

1 **FILLMORE CITY COUNCIL MEETING**

2 January 7, 2014

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4 *Minutes of the regular meeting of the Fillmore City Council held January 7, 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 January 3,*  
9 *2014. Those present were:*

- |    |           |   |                          |
|----|-----------|---|--------------------------|
| 10 |           |   |                          |
| 11 | Mayor:    | Eugene R. Larsen  | Council: Michael D. Holt |
| 12 | Attorney: | Greg Greathouse   | N Wayne Jackson          |
| 13 | Recorder: | Marlene Cummings  | Eric R. Jenson           |
| 14 | Staff:    | Teresa Alldredge, Treasurer   | Deborah S. Oeppinger     |
| 15 |           | Megan Davies, Office Assistant                                      | Michael K. Rhinehart     |
| 16 |           |   |                          |
| 17 | Others:   | Jackie Rhinehart, Nicole Rhinehart, Laurie Holt, Lt. Morris Burton, |                          |
| 18 |           | Commissioner Alan Roper, Chief Darren Brunson, Todd Anderson,       |                          |
| 19 |           | McKay Shields and the MHS chorus: Paula Lichfield, Kjell Rasmussen, |                          |
| 20 |           | Yesi Nieves, Jesse Robison, Jeffrey Robison, Jamie Beckstrand,      |                          |
| 21 |           | Meagan Taylor, McKay Shields Jr., MacKay Baker, Hazen Mathews,      |                          |
| 22 |           | Kaela Gentry, Lizzie Wood   |                          |
| 23 |           |   |                          |

24 6:30 p.m. Welcome and Pledge of Allegiance – Mayor Larsen

25  
26 **SWEARING IN CEREMONY FOR NEWLY ELECED OFFICIALS**

27  
28 The Millard High School chorus, under the direction of Mr. McKay Shields, performed a  
29 stirring rendition of *America* by Samuel Francis Smith. Mayor Larsen expressed appreciation  
30 to the students for accepting the invitation to sing. Their beautiful voices created a patriotic  
31 atmosphere for the meeting.

32  
33 The Oath of Office was administered by Recorder Cummings to Mayor Larsen and council  
34 members Michael Holt and Michael Rhinehart. The Mayor welcomed returning  
35 Councilmember Holt and new Councilmember Rhinehart. It was noted that Mr. Rhinehart is  
36 actually a returning council member also; he served on the city council twenty-five years ago.

37  
38 Following a short refreshment break the meeting resumed.

39  
40 **COMMUNICATIONS AND REQUESTS**

41  
42 Law Enforcement Report

- 43 • Lt. Morris Burton presented the November statistics and explained the reports are  
44 always a month behind because it takes time to get all the data collected and entered in  
45 the computer. There was one vehicle accident in Fillmore, 17 citations issued for 22  
46 violations, and 96 CAD calls. He explained that the calls on the report originate in  
47 Fillmore but may be for incidents that happened elsewhere. There were 76 incidents  
48 that resulted in 16 arrests for 25 offenses.

- 49 • The officers have been patrolling the city in an effort to control the speeding problems.  
50 Lt. Burton wondered if the council had noticed that people are slowing down.  
51 • There was second burglary at Service Drug. At this time a suspect has not been  
52 identified.  
53 • Question was raised about the shoes appearing over the power lines. There is no real  
54 significance with the shoes, Lt. Burton said, just something that kids do when they get  
55 bored. There is an old tree west of Hinckley that is full of old shoes.  
56

### 57 Fire Department Report

58 Chief Darren Brunson said December was a busy month.

- 59 • On December 10, the department was called to Cove Fort for a gas leak and to Mount  
60 Catherine Manor after a smoke alarm went off.  
61 • The fire at Lewis Mobile Home Park that resulted in a death has been thoroughly  
62 evaluated by the state fire marshal who determined there was nothing that could have  
63 been handled differently. The response time was six minutes; the fire damage was not  
64 too bad but there was a lot of smoke. The woman was alive when they arrived; the  
65 firemen helped her out of the trailer but she expired shortly after that. She had a history  
66 of severe health problems; the cause of death will be determined by the state medical  
67 examiner after the autopsy is performed.  
68 • A structure fire at the Fillmore Motel on December 14 was a repeat of a fire there a  
69 year ago except in a different room. An overloaded line overheated and started the  
70 ceiling on fire. The wiring for the entire facility needs to be upgraded, but it can't be  
71 required until the building is remodeled. Last year the motel manager was instructed to  
72 place smoke detectors in each unit but it hasn't been done.  
73 • The December 26 alarm was for a natural gas van fire at the Mick Jackson residence. It  
74 was probably caused by an overheated wire.  
75 • They were called to the Wade Lemon home in Holden at 3:30 a.m. on January 2 to help  
76 the Holden Fire Department. The two departments have a good relationship and  
77 worked so well together they looked like a professional firefighting team.  
78 • Eleven department members will be attending fire school in St. George on January 9 –  
79 11, 2014. This will be sixteen hours of intense training. If there is a fire in Fillmore  
80 during this time the Holden and Meadow Fire Departments will be on call.  
81 • The three-year plan for the department is to get a new fire truck which will cost about  
82 \$500,000 or it could be as much as \$700,000 if they get a ladder truck. They need to  
83 put together a twenty-year plan to determine what type of truck is needed. The Chief  
84 asked for input from the city concerning projected growth, potential building types, and  
85 airport overlay restrictions.  
86 • The department will be requesting funds from the Fire District to update the building.  
87

88 Mayor Larsen said the service these dedicated volunteers provide is vital to our city. He asked  
89 Chief Brunson to let the members know they are greatly appreciated.  
90

### 91 County Commissioner Report

- 92 • Commissioner Alan Roper said he has been notified that the Department of Wildlife  
93 Resources will be releasing 70 head of big horn sheep in the Oak City Canyon  
94 tomorrow.  
95

- 96 • The swimming pool repairs are completed, and the plans for the off-street parking need
- 97 to be finalized with the city.
- 98 • The next East Millard project is the new public health facility. The county will submit
- 99 a conditional use application to the Planning Commission.
- 100 • Councilmember Holt was elected Fire District Vice-Chair. The District bylaws are
- 101 being updated. The Commissioner expressed appreciation to Mr. Holt and Chief
- 102 Brunson and said it is a pleasure to work with them.
- 103 • Commissioner Roper invited Mayor Larsen to attend the Six County AOG meetings.
- 104 • The Territorial Statehouse Park has a new full time employee. Carl Camp has worked
- 105 alone for several years to keep the park operating and has done an outstanding job. Mr.
- 106 Camp has great leadership skills and is making good things happen for the park. The
- 107 new employee is long overdue and is a welcome addition to the park staff.

108  
109 **ADMINISTRATIVE BUSINESS**

110 Minutes

- 111 **MOTION:** To approve the minutes of the meeting held December 17, 2013 as
- 112 corrected.
- 113 **By:** Councilmember Jackson
- 114 **Second:** Councilmember Jenson
- 115 **Vote:** Unanimous. Motion carried.

116  
117 Bills – Payroll

- 118 **MOTION:** To approve the December 31, 2013 payroll and payment of the bills
- 119 listed on the invoice register dated December 18, 2013 through
- 120 January 7, 2014.
- 121 **By:** Councilmember Jackson
- 122 **Second:** Councilmember Oeppinger
- 123 **Vote:** Unanimous. Motion carried.

124  
125 Encroachment Permit

- 126 • 14-01 CentraCom Interactive to install conduit along 900 South Airway Drive

127  
128 Council Assignments

129 Mayor Larsen asked the council to ratify the appointment of Eric Jenson for mayor pro-tem.

- 130 **MOTION:** To appoint Eric Jenson to the position of mayor pro-tem.
- 131 **By:** Councilmember Holt
- 132 **Second:** Councilmember Rhinehart
- 133 **Vote:** Unanimous. Motion carried.

134  
135 The Mayor distributed a spreadsheet of his proposed council assignments. Acceptance of the

136 assignments and a short training session on council responsibilities will be scheduled on the

137 next agenda.

138 **BUSINESS**

139 Justice Court

140 Fillmore City took over administration of the Fillmore City Justice Court in 2011 when Millard

141 County chose not to renew the justice court contract it had held for over 30 years. The city had

142 just negotiated the Utah Highway Patrol Safety Contract which more than quadrupled the

143 number of justice court cases.

144 Mayor Larsen said it has been a roller coaster ride. The city office staff became the court  
145 clerks in addition to their regular work. They had no court training or experience but accepted  
146 the challenge to take on the new responsibility. Teresa Alldredge was assigned to be Chief  
147 Court Clerk and two other staff members became deputy court clerks. Mrs. Alldredge set up  
148 the filing system and daily routines. She has done an excellent job, is very efficient, and works  
149 well with Judge Robison and the court attorneys; however, she is also the city treasurer and  
150 oversees utility billing. The other two deputy clerks are no longer with the city. Mrs.  
151 Alldredge is carrying a very heavy workload. There have been several part-time clerks hired to  
152 help relieve some of the pressure, but they have not stayed past the probationary period. Judge  
153 Robison is precise about the way he wants court duties performed. The work is demanding and  
154 requires a motivated, detail-oriented clerk.

155  
156 Judge Robison's term will conclude at the end of this year. Council was asked to consider  
157 whether or not they want to keep the court. The process to dissolve a court is involved and  
158 takes time. However, if it is dissolved it needs to be done at the end of a judge's term of office.  
159 Recorder Cummings asked the council to decide the future of the court so she can determine  
160 how to restructure the office workload.

161  
162 Attorney Greathouse added that the state legislature keeps talking about taking local control  
163 from justice courts, but at this point it has just been a lot of talk and no decisions. He  
164 cautioned the council to think about what is best for the citizens. If the council decides to  
165 dissolve the court, now is the time to put the wheels into motion.

166  
167 Todd Anderson, Delta City Attorney, was in the audience and asked to speak. He said Delta is  
168 experiencing some of the same frustrations. He had planned to approach Fillmore City in the  
169 future to discuss consolidating probation monitoring for both courts and to work on  
170 rehabilitation programs. He suggested that perhaps the two city courts should be dissolved and  
171 go back to having two Millard County Justice Courts, one on the east side of the county and  
172 one on the west side. He felt that all options should be explored.

173  
174 Attorney Greathouse advised that the county would have no obligation to prosecute violations  
175 of local ordinances. This issue needs to be thoroughly discussed with county officials to  
176 determine if this is the best option and if the county would contract to handle the city cases.

177  
178 No action was taken on the matter. It will be scheduled for further discussion on the next  
179 agenda.

180

181

## COUNCIL REPORTS

182

### Councilmember Holt

#### **Parks**

- 185
- A young man that was sentenced by the justice court to fifty hours of community  
186 service will be doing some work at the North Park and the cemetery. The work needs  
187 to be finished before February 11.

#### **Streets**

- 189
- People are putting Christmas trees on sides of the streets with the idea of leaving them  
190 there until spring cleanup.

191

192 **Fire Department**

- 193 • Mr. Holt will be working with the fire department on the short-term and long-term  
194 budgets. The Fillmore firehouse is the only one in the district that has not had  
195 extensive improvements.

196 **Other**

- 197 • The piles of tires at TDFI are growing bigger and spilling onto other properties; no  
198 material is going out. The trailers are parking on the roadways. The shredding  
199 machine isn't working and TDFI doesn't want to pay for a repairman to come from  
200 China to fix it.

201

202 Councilmember Oeppinger

- 203 • Library and Historic Preservation will be her new areas of responsibility. She will be  
204 meeting with the librarian and Councilmember Jenson to learn what she needs to do.

205

206 Councilmember Rhinehart

- 207 • He excited to be on the city council again and eager to get started on his assignments.

208

209 Councilmember Jackson

- 210 • Commented that Mr. Rhinehart will not find better people to work with than the public  
211 works crew.

212

213 Councilmember Jenson

214 **Historic Preservation**

- 215 • The Great Basin Heritage board retreat will be held February 21-22 in the Great Basin  
216 Park.

217 **Water**

- 218 • He will attend the CIB grant awards meeting on January 9 in St. George. The city  
219 applied for a grant to help pay for the water master plan.

220

221 Attorney Greathouse

- 222 • Mr. Greathouse had spoken with Bruce Beckstrand about the Fourth of July  
223 misunderstandings and advised council that future requests for volunteer help be clearly  
224 stated.  
225 • The Utah State Legislative Session will be starting; he will be keeping up with what is  
226 happening.

227

228 Mayor Larsen

- 229 • January 29 is the Local Officials Day at the Legislature. Councilmembers have the  
230 information and need to register if they plan to attend.  
231 • It's time to order more LED lights for the on-going street light replacement program.  
232 The city spends about \$10,000 each year for the lights.  
233 • In February Ross Cummings will have 35 years of service with Fillmore City. He plans  
234 to retire on February 14. He has been an ideal employee and he will be difficult to  
235 replace. However, he has trained his crew well and they know what needs to be done.  
236 He has recommended that one of the public works employees be advanced to the  
237 supervisor position. Mayor Larsen will be meeting with the employees before any  
238 decisions are made.

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- The article in the January 1, 2014 edition of the Chronicle Progress comparing the salaries of the Fillmore City and the Delta City employees was unfair and inaccurate. The published wages were taken from the Utah Transparency Website which requires annual updates for the expenditures of public entities. Total wages are to include all employee benefits; Fillmore’s report did include all benefits, but Delta’s included only FICA contributions, no retirement or insurance benefits. Also Delta’s wages were for the 2012 fiscal year and Fillmore’s were for the 2013 fiscal year. When comparing total wages for 2012 for both entities, Delta’s total (with only FICA benefits) was \$781,872 and Fillmore’s total (with all benefits) was \$752,725. Nothing in the article was reported correctly and it has raised a lot of unnecessary controversy in both cities. While the public has a right to know what government workers earn, the press should be responsible enough to verify information before it is printed.

**ADJOURNMENT**

**MOTION: To adjourn the meeting.**  
**By: Councilmember Oeppinger**  
**Second: Councilmember Rhinehart**

The meeting adjourned at 8:15 p.m. The next meeting will be held January 21, 2014 at 6:30 p.m.

APPROVED January 21, 2014

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

ATTEST: \_\_\_\_\_  
Marlene Cummings, CMC  
City Recorder