

**TREMONTON CITY
CITY COUNCIL MEETING
August 5, 2008**

Members Present:

David Deakin
Lyle Holmgren
Byron Wood
Max Weese, Mayor
Richard Woodworth, City Manager
Darlene Hess, Recorder

CITY COUNCIL WORKSHOP

Mayor Weese called the August 5, 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 Deakin, Holmgren and Wood, Manager Woodworth, Director Paul Fulgham, Steve Bench of Building Zoning, Police Chief David Nance, Fire Chief Steve Batis, and Recorder Darlene Hess were in attendance. Councilmembers Fridal and Councilmemeber Reese were excused from the meeting. The Council reviewed the agenda with the following items discussed in detail:

- ▶ Manager Woodworth presented a spread sheet explaining cost increases on ERUs for ambulance service and fire calls pertaining to the tentative agreement with Bear River City. When the ERUs go down, the cost per entity goes up.
- ▶ Mayor Weese informed the Council of a meeting he attended with area Mayors and Rocky Mountain Power regarding placement of their new power poles. Discussion included Tremonton City desire to have the poles located along the hillside west of the City. No definite decision yet for power pole placement.

The meeting adjourned at 6:55 p.m.

CITY COUNCIL MEETING

Mayor Weese called the August 5, 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 Deakin, Holmgren and Wood, City Manager Woodworth, Steve Bench of Building and Zoning, Public Works Director Paul Fulgham, Police Chief Dave Nance and Recorder Darlene Hess were in attendance. Councilmembers Fridal and Reese 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 if 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 Manager Woodworth, and the Pledge of Allegiance was led by Mayor Weese.

2. Approval of Agenda:

Mayor Weese asked if there were any corrections or changes on the Agenda? **Motion by Councilmember Deakin to approve the August 5, 2008 Agenda with the following deletions:**

- 8b Consider Resolution 08-XX and agreement with Bear River City on ambulance calls
- 8c Consider Resolution 08-XX and agreement with Bear River City on fire calls
- 9a3 Registration Form for the ULCT Annual Conference

Second by Councilmember Holmgren. Vote: Councilmember Deakin - aye, Councilmemeber Holmgren - aye, and Councilmember Wood - aye. Motion approved.

3. Approval of minutes - July 1, 2008 and July 17, 2008:

Mayor Weese asked if there were any corrections or changes to the minutes? **Motion by Councilmember Wood to approve the minutes of July 1, 2008 and July 17, 2008 as presented.** Seconded by Councilmemeber Holmgren. Vote: Councilmember Deakin - aye, Councilmemeber Holmgren - aye, and Councilmember Wood - aye. Motion approved.

4. Introduction of guests:

Item skipped during the meeting.

5. Common consent:

a. Approval of the June Financial Statement

Mayor Weese asked if there were any questions or comments concerning the June Financial Statement? Hearing no comments, the Mayor called for a motion. **Motion by Councilmember Holmgren to accept the June 2008 Financial Statement.** Second by Councilmemeber Wood. Vote: Councilmemeber Holmgren - aye, Councilmemeber Wood - aye, and Councilmemeber Deakin - aye. Motion approved.

6. Requests to be on the agenda:

a. Surplus property - Chief David Nance

Chief David Nance informed the Council that the City Police Department has possession of 15 to 16 bicycles that have been turned over to the Department unclaimed. Each time a bicycle is turned in to the Police Department, an ad is put in the local newspaper advertising the item. They no longer have room to store these

bicycles, and would like to donate them to charitable institutions. He has a list of various organizations that they take turns donating item to. Mayor Weese informed the Council that if the bikes are sold by auction, the majority of proceeds go to the State, therefore, it is just easier to donate them. Mayor Weese asked if there were any questions. Hearing no comments, Mayor Weese asked for a motion on this request. **Motion by Councilmember Deakin to allow Chief Nance to declare surplus property and donate said items to non-profit organizations.** Motion seconded by Byron Wood. Vote: Councilmemeber Deakin - aye, Councilmemeber Wood - aye, and Councilmemeber Holmgren - aye. Motion approved.

7. New Council Business:

- a. Consider Resolution 08-28 accepting the Petition for Annexation presented by Ben Brough

Ben Brough informed the Council that he, along with other joint property owners, have fulfilled the necessary requirements to have a parcel of their land annexed into the City. Approval has been given by the City Recorder and City Land Use Authority Board. Mayor Weese asked Zoning Administrator, Steven Bench, to point out on the City map the location of this property. The parcel runs from 4400 West to 5200 West adjacent to Highway 13. Mr Brough has the required number of landowner signatures for the annexation. Mayor Weese informed the Council of other property owners included in the petition, in addition to Ben Brough. They are: Ronnie Kay, Manual Misrasi, and Robert Brough. Councilmemeber Deakin asked if any property owners included in or around this location were registered in the Ag Protection Program? Mr. Brough stated there were other landowners listed on the petition in the Ag Program.

Shelly Lewis stated she was under the impression her property at this location was still under the Ag Protection Program. Recorder Darlene Hess informed the Council that she had contacted the County Recorder's Office in regards to which landowners were listed or registered in the Ag Protection Program and was informed that the Lewis and Lloyd properties had been pulled out from the Ag Program. Recorder Hess stated she would check with the County Office again to find out for sure if the Lewis' are listed in the program or not. Councilmember Holmgren asked Zoning Administrator Steve Bench to show the Council where these properties lie in the annexation. There was some confusion as to which land owners were still in the Ag Protection Program. Mayor Weese suggested this item be tabled for another meeting to obtain clarification on the matter. Recorder Hess informed the Council that they could still accept the Resolution and submit it to the County Recorder's Office. Should the County find any errors, the Resolution will be rejected.

Gary Miller informed the Council that he currently farms a piece of land at this location for property owner Dot Bjorn. She told him she would not be signing this petition. Mr. Miller was informed that Mrs. Bjorn had signed the petition.

Mayor Weese asked the Council if they had any other questions concerning this matter? Councilmember Wood informed the audience that this property is part of the City's current Annexation Policy Plan. If all landowners are in agreement to the annex and they meet all requirements, then the Council and City must allow the annexation according to State Law. Councilmember Wood was asked by a member of the audience if he had a special interest in this annexation due to the fact that he owns land in this area? Councilmember Wood replied that he did not own any land in this annexation; however, he would excuse himself from voting on the annexation if there are any concerns regarding this matter.

Ricky Hansen asked the Council how existing wells in the area will be affected by the installation of new septic tanks. Mr. Hansen told the Council that the State Health Department regulations require five acres for a septic tank. Zoning Administrator, Steve Bench, told the Council that he would look into these regulations.

Mayor Weese asked Shelly Lewis to come back to the City Office tomorrow, August 6, 2008, to meet with Recorder Darlene Hess so they could check with the County to see if her property is in the Ag Protection Program or not.

Motion by Councilmember Lyle Holmgren to table the Ben Brough Annexation request until further information regarding landowners included in the Ag Protection Program can be obtained. Second by Councilmember David Deakin. Vote: Councilmember Holmgren - aye, Councilmember Deakin - aye, and Councilmember Wood - aye. Motion approved.

- b. Consider Write-Off Policy for Tremonton City Resident requests for ambulance write-off (portion not paid by insurance)

The Council discussed the possibility of creating a City policy for residents to allow writing off the portion of City Ambulance bills that Insurance Carriers do not cover. Manager Woodworth informed the Council the current amount not paid by Insurance is at \$39,000.00 for Tremonton Residents only. Discussion included questions regarding patients that do not have any insurance, what percentage of write-off should be allowed, and loss of City revenue. Manager Woodworth informed the Council that these write-offs would deplete Capitol Funds by whatever amount is written off. Mayor Weese asked the Council what guidance they wanted to give Manager Woodworth in obtaining further information regarding this matter? **Motion by Councilmember Deakin to table this decision until Manager Woodworth could obtain further information on Write-Off Policies from Logan and Brigham City.** Motion seconded simultaneously by Councilmember Wood and Holmgren. Vote: Councilmember Deakin - aye, Councilmember Holmgren - aye, and Councilmember Wood - aye. Motion approved.

- c. Annexation Petition Jeff Madsen and Cal Osborne set hearing date

Zoning Administrator, Steve Bench, pointed out on the City map the location of this Annexation Parcel, which is west of Iowa String between the I-15 and I-84 Interchange, approximately 1400 South and 1200 West. Mayor Weese asked if this land was to be used for development? Manager Woodworth stated that it will be developed for mixed use, and zoning is yet to be determined by the property owners. Manager Woodworth also stated there is no issue or concerns with power poles at this location. Councilmember Deakin asked if there will need to be a lift station at this location. Director Fulgham stated they would probably need a lift station. Administrator Bench stated that a small portion on the south of this property, which is freeway right-of-way only, should be included in the annexation so as not to create a peninsula. **Motion by Councilmember Deakin to request Mr. Madsen and Mr. Osborne to modify their Annexation Petition to include the remaining south section of this property.** Seconded by Councilmember Holmgren. Vote: Councilmember Deakin - aye, Councilmember Holmgren - aye, and Councilmember Wood - aye. Motion approved.

- d. Fire Department 10 reserve positions (see letter of request)

Mayor Weese informed the Council that Fire Chief Steve Batis is requesting an additional 10 reserve EMT positions be added to the City's Fire/Ambulance Department. Chief Batis stated that the Department is in need of extra reserves during the daytime hours, particularly for daytime transfers. Several of the existing reserves have day jobs that deter them from participating in these transfers. There are currently qualified people living in and outside the City limits with work schedules which could accommodate daytime calls and transfers. The new reserves must already be trained and certified. There will be no additional cost to the City except for payment of a physical exam and required shots. Any ongoing training will be paid for the same as with existing reserves. Mayor Weese asked the Council if they had any questions. Councilmember Holmgren commented since there is no additional expense, this would be a good thing for the City. Councilmember Wood commented this is a win-win situation for the City. If there are qualified people in our community or others moving into our local area and the City has a need, we should utilize their skills for the need of the community. Mayor Weese asked for a motion on this item. **Councilmember Holmgren made a motion to allow the Tremonton City Fire Department to hire ten additional reserve certified EMTs, and allow them to be selected from outside of the City limits if necessary.** Motion seconded by Councilmember Wood. Vote: Councilmember Holmgren - aye, Councilmember Wood - aye, and Councilmember Deakin - aye. Motion approved.

- e. Consider Resolution 08-27 implementing the irrevocable election to provide the annual cost-of-living adjustment for certain public safety retirees (current and future).

Police Chief David Nance informed the Council that the State Legislature has passed a 1% retirement increase for State Public Safety Employees, from 3% to 4%. Manager Woodworth explained that the 1% will be deducted from the Police Department Employee's wages and put into their Public Safety Retirement Fund, as

discussed in the Police Department Meeting. **Motion by Councilmember Wood to approve Resolution 08-27 implementing the irrevocable election to provide the annual cost-of-living adjustment for certain public safety retirees (current and future).** Motion seconded by Councilmember Wood. Vote: Councilmember Wood - aye, Councilmember Deakin - aye, and Councilmember Holmgren - aye. Motion approved.

8. Unfinished Business:

- a. Consider Recycle proposal and container locations (local interested parties input).

Manager Woodworth informed the Council that Rupp's Trucking, EconoWaste and Matt Rhodes, business owners in town which could have an interest in utilizing locations for recycling containers, had been invited to this meeting. It was noted that two of these business owners were not present. Public Works Director, Paul Fulgham, informed the Council that he had drawn up a map for possible locations for the recycling containers that Rupp's had requested. Director Fulgham pointed out on the map three locations: 600 North 1000 West; 200 South 100 West; and 300 East 1200 South. Each container will be for the collection of plastic, paper, and cardboard only, and will be sorted at Rupp's plant. Any materials not utilized will be taken to the County Landfill by Rupp's. Councilmember Deakin asked Blaine Rupp who will be responsible for publicizing this service? Mayor Weese suggested putting a message on the City's Utility bill. Councilmember Wood asked representatives in the audience from The Leader and Ogden Standard if they would publish an announcement regarding this new service which will be free of charge. Councilmember Holmgren suggested Mr. Rupp put a sign on the containers regarding rules of use. **Motion by Councilmember Deakin to make City property available for the placement of three recycle bins for Rupp's Trucking, and have an agreement drawn up by the City Attorney regarding this arrangement.** Motion Seconded by Councilmember Wood. Vote: Councilmember Deakin - aye, Councilmember Wood - aye, and Councilmember Holmgren - Aye. Motion approved.

- b. Consider Resolution 08-XX and agreement with Bear River City on Ambulance calls - Item deleted from the agenda.
- c. Consider Resolution 08-XX and agreement with Bear River City on fire calls (Get from Dustin) - Item deleted from the agenda.
- d. Rates water (apartments - see attached analysis Paul Fulgham)

Public Works Director Paul Fulgham reminded the Council of an issue brought up at the last meeting regarding base rate charges applied to rental units. Information given from Landlords at the last meeting did not include water overages. Director Fulgham stated he had researched this issue with Logan and Brigham Cities. Overall, Tremonton City's allowance/use and combination water, sewer treatment, garbage

bill was in line with the other cities. Mayor Weese asked the Council if there were any questions or comments. No questions or comments were made. Mayor Weese thanked Director Fulgham for his report.

Director Fulgham also reported road repairs on 1200 South will begin Thursday, August 7, 2008.

9. Comments:

a. Administration/City Manager Advise and Consent

1) Remodel of the front office

Mayor Weese asked City Building Inspector Steve Bench to present information on this item.

Mr. Bench informed the Council that the City Building/Civic Center is over 30 years old. Work required to run the City has grown and expanded significantly over this time period. There will soon be another new-hire in the front office requiring the addition of another work space area, therefore, the proposed remodeling of the front office is needed to accommodate for this growth. Mr. Bench presented a drawing of the proposed changes, which includes the possibility of taking out a portion of the wall by the front counter to allow expanded access to customers, along with the need to replace carpets. Mr. Bench calculated the cost to be around \$3,000.00. Manager Woodworth stated this project was within budget funding. The Council discussed the proposal and felt this was an affordable expense and necessary change. Mayor Weese asked about use of the Police Department when they move out? Mr. Bench stated there were a few ideas for this area, but the City is unable to utilize it at this time.

Mayor Weese asked if there were any questions. No questions or comments were made. Mr. Bench will put in a Work Order to request work begin in the front office as soon as possible.

2) Land Use Authority Board's Application for Review Project Form

Land Use Authority Board Chairman, Steve Bench, informed the Council of the need for a more standardized, efficient application form for applicants to use when applying to the Land Use Authority Board or Planning Commission. The new form is a one-page application with instructions. When applicants meet with the Board, they are then given a checklist of requirements to comply with. The Council felt this was a good idea. **Motion by Councilmember Holmgren to accept this new Application for Review Project Form for the Land Use Authority Board.** Motion seconded by Councilmember Wood. Vote: Councilmember Holmgren - aye,

Councilmember Wood - aye, and Councilmember Deakin - aye. Motion approved.

- 3) Registration form for the ULGT Annual Conference - Item deleted from the agenda
- 4) Registration for ULCT Annual Convention - September 10-12

Recorder Darlene Hess informed the Council she had made convention reservations for the Council. If there are any changes or cancellations, please contact her.

b. Council Reports

Councilmember Deakin felt the Brough Annexation should be resolved. It has been put off several times. It is time for this to be finalized. Councilmember Wood stated it might be better to have a full quorum present to vote on this petition, and he felt that he should declare a conflict of interest to alleviate any concerns on the part of those opposed to this proposal. Councilmember Holmgren suggested the City initiate their own Ag Protection Program instead of using the County's program. Councilmember Holmgren stated this is not a Public Hearing, therefore, comments do not need to be heard from the audience. Councilmember Wood stated residents should be allowed to voice their opinions.

Councilmember Deakin informed the Council that City Planning Commission Chairman, Kurt Barraclough, will be retiring from the Commission. A new member will need to be appointed. He asked if there is some type of recognition for his years of service? Mayor Weese stated some sort of recognition would be in order. Discussion followed on years of service of some of the members of the Planning Commission and if a few of them should be replaced as they have been reappointed several times. The Planning Commission had suggested selecting a replacement member from the Hispanic culture in our Community. Councilmember Deakin suggested the Council consider selecting a replacement member with this type background, if they are qualified for the position.

Councilmember Wood thanked City workers and crews for help with the Tremonton City Days Celebration. He is also, happy about repairs on 1200 South.

Councilmember Holmgren informed the Council that he will not be in attendance at the next City Council Meeting on August 19, 2008 due to his involvement with the Box Elder County Fair.

Mayor Weese reminded the Council that the City Employee Party will be held August 18, 2008 in Brigham City, and City Offices will close at 4:00 on that day and the Box Elder County Fair Parade is August 20, 2008.

10. Public Comments:

Public Works Director Paul Fulgham informed the Council that South Tremont Street will be closed this Friday along with 1200 South from 300 East to Tremont Street, in order to complete repairs on 1200 South. He will notify Public Safety and businesses in this area.

Nancy Fuller mentioned that last time the City closed this road for repairs, one of the businesses in this area had to put up a sign stating they were still open for business. Paul stated he will inform all business owners in this area of the street closures.

Director Fulgham informed the Council he had received a time line for construction from West Liberty Foods for construction on their new pre-treatment plant. They will have it operating by October 31, 2008.

11. Adjournment:

Motion by Councilmember Deakin to adjourn the meeting. Second by Councilmember Wood. Vote: Councilmemeber Deakin - aye, Councilmember Wood - aye, and Councilmember Holmgren - aye. Motion approved. The meeting adjourned at 8:42 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