

**TREMONTON CITY
CITY COUNCIL MEETING
September 2, 2008**

Members Present:

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

CITY COUNCIL WORKSHOP

Mayor Weese called the September 2, 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, Fridal, Holmgren, Reese, and Wood, Manager Woodworth, Director Paul Fulgham, Steve Bench of Building Zoning, Police Chief David Nance, and Recorder Darlene Hess were in attendance. The Council reviewed the agenda and discussed the following items in detail:

- ▶ Councilmember Deakin reminded the Council that Chairman Kurt Barraclough, is retiring from the City Planning Commission. Councilmember Deakin asked what the City like to do as recognition for Mr. Barraclough? Mayor Weese recommended typing up a letter of thanks for his years of service to be presented at the next Planning Commission meeting on September 9, 2008. Zoning Administrator, Steve Bench, was asked to put this letter together.

- ▶ Councilmember Holmgren asked if Brandon Baxter, Attorney for the people opposed to the Brough Annexation Petition, had responded to the City with any new information regarding this matter? Manager Woodworth informed the Council that the City had not heard back from Mr. Baxter. Manager Woodworth also informed the Council that he had visited with Assistant County Surveyor, Brent Slater, regarding this annexation petition. Mr. Slater asked what the City's view was on this issue? Manager Woodworth replied "Is it legal or is it not legal? If it's not legal, it's not legal. If it's legal, it's legal." They also discussed the road which had been objected to in the petition, and that Mr. Brough had taken out the road in question.

Meeting adjourned at 6:53 p.m.

CITY COUNCIL MEETING

Mayor Weese called the September 2, 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, Fridal, Holmgren, Reese, and Wood, City Manager Woodworth, Steve Bench of Building and Zoning, Public Works Director Paul Fulgham, Police Chief David Nance, and Recorder Darlene Hess were in attendance.

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 hallway for this portion of the meeting. The prayer was given by Councilmember Deakin, and the Pledge of Allegiance led by Councilmember Reese.

2. Approval of agenda:

Mayor Weese asked if there were any changes or corrections to the Agenda? Hearing no comments, there was a **motion by Councilmember Wood to approve the September 2, 2008 City Council Agenda with the following deletions:**

- 8a1) Recreation cost analysis will be presented September 16th
- 8a2) Indigent attorney to remain
- 8a5) Personnel profession competence/contract/status

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

3. Approval of minutes for July 15, 2008, August 5, 2008, August 19, 2008, and August 26, 2008

Mayor Weese asked if there were any changes or corrections to the minutes? Being none he called for a motion. **Motion by Councilmember Reese to approve the City Council Minutes of July 15, 2008, August 5, 2008, August 19, 2008, and August 26, 2008.** Motion seconded by Councilmember Fridal. Vote: Councilmember Reese - aye, Councilmember Fridal - aye, Councilmember Deakin - aye, Councilmember Holmgren - aye, and Councilmember Wood - aye. Motion approved.

4. Introduction of guests:

Mayor Weese welcomed a group of Boy Scouts and asked them to introduce themselves along with their two leaders from Tremonton Troop 143. Mayor Weese told the scouts they would never regret the time spent earning their Eagle Scout Badge. It will benefit them throughout the rest of their lives. Mayor Weese also introduced two students, Chris Brower and Jamie Oyler, from Mr. Littlefield's Class from Bear River High School.

5. Comment Consent:

- a. Consider approving the July Financial Statement

Mayor Weese asked if there were any changes to the July Financial statement?
Motion by Councilmember Holmgren to approve the July Financial Statement as presented. Motion seconded by Councilmembers Fridal and Wood, simultaneously. Vote: Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Fridal - aye, Councilmember Deakin - aye, and Councilmember Wood - aye. Motion approved.

6. New Council Business:

- a. Consider Grant of Easement for Tremonton City Utility on 2000 West

Mayor Weese explained to the audience that this issue did not involve Rocky Mountain Power. This will be a 15 foot easement to allow underground power to be put on the property on the east side of 2000 West, to include 28 acres beginning at the north end of Tremonton City property at 2000 West. Councilman Fridal asked if the property owners would be allowed to install sidewalks or other improvements? Mayor Weese stated they would be allowed to utilize the property, but not put in any sidewalks or other permanent improvements which might restrict access to the utilities.

Manager Woodworth informed the Council that the purpose for granting an easement to the City is to compensate for the possibility of the property being sold, yet still allowing the City to maintain a permanent Utility Easement at this location. Councilmember Deakin asked if other property owners have granted the easement as well? Manager Woodworth stated they had granted the same easement. City Engineer, Chris Breinholt, informed the Council that this is the same type of easement required for all property owners wanting to subdivide their property.
Motion by Councilmember Holmgren to approve the Grant of Easement for Tremonton City Utility on 2000 West. Motion seconded by Councilmember Reese. Vote: Councilmember Holmgren - aye, Councilmember, Reese - aye, Councilmember Deakin - aye, Councilmember Fridal - aye, and Councilmember Wood - aye. Motion approved.

- b. Consider surplus and salvaging of City property

Manager Woodworth informed the Council that the old Senior Building has a few surplus items yet to be surplusd which includes a stove, kitchen carpet, gas furnaces, decorative heat registers, air conditioning units, light fixtures, and the possibility of copper wiring. It is proposed that the City contact all electrical engineers in the City to inform them of the copper wire surplus. If there are more than a couple of interested parties, they will be asked to bring in a bid to the City as to what their proposal is for extracting the copper wire. Any kind of salvaging will require the

City be put on the business insurance policy as additional insurance, and they will assume any and all liability with the extraction. The building is scheduled to be taken down the week of September 22, 2008.

Mayor Weese stated that museum items have been removed from the building. Hopefully in the future there will be room for another museum. **Motion by Councilmember Reese to approve the surplus and salvaging of City property at the old Senior Center Building.** Motion seconded by Councilmember Fridal and Wood simultaneously. Vote: Councilmember Reese - aye, Councilmember Fridal - aye, Councilmember Wood - aye, Councilmember Deakin - aye, and Councilmember Holmgren - aye. Motion approved.

c. Consider the proposed Culinary Well time line

Public Works Director, Paul Fulgham, informed the Council that City Engineer, Chris Breinholt, had put together a time line for the culinary well, which is included in their packets. Mr. Breinholt, Director Fulgham, and Manager Woodworth met today with hydrologist, Bill Laughlin, to discuss the project. Mr. Laughlin will put together a proposal explaining what it will take to get the City through to the end of the project.

The project time line begins September 2008 and runs through September 2010. The project has been budgeted to accommodate key pivotal events throughout the project, and reserves will be built up over time. Councilmember Reese stated this was in line with the City Master Plan.

Mayor Weese stated that the drilling of the well and testing of the water will be accomplished by the end of November 2009. Three sites have been selected as optional locations for the well. The City will allow Mr. Laughlin to determine which site will be best to drill for water.

Councilmember Fridal asked how close the time line is to actual completion of the well? Director Fulgham stated it is an achievable time line and could possibly be completed sooner. **Motion by Councilmember Deakin to approve the proposed culinary well time line.** Motion seconded by Councilmember Reese. Vote: Councilmember Deakin - aye, Councilmember Reese - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, and Councilmember Wood - aye. Motion approved.

d. Consider Grant Nish's request for the City to surplus/sell 10-16 feet of property on the south end of dog leg along tracks at North Park

Mayor Weese invited Mr. Nish to come to the podium to present his request. Mr. Nish stated that he owns property at 450 North 200 West where he and a partner

would like to build storage units. They currently have 68 feet for this project, but would have better access with 80 feet. Mr Nish is asking the City if they would consider selling this additional 12 feet of City property to him for this development. Mr. Nish informed the Council that he had already received conditional use approval from the City Planning Commission a couple of years ago for the storage sheds.

The Council discussed this proposal, and asked Mr. Nish if he will be installing a fence? He stated he would install a fence with barbed wire across the top. The Council asked City Recreation Director, Rhett Ogden, for his opinion on this issue. Mr. Ogden stated that the City had used this area for parking and had a batting cage west of the old basketball court. Councilmember Holmgren asked Zoning Administrator, Steve Bench, if there would be adequate access from the alleyway to the sheds. Mr. Bench stated there would be adequate access.

Mayor Weese asked the Council if they had any questions regarding this matter? Manager Woodworth informed the Council that if they decided to sell this property, they would have to declare the 12 feet in question as surplus property and advertise it.

Motion by Councilmember Wood to table this decision until the next City Council Meeting on September 16, 2008 for Director Ogden to look at the property and return to the Council with additional information. Motion seconded by Councilmember Fridal. Vote: Councilmember Wood - aye, Councilmember Fridal - aye, Councilmember Deakin - aye, Councilmember Holmgren - aye, and Councilmember Reese - aye. Motion approved.

- e. Consider Board of Health's request to rent facility beyond January 2009 contract terms at 125 South 100 West

LaPriel Clark representing Lloyd Berentzen from the Board of Health asked the Council if they would extend the memorandum of agreement to rent the City Police Department Building for the Health Department an additional six months. Ms. Clark stated that the Health Department has plans ready to go to build a new facility at 2000 West on the 4.5 acres of property they had purchased from the City. Bear River Health Department has decided to wait for the decision by Rocky Mountain Power as to where they will be installing their new power poles or they may have to find another location to build. The Health Department will not build at this location if the power poles go along this property, as they feel it will pose a health risk and cause limitation for expansion of their facility. The Health Department would like to continue providing health care the to community until another facility can be built. They could move these services to Brigham City, however, this would pose a travel inconvenience for their patrons.

Mayor Weese informed the audience that Rocky Mountain Power stated the power

poles will not create a health risk.. He asked Ms. Clark why the Health Department was only concerned with this location as a health risk and not the entire valley? Ms. Clark stated that Dr. Redd had written a letter regarding this matter, and she will email this letter to the City. Ms. Clark said that they do not have sufficient data at this time to prove the connection as a health risk. Mayor Weese asked Ms. Clark if she would invite Health Department Director, Lloyd Berentzen, to a Committee Meeting to be held at the Utah State Capitol on September 17, 2008 to discuss the proposed power line installation? Ms. Clark stated she would pass on this information to Mr. Berentzen. Mayor Weese stated that the City is doing everything possible to make the property at 2000 West available for their new facility.

Councilmember Reese asked if the proposed power poles will be directly across the Health Department's property? Mayor Weese stated that the proposed lines will not be directly on their property, but they will be across the street on the west side of 2000 West. The Health Department Building will be on the east side of 2000 West. Mayor Weese asked if the City could provide another building for the Health Department? Ms. Clark stated they did not want to have to move twice or cause any additional inconvenience to the public.

Mayor Weese informed the audience that the City's Police Department is currently using the basement of the Health Department. They were planning on completing the move into this facility the first of 2009. Mayor Weese asked Police Chief, Dave Nance, what his feelings were on this matter. Chief Nance stated that they needed this building a year ago due to space restrictions at their current location in the Civic Center Building. The Police Department is having to run their Department from two locations, and needs to combine their facilities as soon as possible. He understands the concerns of the Health Department and is willing to make the necessary accommodations. Chief Nance asked if the Police Department could begin remodeling as the money is available now, along with the City Crews being available to do the construction as well.

Mayor Weese asked the Council if they have any questions or comments concerning this issue? Councilmember Fridal stated it looks as if no decision can be made here until a decision is made by Rocky Mountain Power regarding placement of their power poles along 2000 West. Councilmember Wood suggested giving the Health Department an extension, and asked the Police Department to continue at their current locations until further information is made available. Councilmember Reese suggested extending the agreement for the Health Department an additional 90 days. **Motion by Councilmember Wood to extend the rental agreement with the Health Department 90 days and authorize the Mayor to sign this agreement.** Motion seconded by Councilmember Reese. Vote: Councilmember Wood - aye, Councilmember Reese - aye, Councilmember Deakin - aye, Councilmember Fridal - aye, and Councilmember Holmgren - aye. Motion approved.

- f. Consider Resolution 08-30 approving the form of the Equipment Lease Agreement with Zions First National Bank, Salt Lake City, Utah. Finding that it is in the best interest of Tremonton City, Utah to enter into said agreement, and authorizing the execution and delivery of

Motion by Councilmember Holmgren to approve Resolution 08-30 approving the form of the Equipment Lease Agreement with Zions First National Bank, Salt Lake City, Utah. Finding that it is in the best interest of Tremonton City, Utah to enter into said agreement, and authorizing the execution and delivery of. Motion seconded by Councilmember Reese. Vote: Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Deakin - aye, Councilmember Fridal - aye, and Councilmember Wood - aye. Motion approved.

7. Unfinished Business:

- a. Review of the Final Sewer Study and Impact fee assessment

City Engineer, Chris Breinholt, handed out updated copies of the Sanitary Sewer Collection System Master Plan. Mr. Breinholt informed the Council that it is essentially the same report he presented earlier, with a few minor changes in clarification of wording from suggestions he received from Manger Woodworth and Director Paul Fulgham. There will need to be a public hearing to adopt the new impact fees. The Council members reviewed the plan and thanked Mr. Breinholt for his work. The Council Members agreed to set up a public hearing as soon as possible. **Motion by Councilmember Deakin to accept the final Sewer Study and Impact Fee Assessment.** Motion seconded by Councilmember Reese. Vote: Councilmember Deakin - aye, Councilmember Reese - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, and Councilmember Wood - aye. Motion approved.

- b. Consider amending and adding to Section XII: EMPLOYMENT CLASSIFICATION/COMPENSATIONS of the Tremonton City Personnel Policies and Procedures Manual

Manager Woodworth informed the Council this issue had previously been discussed at the August 19, 2008 Council Meeting. They needed to change some wording and clarify this section regarding the use of flex time by City Employees. **Motion by Councilmember Reese to amend and add to Section XII: EMPLOYMENT CLASSIFICATION/COMPENSATIONS of the Tremonton City Personnel Policies and Procedures Manual.** Motion seconded by Councilmember Wood. Vote: Councilmember Reese - aye, Councilmember Wood - aye, Councilmember Deakin - aye, Councilmember Fridal - aye, and Councilmemeber Holmgren - aye. Motion approved.

8. Comments:

a. Administration/City Manager Advise and Consent

- 1) Item deleted: Recreation cost analysis will be presented September 16th
- 2) Item deleted: Indigent attorney to remain
- 3) Box Elder County tax update

Manager Woodworth informed the Council he had received many good comments from each Councilmember individually regarding this matter. The problem with the County tax situation is not with how the taxes are collected. The problem is with the way the taxes are distributed. Manager Woodworth is currently working with the City's Financial Director, Curtis Roberts, and Shawn Thornley at the County Offices to resolve this issue. The Personal Property issues have been taken care of, and they are still working on the Real Property issues.

- 4) Board of Health Meeting - Re: Rocky Mountain Power proposal set for September 3, 2008 at 11:00 a.m.

Manager Woodworth informed the Council that the City will be meeting with the Board of Health to discuss the issue of the proposed location of new Rocky Mountain power poles along 2000 West, and try to come up with a strategy for a solution so the Health Department can build their new facility at this location.

b. Council Reports:

Councilmember Holmgren informed the Council that he had been approached by Ace Christensen, who is over the Memorial Park in the City, to install trees at the park for shade. This could be a good project for the City's Beautification Committee. Councilmember Holmgren will contact the Beautification Committee and have them report back to the Council with a plan and cost estimates for this project. Mayor Weese stated the City has had problems with some trees in the past, and to be cautious with the type of trees selected.

Councilmember Fridal stated he felt it is good the City can get with other entities in the City and work together to solve issues. The walk-through of the Food Party showed good progress for the City.

Councilmember Deakin informed the Council that the Planning Commission will have a suggestion for the new member of the Commission at the next City Council

Meeting, September 16, 2008. He had not received any suggestions from the Council to date.

Mayor Weese informed the Council that Police Chief Dave Nance had been contacted by a local food distributor that they had an extra 2000 pounds of chicken they wanted to donate to the local Food Pantry. The Pantry now has 2000 pounds of frozen chicken.

Mayor Weese reminded the Council that the Peach Days Parade will be held Saturday, September 6, 2008. Director Rhett Ogden informed the Council that he had not registered the Council to ride in the Peach Days Parade due to lack of interest in previous years. The Council will not be riding in the Parade.

Mayor Weese informed the Council of a seminar entitled "Utah Living with Fire" to be held September 16, 2008 from 6:00 to 9:00 p.m. at Weber State University.

Mayor Weese informed the Council of a letter he had received from Brigham City regarding the Brigham City Senior Corps Council sponsoring an All Hazards Meeting to be held September 27, 2008 at the Adele C. Young Intermediate School in Brigham City.

Mayor Weese informed the Council that he had visited the Calvary Baptist Church a couple of weeks ago. Their Pastor, Cooper Abrams, is leaving the area and a new Paster has been assigned. The new Pastor is David George. Mayor Weese had received a letter of thanks for his visit and presentation. The City will look forward to utilizing Pastor George.

The Mayor wanted to take the opportunity to thank the City Council for all their work and service for the City and Community. He appreciates their time and opinions, along with them voting with their hearts regardless of negative comments.

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

Nancy Fuller from The Leader asked if surplus property form the Senior Center would be open to the public and will it be advertised? Manager Woodworth stated the City will advertise the surplus property when it becomes available.

10. Adjournment:

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