

**TREMONTON CITY  
CITY COUNCIL MEETING  
April 7, 2009**

Members Present:  
David Deakin  
Roger Fridal  
Lyle Holmgren  
Jeff Reese  
Byron Wood  
Max Weese, Mayor

**CITY COUNCIL WORKSHOP**

Mayor Weese called the April 7, 2009 City Council Workshop to order at 6:00 p.m. The meeting was held in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Those in attendance were Mayor Weese, Councilmembers Deakin, Fridal, Holmgren, Reese, and Wood, Police Chief David Nance, Zoning Administrator Steve Bench, Public Works Director Paul Fulgham, City Attorney Dustin Ericson, and Deputy Recorder Dotty Garn. The Council reviewed the agenda and discussed the following items in detail. Recorder Hess was excused from the meeting.

- ▶ Mayor Weese informed the Council that City Attorney, Dustin Ericson, had been invited to the meeting to discuss personal property tax issues. Mr. Ericson stated that the City and Councilmembers need to be cautious and avoid potential liability to the City by discussing City issues that have not been clarified or formalized with outside entities or individuals. Mr. Ericson will obtain additional information regarding property tax issues and report to the Council when he has collected all necessary information.

Mr. Ericson left the meeting at 6:26 p.m.

- ▶ The Councilmembers discussed past and current property tax issues.
- ▶ Mayor Weese presented a list of ambulance bills the City will need to write off as uncollectible debts.
- ▶ Councilmember Reese asked if the City had an extra cell phone that could be sent to the new City Manager to use to communicate with the City until he moves here from Moab? Chief Nance said he had an extra phone.
- ▶ Councilmember Holmgren said the Museum Board is looking to obtain a building or construct a new facility and, with the City's permission, locate it on City property. The Councilmembers discussed the options for this facility and possible locations.

Meeting adjourned at 6:45 p.m.

## CITY COUNCIL MEETING

Mayor Weese called the April 7, 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, Fridal, Holmgren, Reese, Wood, Zoning Administrator Steve Bench, Public Works Director Paul Fulgham, Police Chief David Nance, and Deputy Recorder Dotty Garn were in attendance. Recorder Hess was excused from the meeting.

1. Opening Ceremony:

Mayor Weese informed the audience that he had received no written or oral request 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 Mayor Weese and the Pledge of Allegiance was led by Councilmember Fridal.

2. Approval of agenda

Mayor Weese asked if there were any changes to the minutes? No comments were made.

**Motion by Councilmember Wood to approve the April 7, 2009 agenda.** Motion seconded by Councilmember Deakin. Vote: Councilmember Wood - aye, Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Reese - aye, and Councilmember Holmgren - aye. Motion approved.

3. Approval of Minutes - March 17, 2009

Mayor Weese asked if there were any changes to the minutes? No comments were made.

**Motion by Councilmember Fridal to approve the minutes of March 17, 2007.** Motion seconded by Councilmember Holmgren. Vote: Councilmember Fridal - aye, Councilmember Reese - aye, Councilmember Deakin - aye, Councilmember Holmgren - aye, and Councilmember Wood - aye. Motion approved.

4. Introduction of guests

Mayor Weese welcomed students from Mr. Littlefield's Class at Bear River High School.

5. Common Consent:

a. Consider approving the February Financial Statement

Mayor Weese asked if there were any questions on the February Financial Statement?

No comments were made.

**Motion by Councilmember Reese to approve the February Financial Statement.**

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

6. Requests to be on the agenda:

a. Consider renewing Enterprise Zone - Susan Thackery

Box Elder Economic Development Director, Susan Thackery, handed out an explanation and description of what constitutes an Enterprise Zone to the Council. “The Utah Enterprise Zone Program was established in 1988. An Enterprise Zone comprises an area identified by local elected and economic development officials and designated by the state. Under the program, certain types of businesses locating to, or expanding in a designated zone may claim tax credits provided in the law. In 1996 the program was amended to increase the number and value of tax credits available under the program, and to expand the areas eligible for designation. Counties under 50,000 and Cities under 10,000 population are eligible to apply if they are not wholly or partially included in a U.S. Census Bureau designated Metropolitan Statistical Area (MSA). Cities must also be located in a county under 50,000 population to be eligible. If a city or county meets the population criteria for eligibility, it must also meet additional criteria of economic distress. Eligibility will be reviewed annually according to the latest available economic data. Although eligibility may change, once approved, an enterprise zone remains designated for a period of five years.”

Ms. Thackery handed out copies of the City’s current Enterprise Zone which had been compiled by Administrator Steve Bench. Ms. Thackery explained that the state offers tax credits to the City for businesses located in the established Enterprise Zone. The City previously qualified for these tax credits, however, the City’s designation expired December 2007. Mr. David Yates from Davis and Bott Accounting informed the Council that the City could apply for an amendment on previous years’ tax returns. Ms. Thackery said this is a very good opportunity for the City to receive tax credits from the state. The Council asked what it would take to reinstate the City’s Enterprise Zone? Ms. Thackery said she would obtain this information and pass it on to the City through Steve Bench. A resolution by the Council will also be required to reinstate the Zone for the City. The Council will review the current zone to see if additional businesses could be added.

7. New Council Business:

a. Consider either raising or maintaining tax rates - notice to County Auditor

Mayor Weese informed the Council that the County Auditor requires the City to inform the County if the City is going to raise property tax rates or maintain current rates.

**Motion by Councilmember Holmgren to maintain current property tax rates.** Motion seconded by Councilmember Fridal. Councilmember Deakin stated he felt the current property rates should be lowered. Vote: Councilmember Holmgren - aye, Councilmember Fridal - aye, Councilmember Reese - aye, Councilmember Wood - aye, and Councilmember Deakin - nay. Motion approved by majority vote.

- b. Consider adopting Resolution 09-09 authorizing Tremonton City to enter into an Animal Control Services Agreement with Garland City

Chief Nance informed the Council that the City has changed some of the wording to the existing policy with Garland City.

**Motion by Councilmember Wood to adopt Resolution 09-09 authorizing Tremonton City to enter into an Animal Control Services Agreement with Garland City.** Motion seconded by Councilmember Deakin. Vote: Councilmember Wood - aye, Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, and Councilmember Reese - aye. Motion approved.

- c. Consider Resolution 09-10 formalizing Tremonton City Corporation's contribution rate for eligible employees to the Utah Retirement System Contributory Retirement Plan for the period of July 1, 2009 - June 30, 2010

Deputy Recorder Dotty Garn informed the Council that this is the automatic renewal of the City's Retirement Plan with the Utah State Retirement System.

**Motion by Councilmember Reese to adopt Resolution 09-10 formalizing Tremonton City Corporation's contribution rate for eligible employees to the Utah Retirement System Contributory Retirement Plan for the period of July 1, 2009 - June 30, 2010.** Motion seconded by Councilmember Wood. Vote: Councilmember Reese - aye, Councilmember Wood - aye, Councilmember Deakin - aye, Councilmember Fridal - aye, and Councilmember Holmgren - aye. Motion approved.

- d. Consider Ordinance 09-09 amending Title 9 Section 120(2) of the Tremonton City Code regarding denial of business license applications based on criminal background of the applicant

Mayor Weese informed the Council that there has not been an ordinance requiring a background check on individuals applying for business licenses. A recent

background check made by the City's Police Department found that an individual who had applied for a home based business providing service to other citizens had a criminal record with several citations. Mayor Weese asked if there were any questions regarding this ordinance? Councilmember Fridal asked if the results of a background check indicated possible problems, would this then constitute an automatic license denial or an automatic appeal to the City Council? Councilmember Deakin pointed out that the wording of the ordinance stated the City could "consider" issuing or denying a license.

**Motion by Councilmember Deakin to approve Ordinance 09-09 amending Title 9 Section 120(2) of the Tremonton City Code regarding denial of business license applications based on criminal background of the applicant.** Motion seconded by Councilmember Holmgren. Vote: Councilmember Deakin - aye, Councilmember Holmgren - aye, Councilmember Fridal - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- e. Consider option of backup tape to use and authorize purchase

Mayor Weese informed the Council that the City is having problems backing-up data with the current system.

Dave Carlson from DynaQuest handed out an overview of the City's Information Technology (IT) systems and informed the Council that the City is not currently able to back-up data adequately with the existing system. The City is also in the process of updating and installing a new phone system to function with the new fiberoptic cables connecting the City's networking, email, and phone systems. Mr. Carlson said the City has three options to upgrade or fix the back-up situation: 1) purchase larger capacity tapes, 2) install a new server at a cost of approximately \$5,000.00, or 3) use an on-line back-up system at cost of \$60.00 to \$90.00 per month.

The City will also need a new email program to function with the fiberoptic system. Mr. Carlson said the City has the option of using an in-house email program or a host exchange system such as Microsoft Exchange for their email service. The cost for the on-line back-up system and host exchange email will cost approximately \$600.00 to \$700.00 per month through DynaQuest, with an initial email set up cost of approximately \$750.00. Contracts will be decided upon at a later date.

Director Paul Fulgham said the Public Works Department is currently using the Outlook email system and the City Office is using GroupWise and they are not able interact between the two systems. The new fiberoptic system will allow for a more efficient email program.

The Councilmembers discussed the back-up and email options as presented.

**Motion by Councilmember Holmgren to approve the selection and purchase of the off-site storage back-up system along with the Microsoft Exchange email system from DynaQuest.** Motion seconded by Councilmember Reese. Vote: Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Deakin - aye, Councilmember Fridal - aye, and Councilmember Wood - aye. Motion approved.

8. Comments:

a. Administration/City Manager Advise and Consent

1) Tremonton City 100 South Parking Project bid

Director Fulgham handed out photos of the 100 South Parking Project to the Councilmembers. He informed the Council that City received the following bids:

Grover Excavation	\$ 8,970.00
Misrasi Construction	\$ 9,200.00
Rupp's Trucking and Excavation	\$11,925.00

Director Fulgham said that the work is ready to begin and will enhance the area as well as provide additional parking. Ridley's grocery store will be responsible for installing a fence along their property for aesthetic reasons.

**Motion by Councilmember Deakin to award the bid for the 100 South Parking Project bid to Grover Excavation.** Motion seconded by Councilmember Wood. Vote: Councilmember Deakin - aye, Councilmember Wood - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, and Councilmember Reese - aye. Motion approved.

2) New phone system

Mayor Weese informed the Council that the City's phone system is more than 20 years old and will not support the new fiberoptic service. Four separate telephone companies were selected from a group of eleven bid proposals as possible service providers. The City has set up a schedule for presentations from these four providers beginning Thursday, April 9, 2009 at 10:00 a.m. and 2:00 p.m., then Friday, April 10, 2009 at 10:00 a.m. and 2:00 p.m. All Councilmembers were invited to attend the presentations.

b. Council Reports

**Councilmember Deakin** stated he would be out of town during the telephone presentations and will not be able to attend the presentations.

**Councilmember Wood** said members of the City Council along with a few City employees have completed the IS400 training where they received a lot of good information.

**Councilmember Fridal** said the City has good leaders, and even though they may disagree on occasion, they each put the City and its resident as their main concern.

**Councilmember Holmgren** asked to have the Museum Board put on the Council Agenda for April 21, 2009 to discuss making the City a Certified Local Government (CLG) to obtain grants for the Museum. The Museum Board would also like to discuss with Council the possibility of using City property to either construct or place a building to house the museum.

Mayor Weese informed the Council and audience that the City has made an offer to an individual for the City Manager Position. The City should have a definite decision in a couple of weeks.

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

**Jack Stickney** asked if the new Business License Ordinance was adopted to protect the City? Chief Nance said there are instances where this is necessary. Mayor Weese said that all door-to-door sales people must also obtain a City business license and wear a badge issued for the license issued by the City.

10. Adjournment

**Motion by Councilmember Deakin to adjourn the meeting.** Motion seconded by Councilmember Wood. Vote: Councilmember Deakin - aye, Councilmember Wood - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, and Councilmember Reese - aye. Motion approved. The meeting adjourned at 8:08 p.m.

The undersigned duly acting and appointed deputy 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.

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Dottie Garn, Deputy Recorder