

1 **FILLMORE CITY SPECIAL COUNCIL MEETING**

2 June 30, 2015

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4 *Minutes of the special meeting of the Fillmore City Council held June 30, 2015 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 station KMTI and each member of the governing body on June 26, 2015.*  
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10 Those present were:

- |    |           |                  |          |                      |
|----|-----------|------------------|----------|----------------------|
| 11 | Mayor:    | Eugene R. Larsen | Council: | Michael D. Holt      |
| 12 | Attorney: | Greg Greathouse  |          | N. Wayne Jackson     |
| 13 | Recorder: | Kevin Orton      |          | Eric R. Jenson       |
| 14 |           |                  |          | Deborah S. Oeppinger |
| 15 |           |                  |          | Michael K. Rhinehart |
| 16 | Others:   | Ian Adams        |          |                      |
| 17 |           | Cyndee Probert   |          |                      |
| 18 |           | R.B. Probert     |          |                      |
| 19 |           | Ephra Wilcox     |          |                      |
| 20 |           | Mark McIff       |          |                      |
| 21 |           | Sharla Williams  |          |                      |
| 22 |           | Doug Radunich    |          |                      |

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24  
25 6:00 p.m. Call to Order, Welcome, and Pledge of Allegiance- Mayor Larsen

26 **BUSINESS**

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29 The Mayor explained that the special meeting was called to finalize the selection of a new  
30 justice court judge. Ian Adams, a member of the County Judicial Committee, was present and  
31 invited to address the council.

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33 Mr. Adams reported that the State Judicial Office in conjunction with the County Judicial  
34 Committee had interviewed four candidates and had selected three of them for council  
35 consideration.

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37 Mayor Larsen expressed appreciation for Judge Stanley Robison who had retired. Judge  
38 Robison was respectful yet firm with all who entered his courtroom. He always treated  
39 everyone with a great deal of respect even in tough situations.

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41 The Mayor announced the names of the candidates and invited council to visit with each one.

42  
43 Judge Mark McIff – Judge McIff currently serves as judge for Sevier County and Piute County  
44 and is a practicing attorney. Court is held in Sevier County two days a week and in Piute  
45 County two days a month. He enjoys being a judge and would like to serve as the Fillmore  
46 Justice Court Judge.

47  
48 The question was asked, “How can we stop getting the same people coming into court  
49 repeatedly?” Judge McIff responded that there are a few things a judge can try, one is to

50 increase penalties. Other ways are to require a perpetrator to get a driver's license, or to get a  
51 job. Many defendants are repeat offenders who don't spend their spare time constructively, so  
52 a good judge will try to point them in that direction. Everyone should be treated differently  
53 because the court is dealing with the offender as well as the crime. A good judge should try to  
54 understand who that person is and do the best for them. The more a judge knows about the  
55 defendant the better he can determine an appropriate sentence.

56

57 Judge McIff would like to be a judge until he retires; he enjoys serving in different  
58 communities. When asked if he tends to be more lenient or more stern in his decisions, he  
59 responded by saying he is in the middle. He also has a good relationship with law enforcement  
60 in all communities in which he works and he encouraged the council to contact them for  
61 references. When asked why he should be considered over other candidates, he said because of  
62 his extensive amount of knowledge and experience.

63

64 Cyndee Probert - Mrs. Probert has experience as a justice court clerk having worked eight  
65 years for two different courts. This has prepared her to be an effective justice court judge.

66

67 When asked about strategies to curb repeat offenders, she responded by saying that after  
68 probations have been given and it turns into a babysitting situation, it is time for them to serve  
69 jail time. For some, serving time in jail means hitting rock bottom and is what is needed to  
70 want to change their life.

71

72 In response to what she likes most and least in working in the justice court system, she likes  
73 that each case is different. Small claims are what she likes the least because almost always  
74 someone walks away with bad feelings, however she will try to diffuse those bad feelings and  
75 be fair.

76

77 A question was asked about her ability to deal with arrogant people with bad attitudes in a  
78 courtroom. She responded that she has no problem dealing appropriately with them, the  
79 bottom line is to be fair. She is not working right now and will be able to devote plenty of time  
80 to the job. What excites her about this position is being able to help people move forward with  
81 their lives and be better citizens, and she can do it in a fair way with compassion. She is  
82 decisive in her decisions. She also has a good relationship with the local law enforcement and  
83 knows many of them from working with them, but will be able to remain impartial in all  
84 judgments.

85

86 Judge Sharla Williams - Judge Williams presides in six different courts and feels she has time  
87 to take on another one. She plans on working until she is seventy-five years old, so she would  
88 be able to fill the six year appointment.

89

90 She was asked what she does not like about her job; she does not like to see people she knows  
91 get punished, but it is a part of the job and she just does it. She has been filling in for Fillmore  
92 since the Judge Robison retired. She does not want small towns and cities to lose their courts.

93

94 When asked about her relationship with law enforcement, she responded that she gets along  
95 well and has a good rapport with them. It is important to keep up on state continuing education  
96 and she does complete all the trainings. Concerning council involvement, she stated that the

97 council should have no influence on any court decisions. Court should be entirely separate,  
98 and the court does not always make popular decisions. Decisions should be made that are best  
99 for that individual, and the council should have no bearing on that decision.

100  
101 Closed Session

102 **MOTION:** To go into a closed meeting to discuss the character, competency or  
103 **mental health of an individual(s).**  
104 **By:** Councilmember Rhinehart  
105 **Second:** Councilmember Holt  
106 **Vote:** Unanimous. Motion carried.

107  
108 Upon returning from a closed session to the open meeting, the following motion was made:  
109

110 Appointment of Justice Court Judge

111 **MOTION:** To appoint Cyndee Probert as the Fillmore City Justice Court  
112 **Judge**  
113 **By:** Councilmember Holt  
114 **Second:** Councilmember Jenson  
115 **Role-Call Vote:**  
116 **Councilmember Holt:** Yes  
117 **Councilmember Oepfinger:** Yes  
118 **Councilmember Rhinehart:** No  
119 **Councilmember Jackson:** No  
120 **Councilmember Jenson:** Yes  
121 **Vote:** Motion carried by a 3-2 vote  
122

123 Closed Session (2<sup>nd</sup>)

124 **MOTION:** To go into a closed meeting to discuss the character, competency or  
125 **mental health of an individual.**  
126 **By:** Councilmember Jenson  
127 **Second:** Councilmember Jackson  
128 **Vote:** Unanimous. Motion carried.  
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130 Upon the conclusion of the closed session, the council reconvened in the open meeting  
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133 **COUNCIL REPORTS**

134  
135 Councilmember Jenson-

- 136 • There was a water leak on June 29 in front of Jordan Roper's house on 200 West. It was  
137 repaired yesterday, filled back in, and the hazard has been corrected.
- 138 • Sunrise Engineering and the city office staff completed the application for the drinking  
139 water upgrade project. The application has been sent in to the State.

144 Councilmember Jackson-  
145 • The cemetery project is underway and Sunrise Engineering is moving forward with it.  
146 Craig Bartholomew cannot drive into the transfer station. There is not enough room to  
147 get through.

148  
149 Councilmember Rhinehart-  
150 • Celebrations committee is making final preparations for the Fourth of July. The  
151 council will ride in the old fire truck during the parade.  
152 • The splash pad is not being worked on this week due to some brackets being attached to  
153 parts before they can be transported. Construction will resume next week.

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155 Councilmember Oeppinger-  
156 • Great Basin is making some adjustments on the brochures they are sending out.  
157 • There was another dog bite today.

158  
159 Councilmember Holt-  
160 • The Fourth of July no parking signs are posted on Main Street. There were some cars  
161 parked in the no parking zones. The Sheriff's office has been asked to help enforce.  
162 • The Fire Department will be spending the week getting ready for the Fourth of July  
163 firework show. The inmates will be helping.

164  
165 Mayor Larsen-  
166 • The Supreme Court appears to be backing the coal industry in regards to the EPA going  
167 after them legally.  
168 • Mayor Larsen ensured the council that the city is following guidelines correctly in  
169 regards to moving forward on the child care ordinance change process. He encouraged  
170 the council to be sure to make legislative decisions based on what is best for the  
171 majority and without the influence of public clamor.  
172 • Rocky Mountain Power has scheduled power outage on the week of July 13 starting at  
173 eight o'clock in the morning for eight hours. Mayor Larsen is making efforts to see that  
174 the outage happens during the night hours instead.

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176 **ADJOURNMENT**

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178 **MOTION: To adjourn the meeting.**  
179 **By: Councilmember Rhinehart**  
180 **Second: Councilmember Oeppinger**  
181 **Vote: Unanimous. Motion carried.**

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183 The meeting adjourned at 8:10 p.m. The next meeting will be held July 7, 2015 at 6:30 p.m.

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187 APPROVED July 7, 2015 \_\_\_\_\_  
188 Eugene R. Larsen, Mayor