

**TREMONTON CITY  
JOINT CITY COUNCIL/R.D.A. MEETING  
May 6, 2008**

Members Present:

David D. Deakin

Roger Fridal

Lyle N. Holmgren

Max Weese, Mayor

Byron Wood

Richard E. Woodworth, City Manager

Darlene S. Hess, Recorder

**CITY COUNCIL WORKSHOP**

Mayor Weese called the May 6, 2008 City Council Workshop to order at 6:01 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, and Wood, Manager Woodworth, Public Works Director Paul Fulgham and Recorder Hess were in attendance. Mayor Weese excused Councilmember Reese from the meeting. The Council reviewed the agenda items with the following being discussed in detail:

- ▶ Manager Woodworth reviewed the budget with the Council. He discussed one-time expense and revenue and told the Council that the City should be fine financially for a year until we find out what the impact of the economy will be on the budget.

Councilmember Deakin asked what the window is on road maintenance. The Council discussed problems with various City roads and putting slurry seal on the roads.

Manager Woodworth discussed the new Chorus Program that the Justice Court wants the City to go to. Manager Woodworth told the Council that the staff has worked hard to bring the Court System into balancing with the General Ledger. We will now be back to square one.

Manager Woodworth informed the Council that there has been a 3% cost of living increase and 2% merit increase planned in the budget for employees. There will be no increase in benefit costs. He, also, told the Council that the Library staff feels there is a need to extend hours.

The Police Department has some remodeling that needs to be done to their new building. Budget will allow for a holding room also.

Councilmember Deakin asked what the Council is considering for water? He told the Council that it is not addressed in the budget. Manager Woodworth told the Council that there is \$936,000 in the water utility that can be used for developing a well. This will be depleting reserve cash. Councilmember Deakin asked if it was in this year's budget or next year's budget. Manager Woodworth told him it is in next year's budget. This is because we will be retiring the debt on the water tank soon.

- ▶ Manager Woodworth discussed property tax reimbursement for West Liberty Foods. They want the County to pay them this year. Manager Woodworth told the Council that in talking with our Finance Officer, Curtis Roberts, the County can hold reimbursement in reserve for one year.

The meeting adjourned at 6:38 p.m.

### **CITY COUNCIL MEETING**

Mayor Weese called the May 6, 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 Mayor Weese, Councilmembers Deakin, Fridal, Holmgren and Wood, City Manager Richard Woodworth, Public Works Director Paul Fulgham, Police Chief David Nance and Recorder Hess were in attendance.

1. Opening Ceremony

Mayor Weese welcomed everyone to the meeting - especially the student from Mr. Littlefield's Class. He excused Councilmember Reese from the meeting. Mayor Weese told the audience that the Council had received no written or oral request to participate in the opening ceremony; therefore, the Council has volunteered to participate. Mayor Weese asked those who may be offended by listening to a prayer to step out into the foyer during this portion of the meeting. Mayor Weese led the audience in the Pledge of Allegiance and Manager Woodworth gave the prayer.

2. Approval of agenda

Mayor Weese asked if there were any changes that needed to be made to the agenda? Being none, he told the Council that due to the fact that this is a joint meeting, he suggested that when they get to Item 5, that "b" be separated from the other items as it is an R.D.A. item. With this change, he called for a motion to approve the agenda. **Motion by Councilmember Wood to approve the May 6, 2008 Joint City Council/R.D.A. Meeting Agenda with the noted change.** Second by Councilmember Holmgren. Vote: Councilmember Wood - aye, Councilmember Deakin - aye, Councilmember Holmgren - aye, Councilmember Fridal - aye. Motion approved.

3. Approval of minutes - April 4, 2008 and April 15, 2008

Mayor Weese asked if there were any corrections or additions to the minutes listed for approval? Councilmember Wood told the Council that the name of Hunsaker was listed in the April 4, 2008 minutes and should be changed to Huntsman. **Motion by Councilmember Fridal to approve the minutes of the April 4, 2008 and April 15, 2008 meetings with the above noted change.** Second by Councilmember Wood. Vote: Councilmember Wood - aye, Councilmember Deakin - aye, Councilmember Holmgren - aye, Councilmember Fridal - aye. Motion approved.

4. Public Hearing

Mayor Weese called the public hearing to order at 7:06 p.m. with six people in attendance. The public hearing was to discuss the following:

- a. Consider adopting the proposed Tentative Budget entitled “The Tremonton City Annual Implementation Budget 2008-2009 (General Fund, Enterprise Fund(s), Capital Fund and Special Improvement District #1)”

Mayor Weese told the audience that the Council has been working on this budget since the first of the year and we know it is a balanced budget with some changes that need to be made. Mayor Weese turned the time over to Manager Woodworth to discuss the budget.

Manager Woodworth told the audience that this budget is a status quo budget except for the projects that we have already taken on. He told the audience that the Council has projected the revenues to be decreased and there are some grants that will carry over into the new year. Manager Woodworth discussed the following:

- Tremonton City is building a new Food Pantry. The Food Pantry has saved \$62,390 to go toward a new building. This amount is in the Capital Budget Fund and will be used this fiscal year. This amount is only a portion of the money needed. There is already \$205,000 in the Capital Budget.
- Women’s Civic League Trail \$120,000 will be done in September/October of the new fiscal year will be set aside in the Capital Budget.
- Manager Woodworth told the audience that the old McKinley School has been determined to have no historical value by the State and concerned parties. The asbestos removal has been estimated at \$120,280 and demolition will be an additional cost.
- The cost to purchase and bring the new Senior Center up to standard will be \$206,195.00 for renovation and \$600,000 to purchase the building. This amount will be in the Capital Budget.
- Manager Woodworth informed the Council that the projected cost of living

increase will be 3%.

- Merit increase of 2% has been projected
- The budget has an out-of-house contract for a City Attorney instead of an in-house attorney that we tried previously
- With the purchase of the new Police Department building, a lot of the cost has already been implemented; therefore, this budget will be reduced. Remodeling to include a holding room and other security issues will still need to be addressed. \$35,000 will be budgeted for these items
- The Fire Department budget includes the new lease for the Aerial Truck. The budget overstates the actual cost by \$130,000. This is just the way things are done in the budget to show the lease proceeds then monthly payments.
- Manager Woodworth told the audience that \$35,000 a year for five to six years will be budgeted for a street sweeper
- Manager Woodworth told the audience that the City could use from \$100,000 to \$200,000 from the excess of reserves and add it to the B&C Road Fund money for roads. This has not been decided by the Council yet; however, it will be decided by the June adoption of the FY08-09 Budget. Manager Woodworth told the audience that the City is still spending \$540,000 capital cost for the road and \$400,000 in the street fund as well. The cost of roads is very expensive.
- The lease payment for the Senior Building will be \$39,000 a year for twenty years.
- Manager Woodworth informed the audience that the Council has now combined the Parks with the Recreation Department so we now have Parks and Recreation in one consolidated budget. You will see the cost for the trail in this budget.
- In the Library, we will be taking out the cost of the statue by the June budget as the money is already expended.
- Manager Woodworth reminded the Council that there is an item in the Food Pantry Budget that they need to remember. There will be a \$25,000 cost for refrigeration and a forklift in equipment which has not been included in the cost of the new building.
- In the Library budget, we will have double coverage as we find a replacement for Lorna Adams and go through the training process. The Library has, also, asked for double coverage for the workers at night as they are concerned for the safety of the workers. The Council will need to decide if they want to have a part-time or full-time Librarian with benefits and double coverage for staff at night.
- Manager Woodworth told the Council that on page 34 of the Tentative Budget, Capital Project Revenue, fund balance to be appropriated will look different in June as it will be located in the Capital Budget.
- Manager Woodworth told the Council that in the Utility Fund, we don't have the well cost - just the projected cost of the studies. We will be coming back

to the Council for a decision on this item. It meets the needs of the City to capitalize some of the money for the well; however, it will not be the entire amount. We will be paying down the debt service and depreciating the well which will help to build back the necessary reserves.

- Manager Woodworth told the audience that in the WWTP, the City is as skinny as they have ever been in non designated cash. The DAF Clarifier will be purchased on a lease purchase agreement at \$69,500 a year. The money will be taken out of the excess from reserves for the first year or spending out of our depreciation. At the end of the year, it will look different.

Mayor Weese asked if there were any comments from the Council. There were none. He asked if there were any questions or comments from the audience. Being none, he closed the first public hearing at 7:15 p.m.

- b. Consider the proposed Tentative 2008-2009 Tremonton Redevelopment Agency Area 3 Annual Implementation Budget including any Capital Projects & carry over.

Max Weese, Chairman of the Tremonton Redevelopment Agency, called the public hearing to discuss the proposed Tentative 2008-2009 Tremonton Redevelopment Agency Area 3 Annual Implementation Budget including any Capital Projects & carry over to order at 7:16 p.m. with eight people in attendance. Chairman Weese asked Richard Woodworth, Executive Director, to address this item.

Mr. Woodworth told the audience that the R.D.A. Budget was status quo. The personal property incentive was resolved. The Board needs to decide how this will be handled.

- Mr. Woodworth informed the Council that the R.D.A. #2 in the downtown area has been done away with.
- Mr. Woodworth told the audience that the R.D.A. #3 budget is status quo. In the R.D.A. #3, TEC Meetings will be held as outlined. This will sunset in the next nine to ten years.
- Mr. Woodworth told the Board that West Liberty Foods will max out in the total value of the plant; however, it does not account for the personal property. \$400,000 could be added to the EDA over the term of the agreement.

Chairman Weese asked for any comments or questions from the Board. There were none. He called for comments from the audience. Being none, he closed the public hearing at 7:26 p.m.

4. Introduction of guests

This item was not addressed

5. Common Consent:

Mayor Weese told the audience that due to the fact that this was a joint session, he would like items a and c to be discussed together and item b separately. Mayor Weese then called for a motion on the following common consent items:

- a. To consider Resolution 08-12 adopting the Tremonton City Tentative Budget for the fiscal year commencing July 1, 2008 and ending June 30, 2009 entitled “The Tremonton City Annual Implementation Budget 2008-2009 (General Fund, Enterprise Fund(s), Capital Fund and Special Improvement District #2)”.
- b. Consider approval of the March Financial Statement

Mayor Weese called for a motion on the above noted common consent items. Councilmember Deakin told the Mayor that he would like to discuss B&C Roads. He told the Council that he found a copy of the T2 in his box a couple of weeks ago. As of May 2007, T2 has reviewed all 33 miles of road within the City. Per their report, typically, asphalt pavements, designed in accord with the AASHTO Guide for Design of Pavement Structures, ought to provide for twenty years of traffic loading before reaching a terminal serviceability level at which point reconstruction is required. Conventional practice usually provides for a preventative maintenance treatment and rehabilitative treatment to be applied to the asphalt during its 20-year service life. Timing is critical in the placement of the preventative maintenance and the rehabilitative treatment to achieve the best level of service at the least amount of cost. Councilmember Deakin told the Council that the City is reaching the eight-year stage now where we need to do some preventative maintenance as replacing the road costs two to three times more. Councilmember Deakin told the Council that he strongly recommends that the Council maintain the roads.

Public Works Director Fulgham told the Council that the City tries to do sealing every seven years. Councilmember Deakin told the Council that he would like to take the \$170,000 in 10-36-897 and add it to 10-61-200 to bring the total for road maintenance up to \$248,000.

**Motion by Councilmember Deakin to adopt the Tremonton City Tentative Budget for the fiscal year commencing July 1, 2008 and ending June 30, 2009 with the above noted changes.** Second by Councilmember Holmgren. Vote: Councilmember Holmgren - aye, Councilmember Fridal - aye, Councilmember Wood - aye, Councilmember Deakin -aye. Motion approved.

- c. Consider RDA Resolution 08-01 approving the proposed Tentative 2008-2009 Tremonton Redevelopment Agency Area 3 Annual Implementation Budget including any Capital Projects & carry-over expenditures.

Chairman Weese called for a motion on this item. David Deakin declared a conflict of interest and told the R.D.A. Board that he would stay at the bench; however, he would abstain from voting. **Motion by Lyle Holmgren to approve R.D.A. Resolution 08-01 approving the proposed Tentative 2008-2009 Tremonton Redevelopment Agency Area 3 Annual Implementation Budget including any Capital Projects and carry-over expenditures.** Second by Roger Fridal. Vote: Byron Wood - aye, Lyle Holmgren - aye, Roger Fridal - aye. David Deakin - abstain. Motion passed by majority vote.

6. Request(s) to be on the agenda:

- a. Requesting a reduction on an ambulance bill - Brenda Lee McKendrick

Item was deleted as Ms. McKendrick did not appear

- b. SB 181 - Off-highway vehicle use on public highways - Police Chief David Nance

Chief Nance told the Council that the Legislature passed SB 181 at their last session. It is a bill sponsored by Senator Scott Jenkins. Chief Nance told the Council that the purpose of this bill is to significantly increase the roads and highways upon which the use of "Street-legal all-terrain vehicles" is permitted. He told the Council that in municipalities of less than 7,500 in population and counties of other than the 1<sup>st</sup> Class may adopt ordinances designating certain streets and highways under their respective jurisdiction as open for street-legal all-terrain vehicles; open for general off-highway vehicles use; or open for limited off-highway vehicle use to allow off-highway vehicle operators to gain direct access to or from a private or public area open for off-highway vehicles use. If the Council does not adopt an ordinance identifying such roads, it would appear that all roads and highways other than freeways in such cities and counties will be open to use by street legal ATVs. Chief Nance informed the Council that this bill has an effective date of October 1, 2008 and he would like the Council to decide what they want to allow on our City streets. Mayor Weese asked why this law goes into effect in October as most of the legislative changes go into effect in May? Chief Nance told the Council that the Legislature just wanted to give the municipalities more time to get their ordinances in place.

Discussion followed on the following:

- 1) Councilmember Deakin told the Council that he is uncomfortable in not

enforcing a State Law.

- 2) Councilmember Wood told the Council that Tremonton City does not have a recreation area so he didn't feel that it would be a problem as not a lot of people have ATVs. Councilmember Wood, also, told the Council that he would like to let people drive on the City roads as long as they comply with the State regulations of licensing, mirrors, safety inspections, license plates and having insurance.
- 3) Public Works Director Paul Fulgham told the Council that Tremonton City is pushing 7500 citizens already.
- 4) Manager Woodworth told the Council that the State would go by the Census tally for the law.

**Motion by Councilmember Wood to table this issue.** Second by Councilmember Deakin. Vote: Councilmember Wood - aye, Councilmember Holmgren - aye, Councilmember Deakin - aye, Councilmember Fridal - opposed to allowing ATVs on public streets. Motion tabled by majority vote.

7. New Council Business:

a. Consider implementing Public Hearing Procedures

The Council discussed public hearing procedures and if they are needed. Manager Woodworth informed the Council that when he attended the Brigham City Council Meeting, their procedures were distributed at the beginning of the meeting. A copy of these procedures were sent out in their packets for review. Mayor Weese asked if the Council felt that there was a problem with the way the Council was handling public hearings? Councilmember Deakin told the audience that the Tremonton City Council always follows the Opening Public Meeting Law; however, he would approve the procedures if the Council felt it is necessary. Councilmember Wood told the Council that he did not feel that procedures were necessary.

The Council decided to table this item.

b. Consider promoting Dottie Garn to Deputy Recorder

Mayor Weese informed the Council that Elizabeth Miller has terminated and moved on to greener pastures. Manager Woodworth told the Council that Dottie Garn has returned from having her baby and has been doing a great job with Accounts Payable. We are presenting Dottie Garn to the Council to be promoted to Deputy Recorder/Payroll. Councilmember Wood told the Council that he felt this

was a great move and Councilmember Holmgren told the Council that he felt it is warranted. **Motion by Councilmember Wood to promote Dottie Garn to Deputy Recorder.** Second by Councilmember Fridal. Vote: Councilmember Deakin - aye, Councilmember Wood - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye. Motion unanimously approved.

c. Consider Animal Control Service Agreement with Elwood Town

Mayor Weese told the audience that Elwood Town has asked Tremonton to help them with their animal control, and they want us to enter into an Animal Control Services Agreement with them. Mayor Weese asked Chief Nance if the Animal Control Officer has time to take another municipality on? Chief Nance told the Council that most of the animal control work comes from Box Elder County and Garland. We don't get a lot of calls from Plymouth or Bear River City. If Tremonton's holding area is full, it is in the agreement that they will have to take their animals to the County.

Councilmember Fridal asked what happens if there is an overflow? Chief Nance told the Council that the City keeps two pens available just for Tremonton City. Chief Nance told the Council that the big issue with animal control is the number of incidents that are coming from the County - especially with pit bulls. We are in hopes that the County will implement an ordinance that will take care of this problem.

**Motion by Councilmember Holmgren to approve an Animal Control Service Agreement with Elwood Town.** Second by Councilmember Fridal. Vote: Councilmember Holmgren - aye, Councilmember Fridal - aye, Councilmember Wood - aye, Councilmember Deakin - aye. Motion unanimously approved.

8. Unfinished Business

a. Consider request by Bob Christopherson, Manager at R & R Hardware, that parking signs stating R & R Parking only between the hours of 9:00 a.m. to 6:00 p.m. be allowed on the parking stalls just west of his building.

Mayor Weese told the audience that Mr. Christopherson had made this request at a previous City Council Meeting and the Council decided to table the item and take it under advisement. Mayor Weese asked Manager Woodworth to discuss this item.

Manager Woodworth told the Council that in checking with our City Attorney, Dustin Ericson, he informed the Council that per a 10<sup>th</sup> Circuit Court Parking decision, we cannot restrict parking because there are other businesses in the area. It would be unconstitutional to be exclusive for one business. Mayor Weese told the Council that the City could possibly

do some tire marking to enforce the two-hour parking. Chief Nance told the Council that in talking with other businesses in the area, they have the same concerns especially between the hours of 4 - 6 p.m.

Mayor Weese called for a motion on this item. **Motion by Councilmember Holmgren to follow our City Attorney's advise and not allow signs to be placed on the west side of R & R. The City will look into marking tires to enforce the two-hour parking in the area.** Second simultaneously made by Councilmembers Wood and Fridal. Vote: Councilmember Holmgren - aye, Councilmember Fridal - aye, Councilmember Wood - aye, Councilmember Deakin - aye. Motion unanimously approved.

9. Comments:

a. Administration/City Manager Advise and Consent

1) Clarification on boards and public meetings

Manager Woodworth discussed the Open Public Meeting Law and the requirement to have the various City Boards post their agendas and take minutes. Manager Woodworth told the Council that he would like to propose that the Food Pantry and Library Boards follow the Open Public Meeting Law by giving their agendas to the Recorder for posting. They will record their meetings and do their own minutes. These boards do not make decisions and all budgets are approved by the Council. Manager Woodworth told the Council that by following this procedure, the City will be taking the higher ground.

2) Bids on Senior Center asbestos/demolition - Old McKinley School

Manager Woodworth talked about the Senior Building or Old McKinley School. He told the Council that there is some discussion amongst our citizens that they do not know what the Council is doing about the Senior Center. Manager Woodworth told the audience that as they have read in the newspaper, this building has been found to be unsafe. Due to the evaluation made by the engineer on the building, we have scheduled demolition of the building. There is no historical value in the building. Manager Woodworth, also, informed the audience that there has been no discussion of what to do with this area except to fill the hole left after demolition. That will need to be decided upon by the Council.

3) Manager Woodworth informed the Council that the Youth City Council did not want to do the City Fair Booth for the Box Elder County Fair this year.

Councilmember Wood and Manager Woodworth discussed the Fair Booth with the Women's Civic League and they have agreed to do the booth this year.

- 4) Manager Woodworth told the Council that people are asking what is happening with the gardening at the Library Park and City property. Councilmember Holmgren told the Council that the Library Board is trying to do a big unveiling of the statue at the Library. In preparing for this unveiling, they want to make the Library area look really nice.

b. Council Reports:

**Councilmember Holmgren** told the Council that the Beautification Committee would like to upgrade the area by the Bell Monument at the Library. The Master Gardeners and other volunteers will step in and help with the gardening to spruce up the area. Councilmember Holmgren told the Council that they will make sure the 6<sup>th</sup> North/Tremont Street area is done. They are planning to plant taller plants in the back with lower ground cover plants that will not block vision in the front. Councilmember Holmgren told the Council that he is excited about what is happening. Councilmember Holmgren told the audience that if anyone wants to volunteer to help out with the planting, he will announce the date so they can help out.

**Councilmember Fridal** told the Council that a few years ago when he was coming back from hunting, a person got hit that was riding on an ATV and was killed. He has struggled since that time with ATV's being driven on the road. This is why he voted against ATVs being driven on City streets.

**Mayor Weese** read a letter to the Council that the City had received from the State of Utah Division of Water Resource and the Governor's Water Conservation Team expressing their appreciation to Paul Fulgham, Director of Public Works, for his cooperation and team effort in providing water conservation information to the State.

Mayor Weese reminded the Council and audience of the Annual Tremonton Fire Department Steak Fry on Saturday, May 10<sup>th</sup> from 4 - 8 p.m.

Mayor Weese told the Council that he has been challenging the Scouts who attend City Council to become Eagle Scouts. He informed the Council that he had been invited to attend a Court of Honor on Saturday at 6:00 p.m. at Peterson Park for one of those young men. Mr. Christensen is the person who made the sign at the Library for his Eagle Project. Mayor Weese told the Council that it would be nice to write a letter thanking Mr. Christensen for his service.

Mayor Weese informed the Council that the City had received a letter from the Bear River City Mayor informing the Council that they no longer require Tremonton City to furnish fire protection for their residents effective June 1<sup>st</sup>. Mayor Weese told the Council that the Mayor of Bear River City has been asked to make sure that the County Dispatch is aware of this change and knows where the boundaries are. Mayor Weese told the audience that Tremonton City will still provide ambulance service.

**Manager Woodworth** told the Council that the City should really have an ambulance agreement covering the issue of calls in Bear River City if we make a run to Bear River City and the ambulance is not utilized. Is Bear River City responsible for the bill? We will draft an agreement and bring it back to the Council for consideration.

10. Public comments:

There were no public comments.

11. Adjournment

**Motion by Councilmember Deakin to adjourn the meeting.** Second by Councilmember Wood. Vote: Councilmember Wood - aye, Councilmember Deakin - aye, Councilmember Holmgren - aye, Councilmember Fridal - aye. Motion approved.

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