

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

Members Present:

David Deakin

Roger Fridal

Jeff Reese

Max Weese, Mayor

Richard Woodworth, City Manager

Darlene Hess, Recorder

CITY COUNCIL WORKSHOP

Mayor Weese called the July 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 Street, Tremonton, Utah. Mayor Weese, Councilmembers, Reese, Fridal, and Deakin; Manager Woodworth, Director Paul Fulgham, Steve Bench of Building and Zoning, Police Chief David Nance, Recorder Darlene Hess, and Treasurer Sharri Oyler were in attendance. Councilmemeber Holmgren and Wood were excused from the meeting. The Council reviewed the agenda with the following items discussed in detail:

- ▶ Mayor Weese told the Council that he would like to discuss the Rocky Mountain Power Lines and get a feeling from the Council on what to do. He reviewed the following issues:
 - a. Rocky Mountain Power planned to bring the power line down 2000 West in the beginning. If the power line comes down 2000 West, Bear River Health Department will not build on the property they traded the City for. They are discussing going to Court against Rocky Mountain Power if this happens. Councilmember Deakin asked what will happen with the Health Department vacating the Police Department building if this happens? Chief Nance told the Council that it is not his desire to extend the agreement.
 - b. Mayor Weese discussed the possibility of running the power line in back of the property along the freeway and giving Rocky Mountain Power a 150 foot easement. Discussion followed on the width of the property being 600 feet. Mayor Weese suggested that RMP use the slope of the freeway for part of the easement. Manager Woodworth told the Council that, if this happens, Rocky Mountain Power may need to remove the billboards to allow for clearance. Councilmember Reese told the Council that RMP already has made agreements with people in Elwood.
 - c. Manager Woodworth asked if the City could incorporate all of the 150 foot easement as part of the retention pond? It will need to be skinny and long. Councilmember

Fridal told the Council that this may not be a bad idea or at least it is a good second choice. Chris Breinholt, City Engineer, told the Council that it could work by redoing the plat and other fine-tuning.

Councilmember Deakin told the Council that it is odd that Rocky Mountain Power did not plan to install the lines down 2000 West until the road was in and Mayor Weese told the Council that it really devalues the property.

After the discussion, the Council discussed that what would be best for the City is to go along the hill west of the City and down alongside the freeway; however, no decision can be made tonight on this issue as the item was not on the Agenda. If RMP puts the line down 2000 West, it would be best for the City if the lines run next to the freeway; however, this would be a second choice.

- ▶ Mayor Weese informed the Council that he had received a call from Rod Zundel, former resident of the area, stating that he wants to make a donation to upgrade the Skyway Golf Course by building a Club House with a possible reception center and swimming pool. This will be at no cost to the City. Green fees will not be increased; however, he would like to entertain the possibility of having Celebrity Tournaments a couple of times a year. Mayor Weese suggested that Councilmember Wood, Councilmember over the Golf Course, set up an appointment with Mr. Zundel and the President of the Skyway Golf Association.
- ▶ Director Paul Fulgham informed the Council that he talked to Blaine Rupp about the recycling containers he wanted placed in the City. Mr. Rupp informed him there would be a total of three recycling containers to collect paper, cardboard, and plastic in each container. Paul informed the Council of possible locations: One at the Treatment Plant; one at the Tennis Courts west of the Food Pantry, and another at the Recreation Office.
- ▶ Manager Woodworth reviewed the budget changes. He told the Council that it is the goal of the City to hold off on capital expenses until we see what the closing of La-Z-Boy does. Councilmember Deakin asked why the City needs cash as the General Fund and Utility Funds are strong. He asked the Council if it would be better to write a check for the \$600,000 on the Senior Center rather than pay interest on a loan? Manager Woodworth told Councilmember Deakin that the amount in the General Funds is confusing. There has been a discrepancy in the amount that Box Elder County has paid in taxes. Tremonton City discovered the problem, and we have been in contact with them on this issue. Manager Woodworth told the Council that when the discrepancy is corrected, cash flow would be a concern, and there is not enough in the Utility Fund to do the well and make a loan to the General Fund.

Mayor Weese suggested to the Council they make the motion to approve the budget, then in six months bring the issue back for review. Councilmember Reese asked if there is a penalty for paying off the loan early. Manager Woodworth told the Council there is no

penalty.

Meeting adjourned by consensus at 6:56 p.m.

CITY COUNCIL MEETING

Mayor Weese called the July 15, 2008 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, Reese, Deakin, Fridal, City Manager Woodworth, Steve Bench of Building and Zoning, Public Works Director Paul Fulgham, Police Chief Dave Nance, City Engineer Chris Breinholt, and Recorder Darlene Hess were in attendance. Councilmembers Wood and Holmgren were excused from the meeting.

1. Opening Ceremony:

Mayor Weese informed the audience that he had received no written or oral requests to participate in the Opening Ceremony. He asked anyone who may be offended by listening to a prayer to step out into the foyer 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:

Motion by Councilmember Reese to approve the July 15, 2008 City Council Agenda. Seconded by Councilmember Fridal. Vote: Councilmember Reese - aye, Councilmember Fridal - aye, Councilmember Deakin - aye. Motion approved.

3. Introduction of Guests:

This item was skipped.

4. Public Hearing:

Mayor Weese called the public hearing to order at 7:04 p.m. with 6 people in attendance. The Public Hearing was to consider the following:

- a. Consider amending the proposed budget entitled "The Tremonton City Annual Implementation Budget 2008-2009 (General Fund, Enterprise Fund(s), Capital Projects Fund and Special Improvement District #1) and authorizing an inter-fund transfer from the General Fund to the Capital Projects Fund commencing July 1, 2008 and ending June 30, 2009.

Mayor Weese turned the time over to Manager Woodworth to discuss budget amendments.

Manager Woodworth discussed the following proposed changes to the budget:

- 10-31-100/
10-31-113 Manager Woodworth told the audience that the City had not received the certified tax rate from Box Elder County in time to pass it during the regular budget session. Now that we have that rate, we have modified the numbers on property taxes for the City. No change in the total revenue or expense has been made with this modification.
- 10-36-859/
10-66-502 Income and expense planned for the City to purchase the new Senior Center Building during the 2007/2008 fiscal year, however, it will be purchased during the 2008/2009 fiscal year. The \$600,000.00 expenditure will be brought forward.
- 10-36-899 \$313,740 will be set aside as Capital funds for the roads
- 10-74-502 It was assumed that the City would be purchasing a \$35,000.00 refrigerator during the 2007/2008 final year, however, that will be purchased during the 2008/2009 fiscal year. That amount will also be brought forward into this year's budget.
- 10-90-950/
40-39-900 \$288,740 will be transferred from the General Fund to the Capital Projects fund
- 40-74-550/
10-54-800 Inasmuch as we have spent a portion of the money for the Food Pantry, we will reduce the amount going to the Capitol Projects Fund by \$25,000.00 and put that back into the Police Department Fund which had been shorted during a review previous to the budget being passed.

Other Budget changes include:

- 10-66-530 Budget modification in the amount of \$32,385.00 for the parking lot at the new Senior Center Building.
- 10-36-643/
10-72-100 Provisions for the non-resident recreation fee will be made. We have added to the budget the revenue and associated expense to the Recreation Program

Mayor Weese thanked Manager Woodworth for his work as Budget Officer for the City.

Mayor Weese asked if there were any questions or comments from the Council. There were no comments. Mayor Weese asked if there were any questions or comments from the audience. Hearing no comments, the Mayor closed the Public Hearing at 7:07 p.m.

5. Common Consent:

- a. Consider Resolution 08-23 amending the proposed budget entitled "The Tremonton City

Annual Implementation Budget 2008-2009 (General Fund, Enterprise Fund(s), Capital Projects Fund and Special Improvement District #1) “and authorizing an inter-fund transfer from the General Fund to the Capital Projects Fund commencing July 1, 2008 and ending June 30, 2009.

- b. Approval of monthly expenditures as indicated on the June Warrant Register.

Mayor Weese asked the Council if there were any questions or concerns with Common Consent items? Hearing no comments, Mayor Weese called for a motion. **Motion by Councilmember Reese to adopt Resolution 08-23, amending the proposed 2008/2009 proposed budget, and approving the June Warrant Register.** Second by Councilmember Deakin. Vote: Councilmember Fridal - aye, Councilmember Reese - aye, and Councilmember Deakin - aye. Motion approved.

6. Requests to be on the agenda:

- a. Request for noise restrictions during the day - Greg Minor

Greg Minor informed the Council that he had recently read the City’s Ordinance on “Disturbing the Peace”, and asked if that ordinance included loud music. He lives at 136 West 600 South and has a complaint of neighbors playing loud music. The Mayor informed Mr. Minor the ordinance did include this very thing, and these type of complaints are always responded to. Chief Nance informed the Council and Mr. Minor that any complaint to the City for excessive noise is responded to by contacting the offender asking them to turn down the music, and documenting the situation. Mr. Minor was satisfied with this explanation. Mayor Weese thanked Mr. Minor for coming to the meeting.

7. New Council Business:

- a. Consider Ordinance 08-07 amending and adding to Title 15 Motor Vehicle and Traffic, Chapter 15-200 Parking, amending and renumbering certain provisions within Sections: 15-206 Disable Vehicles, 15-212 Parking on Walk or Curbing, 15-221 Recreational Vehicles; and adding Sections 15-222 Use of Front Yard for Parking Prohibited, and 15-223 Vehicles Displayed for Sale.

Police Chief Dave Nance informed the Council of a need to strengthen the “Disabled Vehicle Ordinance” to address residents changing oil or replacing engines in their front yards. This will include alleyways as well. The change will also address mechanically inoperable vehicles. The proposed “Parking on Walk or Curbing” amendment will add parking over sidewalks and curbs. The proposed “Recreational Vehicle” amendment is to address boats and trailers being parked out on the street for extended periods of time; sometimes year round. This is causing a safety hazzard. Currently there is no ordinance to address this issue. The new wording will include parking on the street for a maximum amount of 24 consecutive hours, mostly for loading and unloading, then vehicles will need to be stored off of the street. Section “15-222 Use of Front Yard for

Parking” is being added. This is being added to keep people from parking vehicles in their front yards or putting them up on blocks and leaving them there. Section “Recreation Vehicles 15-223” is also being added to address vehicles for sale, being parked on city streets. Chief Nance stated that his department has received numerous complaints in regards to this situation. **Motion by Councilmember David Deakin to approve Ordinance 08-07, amending and adding to Title 15 Motor Vehicle and Traffic, Chapter 15-200 Parking.** Second by Councilmember Reese. Vote: Councilmember Deakin - aye, Councilmember Reese - aye, and Councilmember Fridal - aye. Motion approved.

- b. Resolution 08-24 authorizing the issuance and confirming the sale of \$600,000.00 Sales Tax Revenue Bonds, Series 2008 of the Tremonton City, Utah (The “Issuer”), for the purpose of financing the acquisition and remodeling of a building for a new Senior Center and related improvements; prescribing the form of bonds, the terms and conditions of issuance, and the security therefore, providing for the collection, handling and disposition of certain sales tax revenues of the issuer pledged for the payment of said bonds; authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this bond resolution; and related matters.

Mayor Weese informed the audience that this is for the purchase of the new Senior Center Building. **Motion by Councilmember Reese to adopt Resolution 08-24, authorizing the issuance and confirming the sale of \$600,000.00 Sales Tax Revenue Bonds, Series 2008 of the Tremonton City, Utah (The “Issuer”), with the stipulation the bond be reviewed in six months to see if it can be paid off, depending upon the City’s financial status.** Second by Councilmember Fridal. Vote: Councilmember Reese - aye, Councilmember Fridal - aye, and Councilmember Deakin - aye. Motion approved. Mayor Weese asked if there were any comments from the audience. There were no comments.

- c. Building/duplex or larger rental water rates discussion. Proposal to make rentals a business with a single charge.

Micah Capener currently owns several rental units in the City, and requested the Council consider changing the description of rental units from residential to commercial, for the purpose of charging each rental unit only one base rate per meter, plus usage, instead of one base rate per unit. Mr. Capener stated he felt burdened with having the water bill be the landlord’s responsibility and liability, and wants it put in the tenants name, where they are each responsible for their own water bill. The high rate water bill also causes cash flow problems.

Manager Woodworth informed Mr. Capener the only way the City could collect on unpaid water bills is to have the water shut off at the meter. With the entire building on one meter, the City can’t legally shut off the entire building. If the water bill is in the tenants name, the City has no recourse in collecting unpaid balances. Therefore, the City is unable to collect on delinquent accounts, on the other hand, the landlord can evict a tenant.

Paul Fulgham, Public Works Director, presented statistics he collected in regards to the effect this change could have on the City. By reducing the amount of base unit charges for rental units, the City will incur a loss of \$14,153.10 per month. Therefore, to compensate for this loss of revenue, the City would have to charge an additional \$7.86 to each resident. The Councilmembers discussed this issue in length with Mr. Capener. **Lyle Vance**, another landlord of several rental units in the City, stated he felt the same as Mr. Capener. The City should consider rental units as commercial instead of residential, and reduce the base charge to one monthly charge per meter. Paul Fulgham informed the Council that the State taxes these rental units as residential, therefore, the City should continue to follow the State by considering rental units residential.

Councilmember Reese asked Mr. Capener if the City were to reduce these charges, would Mr. Capener in turn reduce rental fees to his tenants? Mr. Capener replied it was possible. **Manager Woodworth** informed Mr. Capener how the City allocates funds to cover debt services, along with State regulations. It seems the only way the City can feasibly, and with fairness to all residents, calculate utility revenue base rates is by ERUs - the way we are doing it.

Nancy Fuller, from the Leader, stated that Brigham City charges multiple rental units a much higher rate than single residential units. **Steve Bench**, City Building Inspector, stated the City's impact fees for rental units are considerably lower than residential construction. **John Losee** asked why the impact fees are lower in Tremonton. Manager Woodworth replied the City feels justified in charging actual costs and following State formulas. Councilmember Reese stated if there were an equitable way the City could restructure the current billing standards without passing additional costs onto other City residents, it could be considered. Mr. Capener asked if the City would obtain further research on usage per units, and he will obtain additional information from outlying cities concerning their billing procedures. **Motion by Councilmember Deakin to table this motion until August 5, 2008.** Motion seconded by Councilmember Reese. Vote: Councilmember Deakin - aye, Councilmember Reese - aye, and Councilmember Fridal - aye. Motion approved.

d. Consider Sanitary Sewer Collection System Master Plan and Impact Fee Study

Chris Breinholt, City Engineer, presented the Council with a preliminary overview of the Sanitary Sewer Collection System Master Plan. Chris informed the Council that the existing system is in good shape. State law requires a 50 year plan. The new plan covers a period through 2070. Impact fees cover waste water treatment, the existing collection system, and increasing/up-sizing the existing lines. Chris asked the Council if they had any questions or comments concerning this report. The last report on the system was done in 2003. Manager Woodworth emphasized to the Council there is no deficiency with the current system. Chris asked the Council to review the report and e-mail him if they should have any questions. The Council thanked Chris for work done on this report.

8. Unfinished business:

a. Deweyville ERU's

Deweyville has asked Tremonton City Fire Department to cover the north end of their city, and Honeyville to cover the south end with fire fighting services. Manager Woodworth informed the Council that Honeyville and Tremonton will be splitting ERU's (Equal Residential Use) coverage in Deweyville with Tremonton taking 76 units out of 93, and Honeyville taking 17 units. They will be charged 1/3 of the cost the first two years, 2/3 the third year, and a full amount the fourth year. This will take the amount collected from \$1,554.00 to \$1,281.00 per month. Deweyville Mayor Thayne told Manager Woodworth he felt this was a fair assessment. Mayor Weese asked the Council for comments. The Council was very pleased with the outcome of this issue. **Motion by Councilmember Deakin to accept the change in ERU's for Firefighting coverage of Deweyville Town to be split with Honeyville.** Motion seconded by Councilmember Fridal and Council member Reese. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, and Councilmember Reese - aye. Motion approved.

b. Unveiling of the new statue at the Library (Shuman Park) on Saturday, July 19, 2008 at 10:00 a.m.

Mayor Weese encouraged the Council to attend this event. No questions or comments.

9. Comments:

a. Administration/City Manager Advise and Consent

1) Chadaz Estates Main Street Access

Manager Woodworth informed the Council of a situation with Jiffy Lube located at 465 West Main Street. Murdock Chevrolet wants to expand their business, however, an adjacent property owner is having reservations. A group will get together to discuss a possible solution. The project would pay for the new roadway through this area into Chadaz Estates. They will also be working with UDOT to comply with State regulations.

Planning meeting with local Mayors has been postponed to July 30, 2008.

Closing on the Senior Center will be July 18, 2008.

b. Council Reports

Councilmember Roger Fridal expressed his gratitude for services available in the City, along with the freedom our citizens have to come before City Council and express concerns.

Councilmember Reese agreed with Councilmember Fridal, and reminded the Council of Tremonton City Days July 26, 2008 at Jeanie Stevens Park. Mayor Weese

stated that the Council will be serving breakfast from 7:00 a.m. to 10:00 p.m. Council should arrive at 6:15 a.m.

Councilmemeber Deakin asked Police Chief Nance whom Mr. Minor should contact concerning disturbing the peace/noise issues. He was told to contact Officer Greg Horspool.

Public Works Director Paul Fulgham stated that he will have grills ready at the park for breakfast for Tremonton City Days.

Chief Nance informed the Council of the donation of a dog to the Police Department for drug detection. The dog is eight weeks old, registered and papered, and will begin training soon. There will be minimal liability to the City.

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

Micah Capener thanked the Council for their time.

Marian Layne, Senior Center Director, informed the Council that the Senior Center is now empty and wanted to express thanks to the Public Works Department for helping with this project.

Manager Woodworth informed the Council that a surplus property list from the Senior Center is being put together and will be listed on next meeting's agenda.

11. Adjournment

Motion by Councilmember Deakin to adjourn the meeting. Second by Councilmember Reese. Vote: Councilmemeber Deakin - aye, Councilmember Reese - aye, and Councilmemeber Fridal - aye. Motion unanimously approved.

Meeting adjourned at 8:44 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 fo the City Council meeting held on the above referenced date. Minutes were taken by Shirley Colvin.

Dated this _____ day of _____, 2008.

Darlene S. Hess, RECORDER