

**TREMONTON CITY
CITY COUNCIL MEETING
October 21, 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 October 21, 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, Public Works Director Paul Fulgham, Building and Zoning Administrator Steve Bench, Street Superintendent Rusty Scoffield, Police Sergeant Todd Hunsaker, and Recorder Darlene Hess were in attendance. The Council reviewed the agenda and discussed the following item in detail:

- ▶ Manager Woodworth informed the Council of the situation with an abandoned stub street at 225 South 600 West with possible options of dividing the property in half between the two adjacent property owners or posting a sign stating Private Road.

Meeting adjourned at 6:51 p.m.

CITY COUNCIL MEETING

Mayor Weese called the October 21, 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, Fridal, Reese, and Wood, City Manager Woodworth, Building and Zoning Administrator Steve Bench, Public Works Director Paul Fulgham, Police Sergeant Todd Hunsaker, Recreation Director Rhett Ogden, 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 foyer for this portion of the meeting. The prayer was given

by Councilmember Fridal and the Pledge of Allegiance was led by Councilmember Reese.

2. Approval of agenda

Mayor Weese asked if there were any changes or corrections to the agenda?

Motion by Councilmember Reese to approve the October 21, 2008 agenda with the following deletions:

5a Consider approving the August Financial Statement

6c Consider Ordinance 08-10 dedicating a protection strip of property running approximately one-foot in width alongside of 2000 West a designated public street

8a 4) Consulting Services - In-house staff

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

3. Approval of minutes - October 7, 2008

Mayor Weese asked if there were any changes or corrections to the minutes? Manager Woodworth stated that he was not available to review the current minutes.

Motion by Councilmember Wood to approve the Tremonton City Council Meeting Minutes of October 7, 2008. Motion seconded by Councilmember Deakin. Vote: Councilmember Wood - aye, Councilmember Deakin - aye, Councilmember Fridal, Councilmember Holmgren - aye, and Councilmember Reese - aye. Motion approved.

4. Introduction of guests

Mayor Weese welcomed students from Mr. Littlefield's Class at Bear River High School.

5. Common Consent:

a. Consider approving the August Financial Statement

This item was deleted from the agenda.

b. Consider approving the September Warrant Register

Mayor Weese asked for a motion on item b. of the Common consent items.

Motion by Councilmember Fridal to approve the following:

Approval of the September Warrant Register

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

6. New Council Business:

a. Consider abandonment of property at 225 South 600 West - Blaine Williams

Mayor Weese asked the students in the audience if what they would do with an abandoned stub street? The students replied they would either burn it or split the property between to the two adjacent property owners.

Mayor Weese explained that a stub street located at 115 South 600 West has been abandoned as a result of construction which prevented any future use of this street. Councilmember Fridal asked if the adjacent property owners would need to change their current house addresses if this property is divided between the two property owners? Zoning Administrator, Steve Bench, stated that the Post Office would probably not require an address change. Councilmember Deakin suggested when the Land Use Authority Board looks at this issue, they consider future use of other stub streets in the City and make equitable policy regarding this procedure.

Motion by Councilmember Holmgren to allow the Land Use Authority Board to consider the abandonment of a stub street at 225 South 600 West and decide the best way to dispose of said stub street, and allow Manager Woodworth and Director Fulgham to proceed with possible options as well. Motion seconded by Councilmember Fridal. Vote: Councilmember Holmgren - aye, Councilmember Fridal - aye, Councilmember Deakin - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

b. Consider Ordinance 08-09 deleting any reference to A-20 Zoning from the Zoning Code, specifically Title 1, Chapter 1.14; and amending or adding to Articles 2-1 Administration, 2-2 Definitions, 2-6 Subdivision Improvements, and 2.7 Subdivision Regulations and Design Standards of Title II Land Use Ordinance of the Tremonton City Code to include required utilities within developments and Street Grade Design Standards

Zoning Administrator, Steve Bench, reminded the Council that this item had been discussed at the October 7, 2008 City Council Meeting where the need for a specific ordinance for this issue was discussed.

Motion by Councilmember Wood to approve Ordinance 08-09 deleting any

reference to **A-20 Zoning from the Zoning Code, specifically Title 1, Chapter 1.14; and amending or adding to Articles 2-1 Administration, 2-2 Definitions, 2-6 Subdivision Improvements, and 2.7 Subdivision Regulations and Design Standards of Title II Land Use Ordinance of the Tremonton City Code to include required utilities within developments and Street Grade Design Standards.** Motion seconded by Councilmember Holmgren. Vote: Councilmember Wood - aye, Councilmember Holmgren - aye, Councilmember Deakin - aye, Councilmember Fridal - aye, and Councilmember Reese - aye. Motion approved.

- c. Consider Ordinance 08-10 dedicating a protection strip of property running approximately one-foot in width alongside of 2000 West a designated public street.

This item was deleted from the agenda.

- d. Consider bid for a new Street Sweeper

Mayor Weese invited Public Works Director, Paul Fulgham, to present information regarding a new street sweeper. Director Fulgham informed the Council that the purchase of a street sweeper had been budgeted in the 2008-2009 City Budget. The Street Department test drove a few different models of street sweepers. There are two different types of sweepers. The regenerative air type regenerates its own air to blow debris into the machine. The vacuum type uses brushes to spin debris into the nozzle then suctions or vacuums up the debris. The models and prices' are as follow:

AG Truck (Elgin Crosswinds)	Regenerative Air	\$176,392.00
Intermountain Sweeper (TYMCO 600)	Regenerative Air	\$154,225.00
	Less Trade-In	<u>\$ 16,000.00</u>
		\$138,225.00
Allianz-Johnson (VT650 Series Sweeper)	Vacuum	\$ 182,000.00
	Less Trade-In	<u>\$ 12,000.00</u>
		\$ 170,000.00

Street Superintendent, Rusty Scoffield, informed the Council that he had driven and operated these sweepers. The City currently owns a Johnson Sweeper which has been a very dependable and efficient machine. Superintendent Scoffield recommended the City purchase the Allianz-Johnson sweeper, as he found it to be better suited to the needs of the Street Department than the other sweepers he had test driven. Mayor Weese asked if the current Johnson Sweeper had required many repairs? Superintendent Scoffield stated that there had only been a few minor repairs and minimal maintenance.

Councilmember Fridal stated that the City really could use two sweepers, and asked if the City could consider keeping the existing sweeper and ask the dealer to come down on his asking price and have two sweepers for the City? Director Fulgham stated that the City does not have enough room to store two sweepers. The current City sweeper is worn out, if they decided to keep it, the City would still just have an old piece of equipment, requiring additional maintenance and repairs.

Councilmember Deakin asked if Allianz-Johnson's would give the City the same trade-in price of \$16,000.00 for the City's old sweeper, as the other dealer was offering? Director Fulgham stated that he would ask the dealer.

Motion by Councilmember Reese to approve the purchase of a new street sweeper from Allianz-Johnson at a \$166,000.00 bid, with the possibility of negotiating the trade-in price with the dealer, and authorizing the purchase of a new street sweeper at the asking price if the trade-in price is not increased to \$16,000.00. Motion seconded by Councilmember Deakin. Vote: Councilmember Reese - aye, Councilmember Deakin - aye, Councilmember Holmgren, Councilmember Fridal - aye, and Councilmember Wood - aye. Motion approved.

e. Consider donation for new hospital

Mayor Weese informed the audience that the new IHC Hospital in Tremonton will begin operations in January 2009. As with all new hospital construction, IHC asks for donations from the communities. IHC is asking for donations from the entire community, not just Tremonton City, with a suggested total donation amount of \$1,000,000.00. Representatives for IHC have asked Tremonton City if they would consider reducing the building permit fees by \$30,000.00.

Councilmember Wood stated the City had already reduced fees on the initial building permit for the hospital. The city could have charged 1% of the building costs, which would have put the building permit price at \$170,000.00. The building permit was previously adjusted down to \$30,000.00. Councilmember Holmgren reminded the Council that IHC donated approximately 3.6 acres of land around the hospital to the City for a Walking Trail. The City will pave and maintain the trail. Councilmember Reese stated he was grateful IHC chose to build their hospital in Tremonton, and felt the City should donate \$30,000.00 to IHC as an opportunity cost.

Councilmember Holmgren informed the Council that the surrounding community has already given approximately \$700,000.00 in donations to the new hospital. Councilmember Deakin asked where the money for this donation would come from? Manager Woodworth stated that it is considered proceeds carried forward. When the budget is reopened, the Council could re-budget the donation amount from proceeds.

Motion by Councilmember Deakin to authorize a donation in the amount of \$10,000.00 back to the IHC Hospital. Motion seconded by Councilmember Wood. Vote: Councilmember Deakin - aye, Councilmember Wood - aye, Councilmember Fridal - nay, Councilmember Reese - nay, and Councilmember Holmgren - nay. Motion was not approved.

Motion by Councilmember Reese to authorize a donation in the amount of \$20,000.00 back to the IHC Hospital. Motion seconded by Councilmember Holmgren. Vote: Councilmember Reese - aye, Councilmember Holmgren - aye, Councilmember Deakin - nay, Councilmember Fridal - nay, and Councilmember Wood - nay. Motion was not approved.

Motion by Councilmember Fridal to authorize a donation in the amount of \$15,000.00 back to the IHC Hospital. Motion seconded by Councilmember Reese. Vote: Councilmember Fridal - aye, Councilmember Reese - aye, Councilmember Deakin - aye, Councilmember Holmgren - aye, and Councilmember Wood - aye. Motion unanimously approved. Councilmember Wood stated that the City should still point out and emphasize to IHC that previous deductions in the amount of \$140,000.00 has already been reduced by the City on the building permit.

- f. Consider Resolution 08-33 authorizing an Animal Control Service Agreement with Box Elder County

Mayor Weese informed the Council that this is the same agreement the City has reviewed in the past.

Motion by Councilmember Reese to approve Resolution 08-33 authorizing an Animal Control Service Agreement with Box Elder County. Motion seconded by Councilmember Wood. Vote: Councilmember Reese - aye, Councilmember Wood - aye, Councilmember Deakin - aye, Councilmember Holmgren - aye, and Councilmember Fridal - aye. Motion approved.

7. Unfinished Business:

- a. Consider Resolution 08-34 approve a Recycle Bin Placement and Land Use Agreement with Rupp's Trucking and Enterprises, Inc.

Mayor Weese informed the audience that Rupp's had placed a Recycling Bin on the south side of the old Senior Center Building, one at the Recreation Office and asked where the third bin was located? Director Fulgham said that one bin was at the Treatment Plant but it had been moved to 979 West Main Street onto private property. Councilmember Deakin asked if there should be a clause in the agreement stating that Rupp's will be responsible for cleanliness on and around the bins?

Motion by Councilmember Holmgren to adopt Resolution 08-34 to approve a Recycle Bin Placement and Land Use Agreement with Rupp's Trucking and Enterprises, Inc. and to include the stipulation that Rupp's Trucking and Excavating are responsible for cleanup and cleanliness around the bins. Motion seconded by Councilmember Fridal. Vote: Councilmember Holmgren - aye, Councilmember Fridal - aye, Councilmember Deakin - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

b. Consider cost estimates for direct lighting at Shuman Park

Mayor Weese asked Councilmember Holmgren to present the information he collected on this item. Councilmember Holmgren handed out copies of the cost estimates he obtained for the proposed park lighting fixtures:

Eight small fixtures and install	\$500.00 each	\$4,000.00
Wire and trench	1300 linear ft	\$6,500.00
Service	1 each	\$2,000.00
Contingency	15%	\$1,875.00
<u>TOTAL</u>		<u>\$14,375.00</u>

Monthly Rocky Mountain Electrical Fee	\$96.00
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Councilmember Holmgren informed the Council that the Park itself is dark. Several residents have complained about lighting at the Park. There are currently four street lights, one on each corner, however, some of these lights are not lit and others are very dim. Councilmember Holmgren suggesting having the City contact Rocky Mountain Power to see if the existing lights could be repaired or even upgraded. Councilmember Holmgren suggested possibly adding four additional lights inter-dispersed inside the park for safety well as aesthetics.

Councilmember Wood agreed that the existing lights need to be repaired. The new lighting on the front of the Park is very nice. He also reiterated that he had stated at the Council Meeting on October 7, 2008 that he felt there isn't a need for additional lighting at the Park. It is light outside until 10:00 at night during the summer, and the Park is not used during the winter. The economy is weak right now; the City should be conservative with spending. Councilmember Deakin asked who was asking for the lighting, and wondered if additional lighting will cause problems for the surrounding neighbors. Councilmember Holmgren stated the City's Beautification Committee and Library Board have requested this project. Additional lighting inside the Park would not be offensive to surrounding neighbors.

Councilmember Reese asked if the City should contact the surrounding neighbors for

their opinion towards additional lighting at the Park? Administrator Bench stated that some of the neighbors had been contacted, and they expressed a desire for more lights at the Park. Councilmember Fridal stated that he felt the City should be conservative with spending, however, reducing the amount of additional light fixtures could be considered.

Recreation Director, Rhett Ogden, informed the Council that the City has park rules posted at the Parks stating the Parks close at dark, therefore, anyone in the Park after dark is in violation of Park Rules. There are three other large Parks in the City that have no lighting at all at night. These other Parks are also surrounded by residential homes. Councilmember Holmgren thanked Director Ogden for his comments and stated that the existing lights at Shuman Park should be repaired.

Motion by Councilmember Wood to not authorize the installation of additional lights at Shuman Park and fix the existing street lights. Motion seconded by Councilmember Holmgren. Vote: Councilmember Wood - aye, Councilmember Holmgren - aye, Councilmember Deakin - aye, Councilmember Fridal - aye, and Councilmember Reese - aye. Motion approved.

8. Comments

a. Administration/City Manager Advise and Consent

1) Inter-fund loan interest

Manager Woodworth informed the Council that he had been working with Financial Director, Curtis Roberts, and they decided the information regarding inter-fund loans needed to be on public records. The City cannot co-mingle monies from separate departments. There must be an actual loan transaction made with current market interest rate fees. This clarifies the transfer of monies/funds without taking advantage of any City Department funds. All interest rates will be at a Commercial Rate.

2) IS300 Training - Tuesday and Wednesday, October 28th and 29th, 4:00 p.m. to 10:00 p.m.

Manager Woodworth informed the Council that the IS300 Training will begin next week with two sessions at six hours each night with a test at the end of the session.

3) Personnel Reviews

The City will be conducting comprehensive personnel reviews and job audits

this November and December. Then next Spring 2009, the City will perform personnel reviews and recommendations on salary adjustments.

4) Consulting Services - In house Staff

This item was deleted from the agenda.

Manager Woodworth informed the Council that he had received bids for the Food Pantry and new Senior Center Parking lots (as follows):

Food Pantry -

Consolidated Paving	\$ 7,994.56
Grover Excavation	\$ 7,948.08
Rupp Trucking Ent. Inc.	\$ 9,130.00
Staker Parson Co.	\$15,598.80

The Food Pantry Parking lot was awarded to Grover Excavation.

Senior Center -

Consolidated Paving	\$71,585.00
Grover Excavation	\$69,321.00
Rupp Trucking Ent. Inc.	\$75,730.00
Staker Parson Co.	\$87,339.20

The Senior Center Parking lot was awarded to Grover Excavation

The parking lot for the Food Pantry will only include parking for the Pantry. It will not include any of the old Senior Center area, with the possibility of moving the entry closer to the Pantry itself.

b. Council Reports

Councilmember Fridal thanked the students for attending the meeting and expressed his gratitude for the freedoms we share in this community.-

Councilmember Wood informed the Council that he was contacted by the Manager at the Golf Course informing him that citizens using the Skate Park are using the Golf Course restrooms and making a mess of the facilities. Director Ogden stated he was not aware of this problem. The City will look into this situation. Councilmember Wood commended the students that helped with the food donation collection for the Food Pantry.

Councilmember Deakin complimented and thanked the City Youth Council for their help with the landscaping project at the new Senior Center. Councilmember Deakin asked if specific roads had been selected for the budgeted repairs? Manager Woodworth stated this would be brought back to the Council when the Budget is reopened.

Councilmember Deakin thanked Director Fulgham for the BOT information at the Treatment Plant which was left in his City mailbox, and asked if the month to month levels have evened out? Director Fulgham stated the levels have evened out. Manager Woodworth stated the testing of fats, oils, and grease has been reviewed and necessary changes have been made in the way the testing is performed. Councilmember Deakin asked if the City should have Financial Director, Curtis Roberts, check into the financial institution the City has funds deposited with to see if they are sound and stable? Manager Woodworth stated the City had received a letter from Zions Bank stating they are financially stable.

Mayor Weese asked the students in the audience if they knew they could vote in the Presidential Election early? There will be early voting beginning Monday, October 27, 2008 through Thursday, October 30, 2008, from 8:00 a.m. to 5:00 p.m., and October 31, from 8:00 a.m. to 12:00 noon at the Box Elder County Fair Grounds Museum Building.

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

Craig Garbanati asked the Mayor if he may address the Council? Mr. Garbanati lives at 663 North Hillcrest Circle in Holmgren Estates. He handed out pictures of a storage garage being constructed by Mr. Michael Bullen at 456 E 700 North in Holmgren Estates, which is adjacent to the Garbanati residence. Mr. Garbanati feels that this structure is in violation of City Code 1.15 where it reads construction in low density single family locations should maintain uncrowded areas. This garage will be used for RV Storage. Code regarding Multi RV Storage states this type of storage is not permitted in all zones. Mr. Garbanati cited City Code 1.01.28 where no building shall be erected greater than one story or 20 feet - whichever is lower, or be higher or square feet greater than the principal building to which it is an accessory.

Administrator Bench stated that the garage is too high, and he will contact Mr. Bullen to request the height of the building be reduced. The Building Code regarding RV Storage is directed toward Commercial Storage. Mr. Garbanati stated he brings the concerns of three adjoining neighbors. This structure is an eyesore and takes away an open view of the area. This structure has also brought down property values.

Councilmember Wood asked if a building permit had been issued for this garage, and if Mr. Bullen was required to contact his neighbors regarding this structure? A building permit has

been issued. It is a property owner's right, granted by zoning regulations, to construct edifices on their property. **Councilmember Holmgren** stated he was contacted by Mr. Bullen informing him of the construction and indicated that he had talked to his neighbors. No plans were presented. Mr. Garbanati stated he had not been contacted by Mr. Bullen, and does not have a problem with anyone building structures in their yards that are suitable for the area, and asked the City Council to look into this possible violation of City Codes. **Manager Woodworth** informed Mr. Garbanati that the City will present this to the City Attorney for review. Councilmember Reese stated he had gone by to see this structure, and felt that it is an eyesore. **Mayor Weese** stated the City would look into this matter and get back with Mr. Garbanati.

11. Adjournment:

Motion by Councilmember Holmgren to adjourn the meeting. Seconded by Councilmember Deakin. Vote: Councilmember Holmgren - aye, Councilmember Deakin - aye, Councilmemeber Wood - aye, Councilmember Reese - aye, and Councilmember Fridal - aye. Motion approved. The meeting adjourned at 8:18 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 for 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