

**TREMONTON CITY  
CITY COUNCIL MEETING  
January 6, 2009**

Members Present:

David Deakin  
Roger Fridal  
Lyle Holmgren  
Jeff Reese  
Byron Wood  
Max Weese, Mayor  
Richard Woodworth, City Manager  
Darlene Hess, Recorder

**CITY COUNCIL WORKSHOP**

Mayor Weese called the January 6, 2009 City Council Workshop to order at 6:03 p.m. The meeting was held in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Mayor Weese, Councilmembers Deakin, Fridal, Holmgren, Reese, and Wood, Manager Woodworth, Public Works Director Paul Fulgham, Zoning Administrator Steve Bench, Police Chief David Nance, Recreation Director Marc Christensen, and Recorder Darlene Hess were in attendance. The Council reviewed the agenda and discussed the following items in detail:

- ▶ The Mayor welcomed representatives from the Boyer Company, Carl Cook, Stephen Waldrip, and Cameron Cook, and invited them to make their presentation to the Council. Mr. Carl Cook explained to the Council Members that the Boyer Company is an industrial real estate organization. They are interested in developing the recently closed La-Z-Boy Plant in Tremonton. They propose the City approach La-Z-Boy to see if they would consider donating the building and property to the City, as a possible tax write off, then make a joint venture with the Boyer Company, if they were selected, to pursue and lease the facility. The Boyer Company would then manage and operate the facility for the City. The Council then discussed the options.

Councilmember Deakin asked how the City should make this request to La-Z-Boy? Mr. Cook stated their representatives could assist with this situation. It was suggested a committee could be put together to organize and oversee this endeavor.

Mayor Weese thanked these men for their presentation.

- ▶ The Council Members discussed the draft for Fire Chief duties and job description. Councilmember Deakin asked if the Council wanted to state in the description that the position of Fire Chief is open to Fire Department employees only? Discussion followed on this issue.
- ▶ New Recreation Director, Marc Christensen, was introduced to the Council.

Meeting adjourned at 6:55 p.m.

## CITY COUNCIL MEETING

Mayor Weese called the January 6, 2009 City Council Meeting to order at 7:00 p.m. The meeting was held in the Tremonton City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Mayor Weese, Councilmembers Deakin, Holmgren, Fridal, Reese, and Wood, City Manager Woodworth, Public Works Director Paul Fulgham, Zoning Administrator Steve Bench, Police Chief David Nance, and Recorder Darlene Hess were in attendance.

### 1. Opening Ceremony:

Mayor Weese informed the audience that he had received no written or oral requests to participate in the Opening Ceremony. He asked anyone who may be offended by listening to a prayer to step out into the hall for this portion of the meeting. The prayer was given by Manager Woodworth and the Pledge of Allegiance was led by Councilmember Wood.

### 2. Approval of agenda

Mayor Weese asked if there were any changes or corrections to the agenda? No comments were made.

#### **Motion by Councilmember Wood to approve the January 6, 2009 City Council Agenda with the following deletions:**

9b Discuss Fire Service Agreements - Tremonton City to absorb soft costs with Deweyville, Elwood, Bear River City and Box Elder County

10a5 UTOPIA Update

Motion seconded by Councilmember Reese. Vote: Councilmember Wood - aye, Councilmember Reese - aye, Councilmember Deakin - aye, Councilmember Fridal - aye, and Councilmember Holmgren - aye. Motion approved.

### 3. Approval of Minutes - December 2, 2008

Mayor Weese asked if there were any changes or corrections to the minutes? Councilmember Deakin stated the word "Main" need to be added to page 6 paragraph two, to read: "The Main Street Corridor."

**Motion by Councilmember Deakin to approve the minutes of December 2, 2008 with the correction on page six paragraph two; "The Main Street Corridor."** Motion seconded by Councilmember Fridal. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

4. Public Hearing

Mayor Weese called the public hearing to order at 7:09 p.m. with 38 people in attendance. The public hearing was to consider the following:

- a. Consider annexing property to Tremonton City - Osborn/Madsen Annexation

Director Fulgham pointed out on the City zoning map the location of this annexation, and stated that zoning for this property will be mixed use. Mayor Weese asked if there were any questions regarding this petition? **Kendal MacSparrin** asked if this area was near Archibald Estates. He was told that it is on the other end of town. **Doug Wells** asked what the property would be used for? The property will have multiple uses. Hearing no other comments, Mayor Weese closed the Public Hearing at 7:11 p.m.

5. Introduction of guests

Mayor Weese welcomed twenty-two Boy Scouts and their leaders from Troups 129, 133, 138, 140, 146, and 613.

6. Common Consent:

Mayor Weese asked if there were any question or comments regarding the Common Consent items? No comments were made. **Motion by Councilmember Reese to approve the Common Consent items as follows:**

- a. **Consider approving the November Warrant Register**  
b. **To consider approving the November Financial Statement**

Motion seconded by Councilmember Fridal. Vote: Councilmember Reese - aye, Councilmember Fridal - aye, Councilmember Deakin - aye, Councilmember Holmgren - aye, and Councilmember Wood - aye. Motion approved.

7. Request to be on the agenda:

- a. Bear River Health Department Annual Report - Jill Parker

Jill Parker from the Bear River Health Department handed out copies of the Health Department's Annual Report for 2008. Ms. Parker gave an overview of several Health Department programs and services. Ms. Parker was asked when the Health Department will be moving out of their current Tremonton location? Ms. Parker stated that Tremonton services will move to the Brigham office on March 27, 2009, until a new facility is built in Tremonton.

8. New Council Business:

- a. Consider Ordinance 09-01 annexing specific property to Tremonton, Utah - Osborn/

Madsen Annexation

Mayor Weese explained that this proposal was previously discussed in the Public Hearing, and asked if there were any questions regarding the annexation?

**Motion by Councilmember Deakin to approve Ordinance 09-01 annexing specific property to Tremonton, Utah - Osborn/ Madsen Annexation.** Motion seconded by Councilmember Wood. Vote: Councilmember Deakin - aye, Councilmember Wood - aye, Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, and Councilmember Reese - aye. Motion approved.

- b. Consider Ordinance 09-02 requiring recipients of building permits for new construction to register with Tremonton City's Water Billing Department before issuance of a building permit is granted

Manager Woodworth informed the Council Members of a problem situation the City is having between contractors and owners regarding who is responsible for payment of water services during construction, after a water meter is installed. To resolve this issue, it is proposed that contractors or owners must sign up for utility billing services before a permit is issued. Director Fulgham stated that the City will only bill for water services until the unit is occupied.

**Motion by Councilmember Reese to approve Ordinance 09-02 requiring recipients of building permits for new construction to register with Tremonton City's Water Billing Department before issuance of a building permit is granted.** Motion seconded by Councilmember Fridal. Vote: Councilmember Reese - aye, Councilmember Fridal - aye, Councilmember Deakin - aye, Councilmember Holmgren - aye, and Councilmember Wood - aye. Motion approved.

- c. Consider Ordinance 09-03 abandoning the 255 South Stub Road

Mayor Weese reminded the Council Members of the stub street at 255 South 600 West which had been discussed previously as needing to be abandoned as a result of a home being built on the end of the street. Mayor Weese asked if there were any questions or comments regard this situation? Hearing no comments, Mayor Weese asked for a motion.

**Motion by Councilmember Fridal to approve Ordinance 09-03 abandoning the 255 South Stub Road.** Motion seconded by Councilmember Holmgren. Vote: Councilmember Holmgren - aye, Councilmember Fridal - aye, Councilmember Deakin - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- d. Consider Tremonton City appointments

**Motion by Councilmember Wood to approve the following City appointments:**

<b>Dustin Ericson</b>	<b>Land Use Authority Board</b>
<b>Dottie Garn</b>	<b>Land Use Authority Board</b>
<b>Kim Griffiths</b>	<b>City Librarian</b>
<b>Matt Hess</b>	<b>Fire Department Captain</b>
<b>Mike Tueller</b>	<b>Fire Department Captain</b>
<b>Marc Christensen</b>	<b>Recreation Director (six month probation)</b>
<b>Kasey Thompson</b>	<b>Traffic Advisory Board</b>

Motion seconded by Councilmembers Deakin and Reese consecutively. Vote: Councilmember Wood - aye, Councilmember Deakin -aye, Councilmember Reese - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye. Motion approved.

- e. Consider Resolution 09-01 establishing a partial termination of assignment of lease - YESCO sign and Bear River Health Department property

Manager Woodworth informed the Council Members when the City sold property to the Health Department, YESCO Sign Company had not recorded the agreement with Tremonton City for leasing property for their sign. After the property was sold, the lease agreement was recorded. This agreement then showed up in the title search when Rocky Mountain Power Company purchased the property from the Board of Health. The City now needs to make a Release of Assignment. This will release the assignment the City had with YESCO and releasing it to the Board of Health, then subsequently over to Rocky Mountain Power.

**Motion by Councilmember Holmgren to approve Resolution 09-01 establishing a partial termination of assignment of lease - YESCO sign and Bear River Health Department property.** Motion seconded by Councilmember Fridal. Vote: Councilmember Holmgren - aye, Councilmember Fridal - aye, Councilmember Deakin - aye, Councilmember Reese - aye, and Councilmember Wood -aye. Motion approved.

9. Unfinished Business:

- a. Draft of Fire Chief duties and job description

Manager Woodworth explained to the Council Members there are a few specifics to be addressed when appointing a new Fire Chief, such as, must he/she already be an existing member of the Department. The Fire Chief must obtain certain specific credentials to lead the Fire Department.

Manager Woodworth reported that the Fire Department wishes to form an association

or club separate from the City. The City would like to come back with a proposal and policy description where all appointments to the Fire Department, especially the Fire Chief's position, would be made after an interview process by a selection committee involving the Mayor and City Council. It will, also, be proposed to have members of the Fire Department be part of the selection committee to assist in the interview process. This proposal will be brought back to the City Council after changes have been made.

Included in this discussion Mayor Weese informed the Council of a fire at the Malt-O-Meal Plant on January 5, 2009. Three trucks from the Tremonton Fire Department were on the scene along with one truck from the Garland City Fire Department. These two municipalities have an agreement to assist each other's Department with structural fires. The fire was contained and no injuries were reported. Mayor Weese told the audience that he was very impressed and proud of the way the situation was handled by both Fire Departments.

**Motion by Councilmember Holmgren to accept the draft of Fire Chief duties and job description.** Motion seconded by Councilmember Reese. Vote: Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Deakin - aye, Councilmember Fridal - aye, and Councilmember Wood - aye. Motion approved.

- b. Discuss Fire Service Agreements - Tremonton City to absorb soft costs with Deweyville, Elwood, Bear River City and Box Elder County

Item deleted from the agenda.

- c. New City Logo

Mayor Weese presented a copy of the new proposed City Logos with three separate color options of yellow, red, or blue. Mayor Weese asked the audience for their opinion. The majority opinion from the audience was for the yellow color option. The majority choice of the Council was for the red letters lettering color option.

10. Comments:

- a. Administration/City Manager Advise and Consent

- 1) Ridley sign and Carl and Don Enterprise Quit Claim Deed proposal

Manager Woodworth informed the Council Members that years ago the City made a joint downtown RDA project venture with previous grocery store owners, Carl and Don's, parking area and cooperative ventures with the other retail outlets. The entrance to the shopping area going into the RDA is

currently still owned by Carl and Don's Corporation. They want to quit claim the entryway to the RDA. To do this, an arrangement must be made to rent space for the existing sign from the Tremonton City RDA. There must also be an in-lieu of tax consideration for a private party to use City property with an appropriate and fair amount of rent paid to the City. City Attorney, Dustin Ericson, reviewed this situation and found that the sign does create enough business to allow for this proposal. A long term contract could also be created to allow for the sign to exist in the RDA location, with a stipulation that as the sign owners, Carl and Don's enterprise would ultimately be responsible for every aspect of the sign.

Councilmember Deakin asked why the owners want to do this? Manager Woodworth said the owners would be able to save \$1,000.00 in property tax each year. Paul Fulgham asked if there would be an issue for the City at this location with snow removal? Manager Woodworth stated that snow removal would become an issue for the City. Manager Woodworth was asked to bring this item back to the Council at another time for review.

- 2) It is time for the sequel to ICS 300 - ICS 400. Two options available for training:
  - a) Garland is hosting the class on January 27, 28, and 29 in the evening. You can sign up for it on Utrain
  - b) Jim Hess will be teaching the same class over a three-day period in Tremonton sometime between now and May 2009. City Council to decide which days they would like the class to be presented.

Manager Woodworth asked the Council if they wanted to attend the ICS 400 session in January or wait until May? Some of the Councilmembers would not be available for the January session, therefore, it was decided they would attend the session in May.

- 3) Strategic Planning Session to be held January 13<sup>th</sup> at 5:30 p.m. at the Public Works Building

Manager Woodworth reminded the Council of the Strategic Planning Session next Tuesday, January 13 at 5:30 p.m. at the Public Works Building.

- 4) Annual Local Official's Day at the Legislature in January 28, 2009

Manager Woodworth reminded the Council of Day at The Legislature on January 28<sup>th</sup>.

- 5) UTOPIA Update - Item deleted from the agenda.

6) Cemetery issues

The Public Works crew has had issues with past burial plots not being measured properly, causing problems with current burials. The City would like to set up a policy citing legislative authority allowing the City to move vaults and caskets as needed when this situation occurs. In addition, if a family member requests a vault or casket be moved, they will be required to sign an agreement taking responsibility for the move. We will come back with a policy proposal for this issue.

Manager Woodworth informed the Council that City Librarian, Lorna Adams, has put together comprehensive procedures for the Library. Lorna will be retiring the end of January and the City has planned a retirement dinner for her, along with an open house to be held at the Civic Center. The date and time of those events will be discussed later. Manager Woodworth told of the many hours and tireless years of devotion Lorna has given to the City. Lorna has indexed every volume at the Library on three separate occasions for three different systems. At one time there were more than 30,000 volumes. She is to be commended for her years of service to the City.

Manager Woodworth informed the Council of a Janitorial Department proposal the City would like to bring back to the Council. A group of people will be in charge of all janitorial services, and each City building will have janitorial service under one consolidated group.

b. Council Reports

**Councilmember Holmgren** asked Councilmembers if they would consider what should be done with the Museum items stored at the Zollinger barn even though the City is not directly responsible for these items. Tamara Zollinger suggested to him that the City put together a Museum Board to take care of Museum issues. Manager Woodworth informed the Council that City Attorney, Dustin Ericson, has been involved in looking into this matter along with the 501C3 Organization making sure this is appropriately established.

Mayor Weese informed the Council Members that he had been approached by a lady in town who asked if the City would donate enough property, possibly the McKinley School location, for a museum and her brother would pay for the museum. Councilmember Deakin asked what the cost of maintenance would be on the museum? The maintenance could be \$12,000.00 per year minimum. Councilmember Wood suggested adding other buildings in conjunction with the museum or having this donation go toward remodeling at the new Senior Center.

**Councilmember Fridal** told the audience that he felt it was great that scouts attend

the meeting. He, also, reported that a resident had contacted him today with concerns about snow removal.

**Mayor Weese** read a letter from the Utah League of Cities and Towns thanking the City for their support.

Mayor Weese informed the audience of the work done by the City crews to remove thirteen inches of snow. The crews worked 67 man hours through Christmas with eight men working various shifts. The City is doing the best they can with this situation.

John Roring, a member of the audience, mentioned he had heard some cities use beet juice on the streets to melt ice.

Councilmember Holmgren asked what the City’s stand was on residents using their 4-wheelers to move snow. Director Fulgham stated they are allowed to move snow this way as long as the snow is pushed up on park strips and not out into the streets. Director Fulgham told the audience that this, however, can cause a safety issue with children making snow forts out of these piles of snow. It is difficult for the crews to know if children are out of the snow forts when they plow the streets. Great caution is needed by residents with this situation.

**Councilmember Deakin** stated he was impressed with the proposal from the Boyer Company discussed earlier in the work session. Councilmember Deakin would like to meet with City Manager Woodworth to get a better understanding on County tax issues.

- 11. Public comments: This is an opportunity to address the Council regarding concerns or ideas. Comments limited to three minutes.

No public comments made.

- 12. Adjournment

**Motion by Councilmember Deakin to adjourn the meeting.** Motion seconded by Councilmembers Wood and Holmgren consecutively. Vote; Councilmember Deakin - aye, Councilmember Wood - aye, Councilmember Holmgren - aye, Councilmember Fridal - aye, and Councilmember Reese - aye. Motion approved. The meeting adjourned at 8:07 p.m.

The undersigned duly acting and appointed recorder for Tremonton City Corporation hereby certifies that the foregoing is a true and correct copy of the minutes for the City Council meeting held on the above referenced date. Minutes were taken by Shirley Colvin.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_

Darlene S. Hess, RECORDER