

**TREMONTON CITY
CITY COUNCIL MEETING
January 15, 2008**

Members Present:

David D. Deakin

Roger Fridal

Lyle N. Holmgren

Jeff Reese

Max Weese, Mayor

Byron Wood

Richard E. Woodworth, City Manager

Darlene S. Hess, Recorder

CITY COUNCIL WORKSHOP

Mayor Weese called the January 15, 2008 City Council Workshop to order at 6:00 p.m. The meeting was held in the City Council Meeting Room at 102 South Tremont, Tremonton, Utah. In attendance: Mayor Weese, Councilmembers Reese, Wood, Holmgren and Fridal, Manager Woodworth, Attorney Alyson Draper, Public Works Director Paul Fulgham, Steve Bench of Building and Zoning, Police Chief David Nance, Fire Chief Steven Batis, Assistant Fire Chief Doug Fuhriman, Animal Control Officer Greg Horspool and Recorder Hess. The Council reviewed the agenda and discussed the following:

- ▶ Manager Woodworth told the Council that the Fire Department is scheduled for a replacement ambulance in the next budget year. They received a grant for \$30,000 to go toward the bid of \$144,000. Chief Batis told the Council that he would like to notify Rocky Mountain Ambulance Service that Tremonton City plans to purchase a new ambulance. Manager Woodworth told the Council that Chief Batis needs to write a letter of intent to purchase.

Mayor Weese asked what year the oldest ambulance currently in the station is and what they plan to do with it when it is put out of service? Chief Batis told Mayor Weese that the old ambulance is a 1991 and they usually donate it to another municipality for \$1 to use as a first responder unit. Chief Batis told the Council that the only thing they will be adding on the new ambulance is a built in child seat in the back of the ambulance.

Councilmember Deakin came to the meeting at 6:02 p.m.

- ▶ Mayor Weese told the group that he would like to remind everyone - staff, Council, etc. that the City is a Team. The City needs to work together as a team. We need to make sure that the Council is in approval of what is being requested of the staff prior to an individual going to the Manager for something special. Councilmember Wood asked if this includes getting the van ready to go to the Officials Day at the Legislature? Mayor Weese told him no.

Mayor Weese informed the Council that he got a report from someone that a member of the City Council had contacted this individual about an agenda item. Attorney Draper told the Council that this is a legal issue. All citizens should be treated equal and the Council should not give preferential noticing of items on the agenda. Agendas are available on the City's Web Site and Tremonton City meets all State requirements for noticing. Mayor Weese told the Council that they need to do what is legal and right.

- ▶ Manager Woodworth reviewed the amended budget proposal in detail.

Councilmember Fridal left the meeting at 6:30 p.m.

- ▶ Greg Horspool discussed the Animal Control fees with the Council. He told the Council that Tremonton City does not want to be lower than Brigham City. If fees are less in Tremonton, people will bring their animals to us. Officer Horspool then reviewed the fees he would like to increase.

Officer Horspool told the Council that he does not want to take money from citizens after hours when the office is closed. He would like citizens to be able to drop their money in the drop box.

- ▶ A Fire District was discussed. Councilmember Deakin discussed the expense involved for equipment and a garage to store the equipment.

Councilmember Fridal returned to the meeting at 6:42 p.m.

The City Council Workshop adjourned at 6:47 p.m. City Council pictures were then taken.

CITY COUNCIL MEETING

Mayor Weese called the January 15, 2008 City Council Meeting to order at 7:03 p.m. The meeting was held in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. In attendance: Mayor Weese, Councilmembers Deakin, Fridal, Holmgren, Reese and Wood, Manager Woodworth, Alyson Draper, City Attorney, Public Works Director Paul Fulgham, Police Chief David Nance, Senior Director Marion Layne, Recreation Director Rhett Ogden, Steve Bench Planning and Zoning/Building Inspector and City Recorder, Darlene Hess.

1. Opening Ceremony

Mayor Weese welcomed everyone to the meeting. He told the audience that it is good when the students come out on a cold night to attend our City Council Meetings. The Council looks forward to their attendance. Mayor Weese told the audience that he had received no written or oral request to participate in the opening ceremony; therefore, the Council/Staff will cover this portion of the meeting. The prayer was given by Manager Woodworth. The Pledge of Allegiance was led by City Attorney Alyson Draper.

2. Approval of agenda

Motion by Councilmember Wood to approve the January 15, 2008 City Council Agenda with the deletion of 8f: Consider Petition for Annexation - Ben Brough. Second by Councilmember Holmgren. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Wood - aye. Motion unanimously approved.

3. Approval of minutes - November 20, 2007, December 02, 2007, December 04, 2007, December 18, 2007 and January 2, 2008.

Motion by Councilmember Reese to approve the minutes of the November 20, 2007, December 02, 2007, December 04, 2007, December 18, 2007 and January 2, 2008 City Council Meetings. Second by Councilmember Wood. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Wood - aye. Motion unanimously approved.

4. Public Hearing

- a. Consider revising and amending the combined annual implementation budget (General Fund, Enterprise Fund(s), Capital Reserve Fund and Special Improvement District #1) for the period commencing July 1, 2007 and ending June 30, 2008.

Mayor Weese called the public hearing to consider revising the amending the combined annual implementation budget for the period commencing July 1, 2007 and ending June 30, 2008 to order at 7:07 p.m. with twenty-eight people in attendance. Mayor Weese asked Manager Woodworth to discuss the amendments.

Manager Woodworth informed the Council that the City has good news as it relates to grants received. He outlined the following changes for the amended budget:

Revenues

10-33-352	Changed amount to that actually collected from the County, \$31,160 to \$26,250 rounded.
10-34-355	Senior Grant to move a temporary Building \$15,050
10-34-356	Grant for Senior Grant Van \$18,900
10-34-367	Fire Department grant \$1,020
10-34-379	Arts Council Grant in the amount of \$16,000 - does not account for amount to be raised for project \$8,000 - \$9,000
10-34-390	County annual amount per contract
10-34-395	Elwood Fire Contract @ 1/3 \$3,790
10-34-396	Deweyville Fire Contract @ 1/3 \$1,555
10-34-397	Bear River City Fire Contract @ 1/3 \$4,195
10-36-430	Zoning and subdivision fees \$10,400
10-36-530	Garbage fee increase 25 cents for 7 months \$4,025
10-36-830	Lions Club contribution to the Pantry \$1,180
10-36-832	Private contribution to the Library \$500
10-36-841	Surplus property \$81,250

- 10-36-857 Private contribution to the PD \$500
- 10-36-890 Adjusted fund balance see Capital Projects budget (\$441,765)

General Fund Expenses

- 10-40-100 & 10-40-130 Employees \$34,560 plus benefits in Non Departmental separate tasks receipts (Treasurer's Office and payables (Recorder's Office) per audit letters
- 10-75-100 & 10-75-130 Library hire new director/training
- 10-41-460 Support Miss BR Valley heart platform - \$200
- 10-51-530 Transfer Parking lot to capital budget (\$75,000)
- 10-52 Accounts revenue in and out \$10,400 fees developers
- 10-54-210 PD policies and procedures current law practices liability \$8,000
- 10-54-442 Private donations to the Police Department \$500
- 10-54-560 Building costs/property trade (\$170,000)
- 10-54-800 Contingency capital outlay \$27,900
- 10-55-262 Fire grant \$1,070 see revenue \$1,020
- 10-55-551 Capital project budget expense FD # 2 property (\$64,650)
- 10-59-600 Garbage increase 25 cents \$4,600 7 months rounded
- 10-61-200 B&C projects to Capital projects budget (\$109,385)
- 10-61-850 B&C projects to Capital projects budget (\$88,800) capitol project road budget/bid \$246,055
- 10-63-501 Senior Center Van to Capital budget see grant for \$18,000
- 10-66-499 Senior building moving grant
- 10-66-530 Match moving grant
- 10-73-503 Arts Council grant \$16,000
- 10-74-502 Food Pantry building expend all reserves, question on if we continue to collect \$ to pay City back \$56,390
- 10-75-441 Contribution \$500

Budget down from \$4,885,935 to \$4,599,470 or (\$286,465) mostly due to expenses being applied to capital project budgets

Capital Projects Revenue

- 40-36-610 \$10,000 interest income
- 40-39-900 Transfer general fund \$44,790
- 40-39-999 Fund balance to be appropriated (off Balance sheet) \$642,830

Note: Part of Capital Project Budgets revenue has been previously transferred to the fund, (i.e.: roads etc.)

Note: There is not enough money available for the pantry building. The City is \$9,010 short plus we still need freezers and a lift (electric)

Capital Projects Expense

- 40-54-540 PD communications reserve \$52,000

- 40-55-540 2000 West Property purchase this FY
- 40-60-540 Parking lot, storm drain, 1200 South \$311,615 of which \$246,055 is for the road. (Later in the meeting, Councilmember Deakin asked for this amount to be split out. 40-60-540 - \$240,640 for the road and 40-51-550 - \$70,975 for the Civic Center Parking Lot)
- 40-66-550 Seniors Van \$23,000
- 40-74-550 Food Pantry \$226,770 Bid amount \$259,400 need to reduce General Fund reserves and transfer Plus we still need lift and refrigerators

Note: Those units are in the Senior's Building.

Utility water and sewer Revenue

- 51-37-712 Connection charges \$20,000
- 51-38-897 Reserves \$22,000

Utility water and sewer Expenses

- 51-70-170 Meters/connections \$20,000
- 51-70-250 Equipment & Maintenance \$20,000
- 51-74-460 Supplies \$2,000

WWTP Revenue

- 52-36-600 Pre-Treatment \$23,000
- 52-37-783 BOD TSS charges \$25,000
- 52-38-897 Excess reserves (\$10,000)

WWTP Expenses

- 52-72-180 Lab \$10,000
- 52-73-250 Equipment \$5,000
- 52-73-460 Sludge \$23,000

Note: See Budget Amendment for comprehensive adjustments review

Manager Woodworth told the Council that he would adjust the budget per Council instruction:

- 1) In the Capital Budget \$311,615, do we do the Civic Center, storm drains and roads separate?
- 2) Does the City do the Pantry by depleting reserves in the General Fund or do we finance some of project and pay over time? Dollars could go to the roads.
- 3) Or do we use the Police Department \$52,000 for Pantry and show an IOU?

Councilmember Deakin asked where the money is going for the \$254,000 on roads? Are we spending additional funds? Manager Woodworth told the Council that there is \$109,000 spent on parking lots from the General Funds and \$88,000 on the

roads from B&C Road Funds. Curtis Roberts, Tremonton City's Finance Director, told Councilmember Deakin that the only time the City is required to go through the approval process with the Council is during the budget approval process. Funds can be spent as needed by the Budget Officer. After some discussion, Councilmember Deakin suggested that funds be broken out for clarity. Per Councilmember Deakin's suggestion, Manager Woodworth informed the Council that in account 40-60-540, \$240,640 will be for roads and an account, 40-51-550, will be set up in the amount of \$70,975 for the Civic Parking Log. In the futures, we will adjust other capital budgets to provide for road costs.

Manager Woodworth told the audience that the City is very lucky to have Curtis Roberts on board. He is very helpful in maintaining the 5% - 18% balance required by the State. The City just can't fund the big projects without establishing a Capital Project Fund for the project that acts as a savings account for the project.

Councilmember Deakin questioned the increase in Non Departmental and Library Departments. Manager Woodworth told the Council that in Non Departmental it is to separate functions in the Treasurer's Department and Recorder's Department per State requirements. In the Library, the Librarian plans to retire the end of this year. The extra funds are for training and increased coverage for safety.

Mayor Weese asked if there were any questions or comments from the Council - there were none. He asked if there were any questions or comments from the audience. Being none, he closed the Public Hearing at 7:14 p.m.

5. Introduction of guests - no guests were introduced at this time.
6. Common Consent:

Motion by Councilmember Deakin to approve the following common consent items:

- a. **Approval of monthly expenditures as indicated on the December Warrant Register**
- b. **Consider Resolution 08-02 amending the annual implementation budget 2007-2008 for the fiscal year commencing July 1, 2007 and ending June 30, 2008**

Second by Councilmember Reese. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Wood - aye. Motion unanimously approved.

7. Request(s) to be on the agenda:
 - a. CERT Graduates - Mark Thompson

Mayor Weese told the audience that he is pleased with the CERT Program in our community. He turned the time over to Mark Thompson, CERT Instructor. Mr. Thompson thanked the Council for supporting the CERT Program that has been running for five years. Mr. Thompson told the Council that there has been fifty to sixty people who have gone through the program. He, also, told the youth in attendance that this program is open to them. Classes run for seven weeks.

Mr. Thompson told the audience that in an emergency, there are around thirty people in the Fire Department. Thirty people cannot take care of everything. The CERT graduates will be activated to assist in an emergency.

Mayor Weese told the audience that the Council appreciates Mark for taking the time to teach this class. The time will come when we will press these people into action. Mayor Weese then presented Sandra Thompson with a CERT Certificate and a key volunteer pin from the City.

b. Financial/Audit Report - Curtis Roberts

Mayor Weese turned the time over the Curtis Roberts, Tremonton City's Finance Director. Mr. Roberts distributed a copy of the Financial Statement for June 30, 2007 Audit Report to the Council and staff and introduced Mike Kidman of Jones and Simkins P.C. to the Council.

Mr. Kidman informed the Council that there are eight additional new audit standards being implemented next year. He, also, informed the Council that Jones and Simkins P.C.'s responsibility, as described by professional standards, is to plan and perform their audit to obtain reasonable, but not absolute, assurance about whether the financial statements are free of material misstatement and are fairly presented in accordance with U.S. generally accepted accounting principles. Because an audit is designed to provide reasonable but not absolute assurance and because they did not perform a detailed examination of all transactions, there is a risk that material errors, irregularities, or illegal acts, including fraud and defalcations, may exist and not be detected.

Jones and Simkins P.C. performed tests of the City's compliance with certain provisions of law as, regulations, contracts and grants as part of obtaining reasonable assurance about whether the financial statements are free of material misstatements; however, the objective of their tests were not to provide an opinion on compliance with such provision.

Mr. Kidman informed the Council that no significant difficulties in dealing with management in performing and completing their audit were encountered. We appreciated the cooperation and assistance from City personnel during our audit. Their help was very beneficial in the completion of this year's audit.

Mr. Kidman informed the Council that no budget entries were made by the auditors which probably had something to do with the addition of Curtis Roberts to the City's staff; however, we noted certain matters that we reported to management of the City in a separate letter dated January 5, 2007. The City's response to the findings identified in our audit was described in an accompanying letter. Jones and Simkins did not audit the City's response and, accordingly, they express no opinion on it.

Mr. Kidman told the Council that in the opinion of Jones and Simkins, the City complied, in all material respects, with the general compliance requirements identified in the State of Utah Legal Compliance Audit Guide which includes the following: Public Debt, Cash Management, Purchasing Requirements, Budgetary Compliance, Property Tax Limitations, Justice Courts, Special Districts, Other Compliance Requirements, Uniform Building Code Standards, Impact Fees and Other Developmental Fees and Asset Forfeitures and the requirements governing types of services allowed or unallowed; eligibility; matching, level of effort, or earmarking; reporting; and special tests and provisions that are applicable to each of its major State assistance programs for the year ended June 30, 2007.

Mr. Kidman complimented the Tremonton City Council on increasing the control and financial reporting. He told the Council that Tremonton City is in the top percent of the cities in the State. Hiring Mr. Roberts to do a review of the City's finances shows great foresight. Good records are a critical part of finance and desiring perfection is notable. You have a good staff. Tremonton City has the commitment to do things right. Mr. Kidman thanked the Council for the opportunity to meet with them.

Manager Woodworth told the audience that Jones and Simkins is the meanest audit firm in the State of Utah. They are tough which is a good thing. Tremonton City appreciates the opportunity to be audited by them. They are a great organization.

Finance Director Curtis Roberts thanked Mr. Kidman for the kind words. Mr. Roberts then discussed the MD&A (Management's Discussion and Analysis) Letter which the City is required to provide. He informed the audience that this summarizes the financial statements and made key notes and highlights. Mr. Roberts discussed the following:

- 1) Sales tax continues to move up and down. Last year, Tremonton City showed a modest growth as retail leakage to Cache Valley and Brigham City once again took its toll on our potential growth in revenues. We will have to watch this closely throughout the year.
- 2) The City made significant capital improvements in mostly roads and purchased land. The City used current cash flows for a significant portion of these purchases.

- 3) Tremonton City continues to evaluate the status of its infrastructure using the alternative method which does not record depreciation on those assets. Assessment is performed on an every three year basis. Last year, the City showed nothing for capital needs. The Council wanted to fine-tune the roads and move forward with their goals. Mr. Roberts congratulated Public Works Director Paul Fulgham on the reporting. This method lends more credibility to the process.
- 4) Director Roberts told the Council that the business side is functioning as it should. Charges for services increased as well as impact fees assessed to new users of the system. The City will need to watch the Wastewater Treatment Plant's return on investment to make sure we are recovering the cost of assets plus inflation. We are running at 1% and should be more near the 2% mark.

Curtis Roberts told the Council that he looks forward to being more productive next year. Mr. Roberts then asked the Council if they had any questions.

Councilmember Deakin asked what would happen if the roads were to decline below the suggested level with the alternative process. Mr. Roberts told Councilmember Deakin that the City would have to calculate all the depreciation; however, he did not see that happening. Mr. Roberts told the Council that Paul Fulgham, Public Works Director, has a great feeling for roads. The City is in a good solid place. Director Fulgham told the Council that for every mile of road that the City brings in through new roads and subdivisions, it bumps up the percentage of roads with a greater than ten year life.

Director Roberts told the Council that the City's capital projects fund continues to accumulate resources to be used on future capital projects. The City transferred \$800,000 to this fund during the year. The City Council authorized the transfer; however, an actual amount was not specified in the budget.

Director Roberts informed the audience that the budget is constantly under review by the office staff, Manager Woodworth, Mayor Weese and the City Council. He thanked Darlene Hess and the office staff for their assistance.

Manager Woodworth told the audience that Curtis Roberts has been a great asset for the City. Curtis, Darlene and the staff work hard to ensure the various accounts are in balance.

Motion by Councilmember Holmgren to adopt the Financial/Audit Report ending June 30, 2007. Second by Councilmember Wood. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Wood - aye. Motion unanimously approved.

8. New Council Business:

- a. Tremonton Boys/Girls Club - tabled
- b. Consider fee changes for 2008 - Animal Control

Greg Horspool, Animal Control Officer, met with the Council to discuss updating the fee schedule for animal control. He told the Council that Tremonton is behind schedule on fees and we do not have a Quarantine or Euthanasia fee. Mr. Horspool asked for the following changes:

<u>Type of fee</u>	<u>Current</u>	<u>Changed to</u>
Adoption fee	\$5.00 per animal	\$15.00 per animal

Note: This will include a dog license for the year upon receipt of proof of Rabies and Spray/Neuter Certificate. Adopter will be responsible for any and all Spray/Neuter Fees and Rabies shots. It is required by the State of Utah that all Felines (cats) and Canine (dogs) adopted from a Shelter or Animal Rescue be Sprayed/Neutered and be current on a Rabies inoculation.

Kennel License	\$75.00 per year
----------------	------------------

Note: This for over two animals and is to include a Conditional Use Permit application fee of \$20.00, requires authorization from the Planning Commission/Land Use Authority Board and is restricted to Zoning Code allowance.

Boarding fee	\$1.00 per day	\$10.00 per day
Euthanasia Fee		\$25.00
Owner relinquishment		
Resident		\$20.00 per animal
Non-Resident		\$45.00 per dog
Quarantine fee		\$75.00/12 day period
Additional five dollar (\$5.00) fee per day after 12-day period		
Litter Fee		
Resident		\$30.00
Non Resident		\$65.00
		\$25.00 per cat
Additional litter mates		\$ 5.00 each

Note: Including female parent and up to six (6) offspring from the same litter up to 10 weeks old. An additional five dollars (\$5.00) fee per each additional litter mate of any age.

- c. MOWAAF/Humana Funding Contract Meals for medicaid eligibles - Marion Layne

Marion Layne, Senior Center Director, told the Council that the Department of Agriculture wants the Meals-On-Wheels Program to provide two weeks of meals to patients when they come out of the hospital. What this encounters is the Senior Center will have to drive to Salt Lake to pick up the food then deliver the food to the people. There is no compensation for this service - it is a private program. Councilmember Wood stated, "Why would we want to provide this service when we are already providing Meals-On-Wheels"?

Marion Layne told the Council that they could be called on to assist people who are younger than sixty years of age; however, she felt that a warm meal is better than a cold meal. The Council agreed that this program is something that they do not want to provide.

- d. Disclosure reporting by City Council

Mayor Weese asked Manager Woodworth to explain this issue. Manager Woodworth told the Council that all municipal officers must abide by the Municipal Officers and Employees Ethics Act. The purpose of the law is to establish standard of conduct for municipal officers and employees and to require a disclosure of actual or potential conflicts of interest. Manager Woodworth told the Council that the Council and employees need to be cautious and make sure they disclose when they have a possible conflict of interest.

- e. Consider joining a Fire District

Mayor Weese told the audience that currently, Tremonton City Fire Department provides fire service to Bear River City, Deweyville, and Elwood. We have done it for 50+ years. Due to the fact that we have invoiced them for payment for this service, they want to form a Fire District in the County and to have Tremonton City join in the new district. Councilmember Deakin asked why these communities would want to purchase fire equipment instead of letting us continue to serve in this capacity when Tremonton City already has updated equipment?

Mayor Weese reported to the Council that Elwood has paid the invoice we sent them. We used ERUs to determine each municipalities share of the cost. The communities will be assessed one-third of their annual costs this year, two-thirds next year then the full amount the third year. Mayor Weese distributed the updated Fire Agreement to the Council. He asked them to review the agreement and let Manager Woodworth know if they feel any additional changes need to be made prior to sending it to the municipalities for signatures.

Alyson Draper, Tremonton City's Attorney, told the Council that per the State Code, no new Fire Districts can be formed this year. Even if we wanted to, we cannot join

or form a Fire District.

Motion by Councilmember Reese to decline entering into a Fire District for fire service. Second by Councilmember Wood. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Wood - aye. Motion unanimously approved.

- f. Consider Petition for Annexation - Ben Brough - deleted from the agenda
- g. Consider bid on the Food Pantry

Mayor Weese told the audience that Tremonton City had received bids to build a new building for the Food Pantry. The bids came in higher than what the City staff anticipated. Bids were as follows:

CWT Construction	\$285,000.00
ABCO Construction	\$479,264.65
MSCI	\$259,400.00

Low bid was by MSCI for \$259,400.00. Manager Woodworth informed the Council that this bid requires the City to spend all of the money in the Food Pantry's Capital Budget and funds allocated to the Police Department or Capital Projects Budget. There will be additional funds needed in the amount of \$50,000 for the refrigerator, equipment and electric lift.

Marian Layne told the Council that the freezer is inadequate. We need a walk-in freezer. Councilmember Wood asked where the City will get the money to do the Food Pantry? Manager Woodworth told the Council that funds will be transferred from excess from reserves to the Capital Budget in the next budget opening if needed. Mayor Weese told the Council that with what the Council has learned about the possibility of being able to renovate the Senior Center, we may be able to leave the Pantry at its current location. Steve Bench told the Council that they should not table this issue too long because bids have already come in. He will contact the construction company to see how long the bid will be good for.

Motion by Councilmember Holmgren to table the bid on the Food Pantry. Second by Councilmember Wood. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Wood - aye. Motion unanimously approved.

- 9. Unfinished Business:
 - a. Consider Resolution 08-01 and Memorandum of Agreement between the Bear River Health Department and Tremonton City Police Department.

Mayor Weese told the Council that this agreement had been changed prior to approval to their specifications. The Council has reviewed it in the past. **Motion by Councilmember Reese to approve Resolution 08-01 and the Memorandum of Agreement between the Bear River Health Department and Tremonton City Police Department.** Second by Councilmember Holmgren. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Wood - aye. Motion unanimously approved.

- b. Consider Ordinance 08-01 establishing the Tremonton City Storm Water Policy

Mayor Weese informed the audience that the City has Ordinance 08-01 establishing the Tremonton City Storm Water Policy. He asked the Council if they had any questions or concerns with the policy.

Motion by Councilmember Wood to adopt Ordinance 08-01 establishing the Storm Water Policy. Second by Councilmember Fridal. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Wood - aye. Motion unanimously approved.

- 10. Planning Commission recommendation(s):

- a. Consider zoning amendment to allow guest houses as accessory buildings in residential zoned areas of the City. If approved, the item will be brought back to the Council in ordinance form.

Mayor Weese told the audience that the Council planned to table this issue; however, David Kano, previous Mayor of Brigham City, is in attendance to discuss the issue. Mayor Weese turned the time over to Mr. Kano.

Mr. Kano told the Council that he was here to oppose changing the City's ordinances to allow for guest homes as accessory buildings in residential zoned areas of the City. He owns property in the Garfield Subdivision and Brad Garfield has built a building listed on the building permit as an outbuilding. There were covenants written by Mr. Garfield when the Garfield subdivision was established, and he is breaking his own covenants. This building is not an outbuilding. It is a \$200,000 house that started as a mother-in-law apartment. Attorney Draper told Mr. Kano that a halt has been placed on building until litigation has been worked out between the parties.

Mr. Kano also told the Council that he has a concern - if Mr. Garfield decides to subdivide. The home is too close to the lot line. Attorney Draper told Mr. Kano that no retroactive feature has been established. It is not intended to affect anyone.

Councilmember Deakin told the Council that he would like to wait before the

Planning Commission and City Council make a decision on this item until litigation is complete. City Attorney Draper told the Council that waiting until the issue is resolved through litigation is a good idea. She also informed Mr. Kano that the City is not liable for a good-faith error made by a staff member.

Motion by Councilmember Holmgren to table a zoning amendment to allow guest houses as accessory buildings in residential zoned areas of the city. Second by Councilmember Deakin who commented that there is a merit to this concept. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Wood - aye. Motion unanimously approved.

- b. Consider Ordinance 08-02 making a zoning change from R1-10 to RM-15 for property located at 329 North 400 West

Mayor Weese told the audience that a mobile home current in at this address will be torn down and a Four-Plex built in its place. This will be an improvement to the area.

Motion by Councilmember Reese to adopt Ordinance 08-02 making a zone change from R1-10 to RM-15 for property located at 329 North and 400 West. Second by Councilmember Holmgren. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Wood - aye. Motion unanimously approved.

11. Comments:

- a. Administration/City Manager Advise and Consent
 - 1) Manager Woodworth informed the Council that on January 17, 2008 at 1:00 p.m., he will be attending a Bench Marking Meeting in Sandy. Councilmember Deakin asked Manager Woodworth to bring him a copy of the information that he receives at the meeting.
 - 2) Lawn Care Contract - Manager Woodworth told the Council that the City will be adding property to the Lawn Care Contract and extending the contract per their direction.
 - 3) Manager Woodworth reminded the Council that on February 23, 2008 the Chamber of Commerce will be holding their annual banquet. In the past, the Council has supported this function, and they would like to continue to do so.
 - 4) Manager Woodworth reported to the Council that the Union Pacific Railroad, Malt-O-Meal and Industrial Park Rail Agreement has been finalized. The City is working with Jody Burnett on this issue. There is a concern that

Tremonton City is being identified with the financial responsibilities of building and maintaining. These responsibilities are, in fact, turned over to our industrial partners. Our only responsibility is for snow plowing and maintenance inspections.

- 5) Manager Woodworth reported to the Council that CDBG had contacted the City that the Senior Center had been approved for the \$100,000 CDBG grant.
- 6) Manager Woodworth reported that the Bear River Water Conservancy District is unwilling to work with the City for water. He distributed a Tremonton Water Well Analysis and asked if the Council wanted to move forward with the well site cost estimate, engineering design acquisition? Councilmembers Wood and Reese told the Council that they need to move ahead with finding an additional source for water.

Public Works Director Fulgham discussed the analysis told the Council that he was hoping to find a new source of water near the location of the City's other well that will produce fifteen gallons a minute. Councilmember Fridal asked how far away from homes/people this new site will be? Director Fulgham told the Council that it will be approximately one-fourth of a mile away. Director Fulgham told the Council that the staff has used the Ogden estimate for drilling the well and putting in a storage tank on the City's property. Discussion followed on how deep the well will be and if it will affect springs in the area. The consensus of the discussion was to move forward with a new well site.

- 7) Manager Woodworth informed the Council that there is conflict between staff members on the schedule for the Court. We will be working this issue through with the staff.
- 8) Manager Woodworth informed the Council that an Tech EXPO Fair is planned for March 15 at the Utah State University Brigham City Campus.
- 9) Manager Woodworth reminded the Council that the Mayor will be doing a State of the City letter in January. Suggestions from the Council were solicited for the letter. Councilmembers are to give their comments to the Mayor or Manager as soon as possible.
- 10) Manager Woodworth informed the Council that the new Ladder Fire Truck has been put on back order. Steve Bench told the Council that there has been a recall on the steering bar. Due to the recall, the delivery date has been pushed back until March. Manager Woodworth told the Council that there is a \$89,000 payment budgeted for the truck. Of this payment, \$33,000 will be used for equipment for the truck.

b. Council Reports:

Councilmember Holmgren thanked the four students who stayed through the entire City Council Meeting. He complimented Manager Woodworth, Recorder Hess and the staff on the Audit Report and on how well things turned out. Councilmember Holmgren told the Council that he would like to encourage the City to work towards being a Certified Local Government. It will open up opportunities for grants. Councilmember Holmgren reported to the Council that the Tremonton City web site is used a lot. He volunteered to help out with organizing and updating the web.

Councilmember Fridal told the Council that it is a tremendous experience and a great opportunity to be on the Council and work with such knowledgeable people. Councilmember Fridal reported on the Boys and Girls Club. He reported to the Council that this organization has more than one hundred kids that participate everyday and he is very impressed with the organization.

Councilmember Reese told the four students still in attendance that he is impressed with their dedication. They need to tell their teacher that they lasted the entire meeting.

Councilmember Wood told the Council that he was elated with the \$100,000 CDBG Grant that the City received. He complimented Director Layne and Manager Woodworth for their hard work and effort. He is also happy with the report from the engineer that the Senior Center can be renovated. He always felt there was value in the building.

Councilmember Wood reported that on January 23rd, the Youth City Council plan to meet at the Civic Center at 6:00 a.m to leave for the Officials Day at the Legislature at the State Capitol. It should be a fun day.

Councilmember Deakin reminded the Council of the meeting to be held on January 16th from 5:00 - 7:00 p.m. at the Bear River Middle School sponsored by Rocky Mountain Power on bringing the power lines through Tremonton. He also reported that he had talked with Rick Seamons and Cindy Norr about serving on the Planning Commission for another term. They are both happy to do so.

Councilmember Deakin informed the Council that on January 26th, the Planning Commission will hold a Strategic Planning Session, and that Betty Lou White had called him about having the Council consider establishing a recycling outlet in Tremonton. Suzette Deakin wanted him to ask about the bike racks she had requested. Director Fulgham informed the Council that the racks are built. They will be located at the City Office, Library and at the parks. They will be installed when the weather improves.

Councilmember Deakin reported that someone had called him about the truck advertising the Steak House in Garland being parked on the roadway leading to the freeway. They are afraid it will be hit by another vehicle. Police Chief Nance told the Council that the truck is properly parked.

Mayor Weese reminded the Council of their Strategic Planning Meeting scheduled for January 19, 2008 at 7:00 a.m.

12. Public comments:

Attorney Alyson Draper told the Council that the architect that came from Salt Lake to look at the Senior Center is part of a seventy member organization. They will stand behind and sign off on their recommendations.

Attorney Draper also informed the Council that a person will come to the Land Use Development Board at 9:00 a.m. in the morning to let the Board know what they have available to assist the Planning Commission in putting together a plan for the City. She invited the Council to attend the meeting.

Marion Layne told the Council that when they think about recycling, she would suggest that they only charge those citizens who are using the program. Her mom is given a can that just sits in the garage and she has to pay for recycling. It is not fair to those residents who do not use it to have to pay for the program. Manager Woodworth told the audience that he would call the businesses who do the recycling. In the past when Tremonton City looked into the program, the City would have to subsidize the program in order for it to work. He will also contact Brigham City about their program.

Public Works Director Fulgham reported to the Council that there is a road on 1200 South by the Stake House that is failing. When the developers were insulating their water line, they left the line open and caused a blowout. The road has settled now and needs repair. In the Spring, the developer will have to repair a hundred feet of road.

13. Adjournment

Motion by Councilmember Deakin to adjourn the meeting. Second by Councilmember Wood. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Wood - aye. Motion unanimously approved. Meeting adjourned at 9:10 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 of the City Council meeting held on the above referenced date.

Dated this _____ day of _____, 2008.

Darlene S. Hess, RECORDER