

**TREMONTON CITY
CITY COUNCIL MEETING
June 17, 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 June 17, 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. Mayor Weese, Councilmembers Wood, Reese, Holmgren, Fridal and Deakin, Manager Woodworth, Director Paul Fulgham, Police Chief David Nance, Director Marion Layne and Recorder Hess were in attendance. The Council reviewed the agenda with the following items being discussed in detail:

- ▶ Manager Woodworth reported to the Council that there was an issue with the new Food Pantry Floor. The freezer area at one time was planned to be four inches lower than the rest of the floor. A few of the Food Pantry Board members were not happy and asked Director Newman to tell the City what they wanted. Manager Woodworth told the Council that this issue has been resolved.
- ▶ Mayor Weese informed the Council that the City had received 35 applicants for the new Librarian. The number was screened to four applicants with three being interviewed. The Council discussed the applicants.

The meeting adjourned at 6:58 p.m.

CITY COUNCIL MEETING

Mayor Weese called the June 17, 2008 City Council Meeting to order at 7:00 p.m. and welcomed everyone to the meeting. The meeting was held in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Mayor Weese, Councilmembers Wood, Reese, Holmgren, Fridal and Deakin, Manager Woodworth, Director Paul Fulgham, Police Chief David Nance, Director Marion Layne, Director Rhett Ogden and Recorder Hess were in attendance.

1. Opening Ceremony

Mayor Weese told the audience that no request to be a part of the opening ceremony had been submitted; therefore, members of the Council had volunteered to participate. He invited anyone who may be offended by listening to a prayer to step out into the hallway during this portion of the meeting. The prayer was given by Councilmember Fridal and the Pledge of Allegiance led by Councilmember Deakin.

2. Approval of agenda

Motion by Councilmember Wood to approve the June 17, 2008 City Council Agenda with the following deletions:

6c Hospital water share discussion

7a Consider renting the Food Shack at North Park to outside vendor for events at the park

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

3. Approval of minutes - May 6, 2008, May 20, 2008 and June 3, 2008

Mayor Weese asked if there were any additions or corrections to the minutes. Councilmember Deakin told the Council that on page 6 of the May 6, 2008 City Council Minutes, convention should be changed to conventional. Councilmember Holmgren told the Council that on page 11 of the May 6, 2008 City Council Minutes, Bell Tower at Midland Square should be changed to Bell Monument at the Library. **Motion by Councilmember Holmgren to approve the minutes of the May 6, 2008, May 20, 2008 and June 3, 2008 with the above noted changes.** Second by Councilmember Fridal. Vote: Councilmember Wood - aye, Councilmember Reese - aye, Councilmember Holmgren - aye, Councilmember Fridal - aye, Councilmember Deakin - aye. Motion unanimously approved.

4. Introduction of guests

This item was skipped

5. Common Consent:

a. Approval of monthly expenditures as indicated on the May Warrant Register

Mayor Weese asked if there were any questions or concerns with the May Warrant Register? Being none, he called for a motion on this item. **Motion by**

Councilmember Reese to approve the May Warrant Register. Second by Councilmember Wood. Vote: Councilmember Wood - aye, Councilmember Reese - aye, Councilmember Holmgren - aye, Councilmember Fridal - aye, Councilmember Deakin - aye. Motion unanimously approved.

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

a. Consider reduction on an ambulance bill - Olga Bermejo

Mayor Weese discussed the Bermejo ambulance bill. Ms. Bermejo was not in attendance at this time. He told the Council that the debt occurred in December of 2007. Due to payments not be made, Treasurer Oyler filed a Small Claims in Court for collection. The City received a judgement on the Small Claims. Councilmember Holmgren told the Council that they needed to establish a policy on reductions/write-offs. We are not consistent across the board on our decision on how to handle each case.

Councilmember Wood discussed the issue that this patient was not a Tremonton City resident and Councilmember Deakin discussed the issue that this person waited until the judgement was issued then requested a reduction on the bill. They are not even in attendance to discuss the reduction. He suggested that Sharri Oyler send Ms. Bermejo a letter and tell her that the only way the Council will consider a reduction is if she appears before the Council to discuss the case.

Councilmember Fridal told the Council that he felt that it would be good to have a procedure to go by. The Council discussed what other municipalities are doing. They have the resident's insurance pay what they will then work with the citizens on the balance. Councilmember Wood told the Council that they should give residents a break. Item not addressed as the patient was not in attendance at this time.

b. Library Board appointment Brandy Greer - Lyle Holmgren

Mayor Weese turned the time over to Councilmember Holmgren to discuss this issue. Councilmember Holmgren told the Council that he had talked with Brandy Greer about serving on the Library Board and she has agreed to serve. Mayor Weese called for a motion on this item. **Motion by Councilmember Holmgren to approve the appointment of Brandy Greer to service on the Library Board.** Second by Councilmember Fridal. Vote: Councilmember Wood - aye, Councilmember Reese - aye, Councilmember Holmgren - aye, Councilmember Fridal - aye, Councilmember Deakin - aye. Motion unanimously approved.

c. Hospital water share discussion

Item deleted from the agenda

d. Pantry Board recommendations/bylaws

Mayor Weese asked Manager Woodworth to discuss this item. Manager Woodworth told the Council that the Food Pantry has been functioning under BRAG. In January 2009, the Food Pantry will be moving under Tremonton City as the North Box Elder County Food Pantry and will service the entire area. Tremonton City is collecting the money and being audited through the City's audit. We talked to the City Attorney, Dustin Ericson, and Tremonton will establish this by ordinance and set up bylaws/rules under the City Council. Councilmember Holmgren told the Council that this will be a good move.

7. New Council Business:

a. Consider renting the Food Shack at North Park to outside vendors for events at the park - Rhett Ogden

This item was deleted from the agenda

b. Consider rescinding Resolution 08-13 as there was an error in the description on Knud Fridal, IV Annexation Petition

Mayor Weese informed the Council that the Fridal Annexation Petition description and the description on the annexation Mylar incorporates twenty feet of the neighboring property. Resolution 08-13 needs to be rescinded and the Annexation petition denied due to the error. **Motion by Councilmember Reese to rescind Resolution 08-13 and the Knud Fridal IV Annexation Petition due to an error in the description.** Second by Councilmember Fridal. Vote: Councilmember Wood - aye, Councilmember Reese - aye, Councilmember Holmgren - aye, Councilmember Fridal - aye, Councilmember Deakin - aye. Motion unanimously approved.

c. Consider Resolution 08-20 accepting a petition for annexation of certain real property under the provisions of sections 10-2-403 and 10-2-405, Utah Code Annotated, 1953, submitted by Knud Fridal, IV as amended.

Mayor Weese informed the Council that the engineer had corrected the error in the description and the Annexation Petition has been resubmitted for approval. **Motion by Councilmember Reese to adopt Resolution 08-20 and accept the Knud Fridal, IV Annexation Petition.** Second by Councilmember Fridal. Vote: Councilmember Wood - aye, Councilmember Reese - aye, Councilmember Holmgren - aye, Councilmember Fridal - aye, Councilmember Deakin - aye. Motion

unanimously approved.

d. RV Dump - Councilmember Jeff Reese

Councilmember Reese told the audience that there had been several citizens who have asked about installing a RV Dump. Councilmember Deakin told the Council that he, too, had received calls requesting that the Council consider a RV Dump be installed in the City. Councilmember Wood told the Council that there is a private business that provides this service. It is only needed four months of the year so he told the Council that he felt they should not consider a dump. Marion Layne told the Council that she has seniors stop by and ask if the City has a RV Dump.

The Council asked Public Works Director, Paul Fulgham, what he thought about installing a RV Dump and wondered the cost would be? Director Fulgham told the Council that control is the issue. If the City were to install a RV Dump, he would suggest that it be installed on the east side of the Treatment Plant fence. People can pull around the building and leave without backing up. The cost would be around \$1000. Director Fulgham did not like the idea of a RV Dump because people dump all kinds of material in the dump that can plug the sewer line. He has seen cans, hoses and all types of trash pulled from RV Dump lines. The problem is that there will be no one to police the area from 5:00 p.m. to 8:00 a.m. and we are only there five days a week at the plant. Director Fulgham told the Council that citizens can have a private dump in their yard if they want to; however, they will need to assume the liability if the line gets plugged.

Mayor Weese told the Council that he did not like the idea of a dump at the Treatment Plant. The Council discussed other municipalities who have RV dumps. Logan and Brigham City were both discussed. Councilmember Deakin told the Council that he has used Brigham City's RV Dump on the southwest side of their Treatment Plant when he comes from the south. He suggested that the City see what Brigham City has. Manager Woodworth told the Council that it has not been too many years ago when people were illegally dumping on 2300 West south of Main Street. We found out that sewer hoses can plug up the sewer.

Director Fulgham told the Council that he will do whatever the Council wants him to do; however, he recommends that the private industry take care of it. Councilmember Wood told the Council that he felt that if the private industry provides this service, they should continue to do it. If there is a need in the community, someone will put one in.

Councilmember Deakin told the Council that he would like to know if Brigham City has had problems. Director Fulgham told the Council that he would check with Brigham City and Logan City to see if they have issues. Councilmember Reese told

the Council that the Council owes it to our citizens to check things out.

e. ICS 300 Training - Chief David Nance

Police Chief Nance told the Council that it is a Federal requirement for the Council to take the ICS 300 NIMS Training this year. The class is best taught by doing two day, back-to-back classes fro 4 - 10 p.m. Jim Hess has talked with an individual who will come to Tremonton to give the class. He asked the Council when they would like to schedule the training? Mayor Weese told the Council that with what is happening in Iowa, he bets the Councils are glad they have taken the class or maybe they are wishing they had taken it. Mayor Weese suggested that the class be taught in September or October when things quiet down. Dates were discussed then it was suggested that the item be placed on the next agenda.

Item revisited: Olga Bermejo came to the meeting at 8:03 p.m. Mayor Weese asked her and her interpreter to come to the podium to discuss the ambulance bill. Mayor Weese asked Ms. Bermejo when the accident occurred, if she had paid anything on the bill, where she was employed, and how many bills she had received from the City? Ms. Bermejo told the Council that the ambulance charge occurred in December 2007. She had received two bills from the City and she paid \$50 on the bill. She was unable to continue paying on the bill due to the amount of bills she had, the cost of her counseling and taking care of her four children since her divorce. She asked the interpreter to tell the Council that she was asking the Council to reduce the amount she needs to pay on the ambulance bill. Mayor Weese told Ms. Bermejo that he was concerned because she had ignored the bills she had received until the account was sent to Small Claims and a judgement was received against her. Mayor Weese asked Ms. Bermejo if she will be able to make payments if the bill is reduced? She told the Council that she will be able to make payments in the amount of \$30 per month. Councilmember Wood told the Council that they should stipulate that if Ms. Bermejo misses a monthly payment, the full amount of the bill will be reinstated. Mayor Weese asked if the address on the billing is a correct address? Ms. Bermejo told him that it was. Mayor Weese told Ms. Bermejo that the City will garnish her wages if the bill is not paid.

Motion by Councilmember Holmgren that the City reduce the ambulance bill by half less the \$50 she has already paid and that she continue to pay the bill at \$30 a month until it is completely paid. If a monthly payment is missed, the full amount of the bill will be reinstated. Second by Councilmember Reese. Vote: Councilmember Wood - aye, Councilmember Reese - aye, Councilmember Holmgren - aye, Councilmember Fridal - aye, Councilmember Deakin - aye. Motion unanimously approved.

8. Unfinished Business:

a. Nonresident Recreation fee - Director Rhett Ogden

Mayor Weese told the Council that this item is back to the Council for a decision.

Councilmember Deakin asked Director Ogden if other communities charge a nonresident fee? Mr. Ogden told the Council that other communities do charge a nonresident fee. He reviewed the information distributed to them the last City Council Meeting. 57% of the program is utilized by nonresidents. This may not really be an accurate total as there are kids in Elwood, Thatcher and the unincorporated County that use the same zip code as Tremonton that were counted with the residents. Issues discussed were:

- It is an added expense for families who can't afford the program - especially with the present economy. Director Ogden told the Council that the kids who can't afford the program are given consideration.
- A nonresident present, told the Council that if you want to keep your kids out of trouble, you will pay the additional amount to have them participate. She did not feel it was a burden.
- Other communities using our Recreation Department pay less in property taxes than what Tremonton City residents pay, and our residents are footing a lot of the bill for the programs.
- The City relies on sales tax revenue to run the City. The Council needs to balance out the pros and cons of this decision.
- The Council has discussed this issue for some time. It is time to do it.
- A nonresident fee will not be a revenue for the City as a Recreation/Office Secretary will be hired and software is needed. Part of this job will be paid by Recreation and part by the City.
- There is free software available to run the program. We need to look into this software. Manager Woodworth will check with Orem or Sandy.
- Discussion on full time/part time secretary needed. Director Ogden told the Council that a full time secretary is needed to help with the phones and other clerical work.
- The Council does not want to cause undue burden on anyone or to make it so not every child can participate.

Councilmember Deakin asked Mayor Weese if other municipalities in the valley talk about a valley-wide Recreation Program? Mayor Weese told him they have not discussed this issue - a couple of Mayors have said that they probably should participate. Councilmember Deakin told the Council that it appears that Tremonton City has provided services (i.e: Food Pantry, Senior Center, Recreation, Fire Service, etc.) and no one offers to help. Manager Woodworth told the Council that Elwood offered to help with the Senior Center, and Mayor Hardy commented that they should step up and assist with the other programs.

Councilmember Fridal told the Council that the Council does not want to put an undue burden on people; however, the amount being discussed isn't a big amount. Councilmember Reese told the Council that there is nothing more fun than to see the

Jeanie Steven's Park covered with kids and the parking lot full.

Councilmember Holmgren told the Council that they will not be restricting anyone from playing. It takes a lot of time to run the programs. Councilmember Wood asked what the non resident fee should be and suggested a maximum amount be implemented? After further discussion, Director Ogden suggested a \$15 maximum per family non resident fee per program. Councilmember Reese told the Council that the City needs to get off of the paper system and go to online registration. We need to go with online registration and use a computer program for the Recreation Department.

Motion by Councilmember Reese to set a \$5 non resident fee per activity with a \$15 family maximum per activity as long as we can do it within budget with the added revenue from non residents. This includes the additional employee. If it is found that the budget does not support this decision, it will come back to the Council for further review. Second by Councilmember Fridal. Vote: Councilmember Wood - aye, Councilmember Reese - aye, Councilmember Holmgren - aye, Councilmember Fridal - aye, Councilmember Deakin - aye. Motion unanimously approved.

9. Comments

a. Administration/City Manager Advise and Consent

1) Sewer Impact Fees

Manager Woodworth told the Council that the Land Use Authority Board will be coming back within the month on the Sewer Impact Fees. The City Engineer, Chris Breinholt is wrapping up the analysis.

Manager Woodworth told the Council that the Land Use Authority Board will also be coming back to talk to them about the problems with the Road Impact Fee, the theory behind the Road Impact Fee and trying to get the Council's advice on this issue. In the Fall, we will sure-up the Storm Drain Impact Fee and make those presentations to you. At the present time, we have made an agreement with the people up on the hill that they will get a credit on the Storm Drain Impact Fee that the City does not assess at this time.

Manager Woodworth told the Council that another item he wanted to inform them on is the Senior Center. The City is being log jammed with the bureaucracy. We are proposing that we call Mr. and Mrs. Hulce to let them know we need to close on the building in July instead of in June. We can't get the proceeds receipted in the month of June as we have to work through the public hearing process and notification

process. Committing dollars to the project could come back to bite us. We will open the budget to carry the dollar forward for the purchase.

With the new law with the Courts, the State Court Administrator's Office will be determining the workload of the judge. They will take his travel time, downtime or non billable time, that is necessary to do the job and will make assignments of the judges. Manager Woodworth told the Council that he is a little concerned about this situation. He is in hopes that Judge Christensen is a standard in the State of the case load a judge can handle and that it does not get diluted down and become a cushy job. A salary will be set between 50-90% of a Circuit Judges salary. Tremonton City will need to make a declaration on what that salary will be. Manager Woodworth told the Council that his suggestion is to take Judge Christensen's salary and see where it fits in that range and keep it there. Manager Woodworth told the Council that he does not feel that Judge Christensen expects anything different.

Councilmember Wood told the Council that he does not understand why the State wants to get involved with the municipalities - it is really uncalled for. Manager Woodworth told the Council that in attending the various meetings, he feels that it is an evolution to streamline and make all courts eventually State Courts for the revenue.

Manager Woodworth told the Council that on June 25 there will be a meeting at the State Legislature where a couple of hot topics will be discussed. South Jordan noticed a truth in taxation they are purposing per the law. They, also, wrote an additional article in the newspaper about what the tax actually is. There are people who are upset that the South Jordan Council went to the work of telling the people the truth about what the tax notice is. Manager Woodworth told the Council that as you know, the way the law is written, it puts all the blame on the cities for any increases in tax regardless of whether they are centrally assessed or some nuances per State Law in the taxes. They do not allow them to explain that reappraisals of homes/businesses does not give cities more money. If the value goes up, the increment comes down. By South Jordan going to the work of letting the citizens know, the cities in the State applauded them for the job they did. Manager Woodworth invited the Council to attend this meeting if they have time as it will be very informative meeting at 9:00 a.m. at the State Capital.

Manager Woodworth told the Council that another thing that is exciting is that he and Director Ogden met with the Bear River Valley Hospital on the trail. They will be going to their people to discuss using the entire perimeter of the property instead of just the campus or a 1.1 mile walking trail per trip that has some circular dimension instead of all just square. The trail will run from the Jeanie Steven's Park to the hospital, running west, then north to the edge of the property then east behind the hospital without a break. This will take people away from the intersections in their

walking. Everyone is pleased with this decision.

Manager Woodworth informed the Council that there is the possibility of a new high-tech facility coming to Tremonton. With the fiber that will soon be available in Tremonton, it opens the door to these types of businesses. Manager Woodworth told the Council that this will provide high paying/high-tech jobs that will service the entire Intermountain West. Other States will be vying for the business also. It will be a wonderful thing to have in Tremonton.

Mayor Weese asked when Tremonton can expect excess internet capacity? Manager Woodworth told the Council that this is a touchy subject. One of the players that is required by law to cooperate is showing signs that they will not cooperate. UTOPIA is going through some issues. What this private company is saying is that they cannot make the “handshake” with UTOPIA. They made the handshake with Quest and we feel they can make it with UTOPIA also. They are putting us off and taking time to do marketing in an effort to put us out of the game. This is just another strategy against us. Manager Woodworth told the Council that the worst case scenario is September according to the UTOPIA Director.

Councilmember Reese asked what is going to take place to keep something else from happening in September? Manager Woodworth told the Council that UTOPIA is going to take their gloves off now telling what others are doing to hurt us. We will also be doing advertising and public noticing. We are going to let people know what is happening. We plan to work with them; however, if that does not happen, we have to go to the next level. Councilmembers commented that it is time. Manager Woodworth told the Council that UTOPIA is driving down costs and improving services in each community they are in. Services are costing less and we are offering a higher quality product.

b. Council Reports

Councilmember Deakin told the Council that he had only one question: Are Mr. and Mrs. Hulce okay with the delay? Manager Woodworth told the Council that he has no idea. His plan is to talk with them as soon as possible. Councilmember Fridal asked the Council if they should pay some interest or rent? Councilmember Deakin said he did not want to lose the deal. Manager Woodworth told Councilmember Fridal that the City has been paying rent. We will probably needs to pay rent for this additional month.

Manager Woodworth informed the Council that the City got the appraisal back on the Senior Center building. If you take the comparable or considerations there are different approaches: 1. Market approach or what are buildings comparable to this building selling for. 2. Income approach - similar properties that are being rented

out. 3. Replacement - if we had to replace the building, what would it cost us to build it from scratch. Manager Woodworth went over the amounts in each approach. Manager Woodworth told the Council that the City got an appraisal for the building. The City will verify the appraisal per CDBG guidelines.

Councilmember Wood asked when the City is going to get 12th South fixed as he is getting complaints all the time on this road. Did they guarantee the road? Public Works Director Fulgham told the Council that there are some things that created the problem. One was the subdivision by Tremonton South Stake and the other is the problem with the thickness of the asphalt - it was thin in places. Stakers will be back to fix it; however, we don't want to fix it too soon in case we have other problems. If we can wait until August 1 -15, it will give the road time to settle. It will be fixed before the County Fair. On the west side of 12th South there is only place it settled. Councilmember Holmgren asked if the developer at Tremont Place will have to replace it? Director Fulgham told him that they will. Director Fulgham told the Council that he told the contractor that he needs to fix the bumps in the road on 12th South or the City will fix them and bill the contractor.

Councilmember Wood told the Council that another thing he is getting calls on the nuisance on lawns. People are not taking care of their lawns. Bevan Hales talked to him today about this issue. He asked Mr. Hales to come in and fill out some paperwork to get it corrected. Mayor Weese reported three locations today to the Nuisance Officer. Councilmember Wood told the Council that Wayne Rhodes was going to take care of a lawn on a home that had been taken over by the bank. The bank told him that he would be trespassing if he mowed the lawn. Manager Woodworth told the Council that our Nuisance Office contacted a citizen who was getting on a plane and told him he had to get a lawn taken care of before he boarded the plane and he did. If the City wants to get someone's attention, we can tell them that we will get a Court Order and put a lean on the house.

Councilmember Fridal told the Council that he is amazed at how good it smells in East Tremonton. Councilmember Fridal, also, asked what is the nuisance law? Mayor Weese told Councilmember Fridal that it includes cars parked in the alleyway or on the street that do not have a current license plate can be towed. Trashy yards with grass/weeds higher than six inches, etc., he will get him a copy of the ordinance.

Councilmember Holmgren told the Council that they plan to have the unveiling of the statue at the Library on July 24th. Councilmember Holmgren asked Mayor Weese if he remembered his address to the public at 7:15 a.m. at the Conservation Seminar.

Manager Woodworth told the Council that Director Fulgham and Director Ogden will be in charge and purchasing commodities for the City Council Breakfast on July 26th.

Mayor Weese asked the Council if they remember the Amateur Radio activity June 27, 28, and 29. They will set up on Friday then it runs from noon to noon. Mayor Weese informed the Council that he will be attending the Legislature on June 18th to discuss the Rocky Mountain Project. There was a person who talked to him about a Recreation Center at the Fair Grounds. He informed the Council that he told this person to get on the agenda. He told him that the Council would support him in this endeavor, however, he should not ask for any money.

Councilmember Fridal told the Council that he has had several comments recently about the City Street Sweeper. They state that it is not getting to their area. Manager Woodworth reminded the Council that he had discussed force accounting of the staff. Public Works has been moving museum items, working on the sewer out front and doing other force account jobs; therefore, they have neglected their routine jobs. Manager Woodworth told the Council that he is the culprit. He has them doing a lot of extra things. Mayor Weese told the Council that the sweeper was out because he saw them. Manager Woodworth told the Council that Public Works has been trimming trees and doing other work.

10. Public comments

There were no public comments

11. Adjournment

Motion by Councilmember Wood to adjourn the meeting. Second by Councilmember Deakin. Vote: Councilmember Wood - aye, Councilmember Reese - aye, Councilmember Holmgren - aye, Councilmember Fridal - aye, Councilmember Deakin - aye. Motion unanimously approved. Meeting adjourned at 8:29 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