

1 **FILLMORE CITY COUNCIL MEETING**

2 January 21, 2014

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4 *Minutes of the regular meeting of the Fillmore City Council held January 21, 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 17,*
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 Deborah S. Oeppinger
15 Others: Dan Rowley Michael K. Rhinehart

16
17 6:30 p.m. Welcome and Pledge of Allegiance – Mayor Larsen

18
19 **ADMINISTRATIVE BUSINESS**

20 Minutes

21 **MOTION:** To approve the minutes of the meeting held January 7, 2014 as
22 corrected.
23 **By:** Councilmember Oeppinger
24 **Second:** Councilmember Jenson
25 **Vote:** Unanimous. Motion carried.

26
27 Bills – Payroll

28 **MOTION:** To approve the January 15, 2014 payroll and payment of the bills
29 listed on the invoice register dated January 21, 2014.
30 **By:** Councilmember Jackson
31 **Second:** Councilmember Oeppinger
32 **Vote:** Unanimous. Motion carried.

33
34 Building Permit

35 14-02 Teresa Alldredge for home repairs at 120 West Center

36
37 Encroachment Permit

38 The encroachment permit for CentraCom was presented at the last meeting but no vote had
39 been taken.

40 **MOTION:** To approve the encroachment permit for CentraCom to install
41 conduit along 900 South Airway Drive.
42 **By:** Councilmember Rhinehart
43 **Second:** Councilmember Jackson
44 **Vote:** Unanimous. Motion carried.

45
46 Statutory Officers Re-appointed

47 **MOTION:** To ratify the re-appointment of Marlene Cummings as city
48 recorder and Teresa Alldredge as city treasurer.

50 **By:** **Councilmember Oeppinger**
51 **Second:** **Councilmember Rhinehart**
52 **Vote:** **Unanimous. Motion carried.**
53

54 Public Works Supervisor Appointed

55 Mayor Larsen had visited with the public works employees and found them all supportive of
56 Ross Cummings's recommendation of John Mitchell for the new public works supervisor.
57 John has proven to be a dedicated, conscientious, and dependable employee. He has worked
58 with Ross for nineteen years and is knowledgeable about all aspects of public works
59 operations. Ross has also recommended that Matt Haupt be advanced to water and sewer
60 operations technician in the public works department. Matt has obtained his certification for
61 both water and sewer. Ross has a great love for Fillmore and its citizens which he has
62 demonstrated through his excellent service over the past thirty-five years. He is willing to
63 renew his certifications to help as needed during the transition period.

64 **MOTION:** **To ratify the appointment of John Mitchell as the Fillmore City**
65 **Public Works Supervisor, effective February 15, 2013.**
66 **By:** **Councilmember Jackson**
67 **Second:** **Councilmember Holt**
68 **Vote:** **Unanimous. Motion carried.**
69

70 City Council Assignments

71 Council has had two weeks to consider the council assignments as proposed by Mayor Larsen.

72 **MOTION:** **To accept the council assignments.**
73 **By:** **Councilmember Jenson**
74 **Second:** **Councilmember Rhinehart**
75 **Vote:** **Unanimous. Motion carried.**
76

77 **BUSINESS**

78
79 Resolution No. 14-01

80 The city liability and worker's comp insurance is through Utah Local Governments Trust. The
81 Trust has suggested that the city adopt a return to work program for employees that have been
82 injured on the job. Council discussed the proposed program and made a few changes to the
83 draft.

84 **MOTION:** **To approve Resolution No. 14-01 adopting the Fillmore City Return**
85 **to Work Program as amended.**
86 **By:** **Councilmember Rhinehart**
87 **Second:** **Councilman Jackson**
88 **Vote:** **Councilmember Jenson Yes**
89 **Councilmember Jackson Yes**
90 **Councilmember Rhinehart Yes**
91 **Councilmember Oeppinger Yes**
92 **Councilmember Holt Yes**
93 **Motion carried.**
94

95 Annual Review of Fillmore City Investment Policy

96 Council reviewed the policy and made no changes.

97

98 Justice Court

99 The debate concerning the future of the Fillmore City Justice Court was continued from the last
100 meeting. Mayor Larsen had asked city prosecuting attorney Stephen Styler to give his opinion
101 on the matter. Attorney Styler had talked with Rick Schwermer, Assistant State Court
102 Administrator, and prepared a list of pro's and con's for the council to consider. The Mayor
103 had also spoken with Millard County Attorney Richard Waddingham about the workload that
104 would fall upon his office and the Millard County Justice Court if the city justice court were
105 dissolved. In order to have city cases tried by the county court, an interlocal agreement would
106 have to be negotiated and a cost for services established. Attorney Waddingham felt the
107 additional work would overload both his staff and the county court staff.

108
109 Councilmember Rhinehart had researched the court question and reported that justice courts
110 were established for community service to ensure efficient, timely, and fair justice. He worried
111 about the county being overloaded and if city cases would be handled in a timely manner.

112
113 Council discussed the issue at length and concluded it is in the best interest of the citizens of
114 Fillmore to keep the Fillmore City Justice Court.

115
116 **COUNCIL TRAINING**

117
118 Council Responsibilities

119 Mayor Larsen reviewed the powers and duties of the mayor and council. Mayors in fifth class
120 cities are allowed a great deal of flexibility in delegating administrative powers. Traditionally
121 Fillmore mayors have asked council members to work with department heads as administrative
122 liaisons as a way to have them involved with city operations. He thanked them for accepting
123 this responsibility.

124
125 Public Meetings

126 Recorder Cummings conducted the annual training on open and public meetings. She had
127 furnished each council member with a copy of Utah Code Title 52, Chapter 54 and
128 summarized the following points:

- 129 • Meetings held by public officials to conduct the business of the public are open to the
130 public.
- 131 • Closed meetings are restricted to matters dealing with protected, private, or confidential
132 information that could have damaging results if discussed publicly.
- 133 • Written transcripts of public meetings are permanent records; electronic recordings
134 must be kept for one year.
- 135 • Public meetings require a twenty-four hour public notice (unless an emergency meeting
136 is called for unforeseen circumstances) on the Utah Public Notice website and three
137 public places.
- 138 • The best way to avoid problems with the Open and Public Meetings Act is to err on the
139 side of public openness.

140
141 **COUNCIL REPORTS**

142 Councilmember Jenson

143 **Water**

- 144 • He attended the Community Impact Board (CIB) meeting in St. George with Robert
145 Worley and Doug Nielsen. He said the Sunrise Engineering employees were well

146 prepared and made an impressive presentation for Fillmore City’s application to help
147 fund the culinary water master plan. It received preliminary approval and will probably
148 be funded in February.

- 149 • The lack of snow this winter could result in a drought this summer.
- 150 • Ross Cummings has ordered an insulated box to protect the water valves at the golf
151 course. He has spent a lot of time and money repairing and moving frozen valves
152 because the system is not flushed like the rest of the city lines. Councilmember
153 Rhinehart asked if Fillmore City furnishes water for the golf course. Mayor Larsen
154 explained that the city pays for the first 7,000,000 gallons per month (not to exceed
155 45,000,000 gallons a season) and Paradise Management pays for the overage.

156
157 Councilmember Jackson

158 He had nothing to report; he said all his assigned departments are doing fine. He noted that the
159 county is hoping to have the Veterans Memorial upgrade done by Memorial Day.

160
161 Councilmember Rhinehart

162 **Shop and Equipment**

- 163 • He met briefly with Ross Cummings to thank him for the service he has given the city
164 over the years. They will spend some time together before Mr. Cummings retires and
165 take a tour of city equipment and properties.
- 166 • He had asked Mr. Cummings if weekly safety meetings are held for the employees.
167 The meetings are not held, but the workers are all safety conscious and they routinely
168 discuss safety issues. The Councilman said the new supervisor may want to implement
169 weekly safety meetings and perhaps designate one of the men as safety officer.

170 **Celebrations**

- 171 • He is getting a list of people to work on the Fourth of July committee and will be
172 meeting with the Mayor next week to discuss this assignment.

173
174
175 Councilmember Oeppinger

176 **Library**

- 177 • She attended the library board meeting on January 14. The board has differing opinions
178 about discontinuing the library street fair. It has been highly successful but requires a
179 lot of time that should be spent running the library. The librarian feels that library
180 activities should be on a smaller scale and focus more on library services that promote
181 reading and education. The carnival atmosphere of the street fair draws a large crowd
182 and makes it a great family fun day, but volunteer help is hard to get and the library
183 staff can’t do it all. The board wondered about the city taking it over as a city
184 celebration.
- 185 • A class was held in the library this evening to teach patrons how to download library
186 books to their electronic devices.
- 187 • Tito Momer, author of “*My Name Used to be Mohammad*” was scheduled to visit the
188 library this month but had to cancel; he may come next month.
- 189 • Dr. Suess day in the library will be the first part of March.
- 190 • The library Christmas activity was a learning experience; next year the children will be
191 given materials for two decorations, one for the library and one to take home.
- 192 • The library has a good staff that is excited about the work and doing a great job.

193

194 **Animal Control**

- 195 • A news report listed Utah in the top five states for pet adoptions. Adoptions are going
196 well in Fillmore, and stray dogs are being reunited with owners; there are no
197 impounded animals at this time.

198 **Celebrations**

- 199 • Although she is no longer assigned to celebrations, Mrs. Oeppinger will continue to
200 work with the Relay for Life as a community volunteer.

201

202 Councilmember Holt

203 **Streets**

- 204 • Many of the street lights on the I-15 interchanges are not working. UDOT is
205 responsible for the lighting and will be notified that the lights need maintenance.
206 • He had informed TDFI to move their trailers off the street and not bring in any more
207 tires until their stock is reduced. The company just got a new piece of equipment that
208 should get them back into production. A state inspector was there today.

209 **Fire Department**

- 210 • The firemen who attended the annual fire school in St. George received excellent
211 training and shared what they learned with the other members of the department.
212 • The fire district by-laws are being updated and will be adopted after a legal review is
213 completed.

214

215 Attorney Greathouse

- 216 • He is impressed with how well the mayor and council work together; he has worked
217 with other cities that don't run so smoothly.
218 • He re-emphasized the importance of open meetings and cautioned that the reasons for
219 closed meetings are very limited.
220 • Public works will need to monitor the city spring and wells closely to make sure the
221 water change application for G.A. Roper Investments does not affect the city water
222 sources.
223 • The affordable health care act (ObamaCare) is counting volunteer firefighters as
224 employees for the 50 employee exemption. It could affect the city.
225 • The state legislature is in session. Attorney Greathouse will be following the activity
226 closely for issues that could affect the city.
227 • The owner of property in the industrial park has not responded to the Mayor's letter
228 about cleaning it up. Attorney Greathouse said if the city were to clean it up, state code
229 provides for cost recovery through property tax. However, he would prefer the city
230 adopt an ordinance consistent with state code. At one time he had started to prepare
231 such an ordinance but for whatever reason it was never adopted. He will check to see if
232 the document is still on his computer.

233

234 Mayor Larsen

- 235 • Fillmore City has received a beautiful wall plaque for the 2013 UAMPS system
236 improvement award.
237 • Beaver and Monroe still have not signed the IPP gas generation agreements. IPP will
238 be meeting with the mayor and councils of the two cities.

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ADJOURNMENT

MOTION: To adjourn the meeting.
By: Councilmember Rhinehart
Second: Councilmember Holt

The meeting adjourned at 8:07 p.m. The next meeting will be held February 4, 2014 at 6:30 p.m.

APPROVED February 4, 2014

Eugene R. Larsen, Mayor

ATTEST: _____
Marlene Cummings, CMC
City Recorder