim is not valid and no money will be paid to anyone. The City supports Friends of the  
237 Statehouse and helps financially when requested. Recorder Cummings was instructed to insert  
238 a “Friends of the Statehouse” message in each city newsletter.

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241 Mayor Larsen

- 242 • The Mayor reported on three meetings concerning the Rocky Mountain Power  
243 transmission line problems. Marshal Empey of UAMPS, Colin Jack of Dixie Escalante,  
244 Jim Tucker of Deseret, and members of the governor’s economic development team  
245 have all become involved. A task force of engineers from Pacific Corp will be working  
246 with UAMPS, Colin Jack and Jim Tucker to study the situation and find solutions.  
247 Capacitors are temporary fixes; special million dollar transformers could be required to  
248 resolve all of the problems. In 2006 rocky Mountain Power had set a 2011 date to  
249 upgrade the transmission lines to Fillmore and Meadow; later they moved the date back  
250 to 2017. The combined efforts of those mentioned could move the date closer. Rocky  
251 Mountain officials have indicated the work could be “fast tracked” if economic  
252 development opportunities required it.
- 253 • The “biological event” that caused a five hour power outage a few months ago was  
254 caused by a hawk which is a protected species. Federal regulators are requiring an  
255 upgrade that will prevent such events in the future. It will take about four hours to  
256 install the new switch and will be done on October 17<sup>th</sup> at 1:00 a.m. Hopefully the four  
257 hour outage at this time of morning will have a minimal impact on the community.

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259 **ADJOURNMENT**

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261 **MOTION: To adjourn the meeting.**  
262 **By: Councilmember Oepfinger**  
263 **Second: Councilmember Jensen**  
264 **Vote: Unanimous.**  
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266 The meeting adjourned at 8:45 p.m. The next meeting will be held October 1, 2013 at 6:30  
267 p.m.

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271 APPROVED October 1, 2013

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Eugene R. Larsen, Mayor

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275 ATTEST: \_\_\_\_\_  
276 Marlene Cummings, CMC  
277 City Recorder