

**TREMONTON CITY  
CITY COUNCIL MEETING  
April 21, 2009**

Members Present:

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

**CITY COUNCIL WORKSHOP**

Mayor Weese called the April 21, 2009 City Council Workshop to order at 7:00 p.m. The meeting was held in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Those in attendance were Mayor Weese, Councilmembers Deakin, Fridal, Holmgren, Reese, and Wood, Police Chief David Nance, Zoning Administrator Steve Bench, and Recorder Darlene Hess. The Council reviewed the agenda and discussed the following items in detail.

- ▶ Mayor Weese informed the Council of the following:

Public Works Director, Paul Fulgham, had reduced his department's budget by \$300,000.00 for the next fiscal year.

The mayor had met with members of the City's Fire Department to discuss possible disciplinary action on one of the City's Firemen.

The Police Department have moved into their new location at 125 South 100 West.

- ▶ The Council discussed health insurance premium increases. Recorder Hess asked Mayor Weese if he wanted her to ask Garland City which Health Insurance Company they are signed-up with to consider partnering with them on insurance costs? Mayor Weese agreed that she should contact Garland City.
- ▶ Councilmember Deakin informed the Council that the Planning Commission will need another member to replace Cindy Norr who is stepping down from the Commission.

Meeting adjourned at 6:37 p.m.

## CITY COUNCIL MEETING

Mayor Weese called the April 21, 2009 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, Wood, Zoning Administrator Steve Bench, 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 request to participate in the Opening Ceremony. He asked anyone who may be offended by listening to a prayer to step out into the lobby for this portion of the meeting. The prayer was given by Councilmember Deakin and the Pledge of Allegiance was led by Councilmember Reese.

2. Approval of agenda

Mayor Weese asked if there were any changes to the agenda? Councilmember Holmgren said he is not ready to discuss Item 7b, therefore, he asked that it be deleted from the agenda. Councilmember Deakin said the address in Item 7a should read 200 South 800 West.

**Motion by Councilmember Holmgren to approve the April 21, 2009 agenda with the deletion of Item 7b and address correction to item 7a.** Motion seconded by Councilmember Fridal. Vote: Councilmember Holmgren - aye, Councilmember Fridal - aye, Councilmember Deakin - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

3. Approval of Minutes - April 7, 2009

Mayor Weese asked if there were any changes to the minutes? No comments were made.

**Motion by Councilmember Wood to approve the minutes of April 7, 2009.** Motion seconded by Councilmember Reese. Vote: Councilmember Fridal - aye, Councilmember Reese - aye, Councilmember Deakin - aye, Councilmember Holmgren - aye, and Councilmember Wood - aye. Motion approved.

4. Public Hearing

Mayor Weese called the public hearing to order at 7:04 p.m. with four people in attendance.

- a. To consider revising and amending the combined annual implementation budget (General Fund, Enterprise Fund(s), and Special Improvement District #1) for the period commencing July 1, 2008 and ending June 30, 2009

Financial Director, Curtis Roberts, reminded the Council that they had discussed these items in detail at the Work Session on March 13, 2009. Key factors to be brought up tonight are Treatment Fund #52. Treatment overage account #52-37-711 was increased \$70,000.00 as the City has collected substantially more in treatment overage. Account #53-72-250 also has an increase from the excess coming off of West Liberty Foods. It is going down now, however, there were some months when it was significantly higher. Revenue and expense were increased to match what is going on with these accounts. There may have to be one more adjustment here as the City watches to see how these accounts operate.

Through the course of things in fund #40, a new ambulance arrived right at the start of the fiscal year, we thought it was going to arrive last year. One of the early amendments the City made was to take out the expenditure for the new ambulance, however, the City did incur the expense. This expense was put back into the budget which caused some sliding effects to get \$144,000.00 for the ambulance which was purchased.

Various administrative changes have been made with moving some budget categories around at the request of some department heads. One grant did not come in, therefore, that revenue and expenditure have been eliminated. This has all been discussed. The net effect of everything reflects in account #10-39-999. At the start of the year, we had planned on spending approximately \$613,000.00 in excess of the revenues being brought in because we knew we had some surplus that had been built up which could be used. That amount is now down to just shy of \$300,000.00. The cumulative effects of the budget amendments throughout the year have cut that amount in half. The City is actually doing better this year. We are planning on spending more money than is being taken in, returning to the citizens in the form of different buildings being constructed, replacing the Senior Citizen's Center, and getting the Police department moved over to their new building. Department heads have been monitoring their accounts, therefore, we should only be spending a little more than \$300,000.00 above what we are bringing in this year. This year the City can cover those expenditures which were planned to be taken care of.

Councilmember Holmgren said these are the purchases the City has been saving up a long time for.

Mayor Weese mentioned three other items the Council had discussed previously, which are the New Senior Center, the new well, and changes at the treatment plant. Mayor Weese said the new well will be tested next week to see if it is still at 2,000 gallons per minute. The testing will take 24 hours. The changes at the Treatment Plant will cost just over \$1million. Repairs to the City roads are another planned expense.

Mr. Roberts said these items will all be reflected in next year's budget. Some may slide into this year's budget depending upon the timing of each item. Having a July 1st budget starting date makes it difficult to complete projects in line with the budget. No expenses will be authorized until we find out which projects move into the current fiscal year's budget.

Mayor Weese asked if there were any questions from the council. Mayor Weese asked if there were any questions or comments from the audience? Hearing no comments the Mayor closed the public hearing at 7:12 p.m.

5. Introduction of guests

Mayor Weese welcomed members of the audience.

6. Common Consent:

a. Consider approval of the March Warrant Register

**Motion by Councilmember Deakin to approve the March Warrant Register.**

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

b. Consider Resolution 09-11 revising and amending the combined annual implementation budget (General Fund, Enterprise Fund(s), and Special Improvement District #1) for the period commencing July 1, 2008 and ending June 30, 2009

**Motion by Councilmember Deakin to approved the changes to Resolution 09-11 revising and amending the combined annual implementation budget (General Fund, Enterprise Fund(s), and Special Improvement District #1) for the period commencing July 1, 2008 and ending June 30, 2009.** Motion seconded by Councilmember Wood. Voter: Councilmember Deakin - aye, Councilmember Wood - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, and Councilmember Reese - aye. Motion approved.

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

a. Commuter Rail Station at 200 South 800 West in Brigham City- Paul Larsen

Brigham City's Economic Development Director, Paul Larsen, handed out copies of a 67-page supplement to the City Council's minutes of March 3, 2009 presentation from Perry City's Planning Commission. The supplement is to report on Brigham City's position for the proposed FrontRunner location at 200 South 800 West in

Brigham City. Mr. Larsen said he wanted to show a slide presentation explaining the short and long term possibilities of the 200 South 800 West versus the Upland Square site at 1100 South 1000 West. Both locations are actually in Brigham City. The 1100 South 1000 West access to Upland Square is in Brigham City, and Brigham City is the applicant for the 1100 South access. Upland Square will consist of 73 acres in Brigham City and 45 acres in Perry. Each location has approximately the same area.

The Utah Transit Authority will be the developer for the proposed commuter rail station and has already purchased the property at 200 South 800 West. The transportation infrastructure is already in place and ready to go at the 200 South site. There are hundreds of acres to develop adjacent to the 200 South site along with hundreds of existing homes, industrial uses, public and institutional uses. All of these are within walking distance of the 200 South site. This location will also accommodate hundreds of parking stalls. This location is easily accessible from throughout the Box Elder and Cache County areas.

The Upland Square development is currently delayed due to FhWA backlog. It does not permit a commuter rail station. Upland Square developers stated: "It has never been our intent to construct a transportation (transit) oriented development and we therefore entered into a Development Agreement providing such. We are presently moving forward with the project without a Commuter Rail Station as part of our plan." No housing will be allowed in the Perry portion of this development.

Upland Square is not the center hub of any transportation network, existing or proposed. There will be no difference in travel time to either location from outlying communities to the north. Actual measured distance and travel time from Cache Valley to the 200 South site is less than to the 1100 South site. The 1100 South location would not be within walking distance for any residents. The 1100 South location would violate UTA Station separation guideline for the station in Willard at S.R. 315.

The Upland Square development will be more similar to developments along Riverdale Road in Ogden than the Gate Way Mall in Salt Lake City. For one thing, the Gate Way does not allow for big box developments.

Passenger rail transport service is meant to provide a service for commuters who travel on a daily basis. The majority of FrontRunner trips are for work or school purposes, very few trips are for shopping or entertainment. People from Ogden and Salt Lake will not travel north to Brigham City just to ride the train back south again.

Future transportation options into Tremonton and Cache Valley have been identified and discussed with the commuter rail station hub in Brigham City. Brigham has

worked with UTA for more than ten years pursuing a transit project.

The Mayor and Council thanked Mr. Larsen for his presentation.

Councilmember Holmgren said the City did not want to get into the middle of a fight between Perry and Brigham City, however, the Council feels the 200 South location will be better for all concerned.

**Motion by Councilmember Holmgren to give Tremonton City Council’s support to the Commuter Rail Station at the 200 South 800 West site in Brigham City.**

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. Certified Local Government (CLG) and request for property to locate a Museum - Councilmember Lyle Holmgren

This item was deleted from the agenda.

8. New Council Business:

- a. Consider Ordinance 09-10 amending and adding to Title 8 City Property, adding Chapter 8-600 Library, Part 8-610 Adult Fiction, establishing a Tremonton City Library Policy against patrons under the age of eighteen (18) being allowed to check out those books defined as “Adult Fiction” without the written consent of a legal guardian

Councilmember Holmgren informed the Council that the Library Board feels they need an ordinance to restrict materials with adult content to patrons under the age of 18. No one individual makes the decision as to what constitutes “Adult Fiction” The Council discussed this subject.

**Motion by Councilmember Holmgren to adopt Ordinance 09-10 amending and adding to Title 8 City Property, adding Chapter 8-600 Library, Part 8-610 Adult Fiction, establishing a Tremonton City Library Policy against patrons under the age of eighteen (18) being allowed to check out those books defined as “Adult Fiction” without the written consent of a legal guardian.**

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

- b. Consider Resolution 09-12 establishing separate accounting funds for sewer, storm drain, and the Fire Department

Curtis Roberts said this Resolution will allow the Fire Department as well as other funds to have their own separate accounts and funds.

**Motion by Councilmember Reese to approve Resolution 09-12 establishing separate accounting funds for sewer, storm drain, and the Fire Department.**

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

- c. Consider Resolution 09-13 appointing Chris Breinholt as the Environmental Certifying Officer (ECO) for Tremonton City

Zoning Administrator, Steve Bench, informed the Council that a new housing development complex will be constructed west of town and will be using Government funds for the project. This requires an Environmental Certifying Officer from the City to sign off on specific plans and inspections.

**Motion by Councilmember Wood to approve Resolution 09-13 appointing Chris Breinholt as the Environmental Certifying Officer (ECO) for Tremonton City.**

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

9. Unfinished Business:

- a. Consider Resolution 09-14 reinstating the Tremonton City Enterprise Zone

Mayor Weese said this is the subject Ms. Thackery presented to the Council at the April 7, 2009 meeting. The Council discussed possible options of enlarging the Enterprise Zone.

**Motion by Councilmember Holmgren to approve Resolution 09-14 reinstating the Tremonton City Enterprise Zone.**

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

- b. Consider Resolution 09-15 approving terms and conditions of a City Manager Agreement

Mayor Weese informed the Council that the new City Manager, Shawn Warnke, who is currently living in Moab will take his new position with the City either the end of May or the first working day in June. Mr. Warnke is currently the County

Administrator in Wayne County, Utah.

**Motion by Councilmember Deakin to approve Resolution 09-15 approving terms and conditions of a City Manager Agreement.** Motion seconded by Councilmember Holmgren. Vote: Councilmember Deakin - aye, Councilmember Holmgren -aye, Councilmember Fridal - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

10. Planning Commission recommendation(s):

- a. Consider Ordinance 09-11 rescinding Ordinance 09-07 adopted March 3, 2009 and reinstating the terms of that Ordinance: Amending and adding to Title 1 Zoning of the Tremonton City Code, adding Chapter 26 Commercial Mixed Use (CMU) Zone and Chapter 27 Neighborhood Mixed Use (NMU) Zone. Also, amending Chapter 14 Zoning Districts, Section 1.14.005 Establishment of Zoning Districts by removing item A. Agricultural District, A-20, and adding items V. Commercial Mixed Use (CMU) and W. Neighborhood Mixed Use (NMU).

Administrator Bench said this item had been discussed and approved earlier, however, there was not a quorum present at the Planning Commission Meeting during the Public Hearing when this was voted on, therefore, this item needed to be re-approved.

**Motion by Councilmember Wood to adopt Ordinance 09-11 rescinding Ordinance 09-07 adopted March 3, 2009 and reinstating the terms of that Ordinance: Amending and adding to Title 1 Zoning of the Tremonton City Code, adding Chapter 26 Commercial Mixed Use (CMU) Zone and Chapter 27 Neighborhood Mixed Use (NMU) Zone. Also, amending Chapter 14 Zoning Districts, Section 1.14.005 Establishment of Zoning Districts by removing item A. Agricultural District, A-20, and adding items V. Commercial Mixed Use (CMU) and W. Neighborhood Mixed Use (NMU).** Motion seconded by Councilmember Reese. Vote: Councilmember Wood - aye, Councilmember Reese - aye, Councilmember Fridal - aye, Councilmember Holmgren, and Councilmember Reese - aye. Motion approved.

11. Comments:

- a. Administration/City Manager Advise and Consent

(1) Parking Lot Bids (west of Food Pantry & south of Civic Center - 21,328 sq ft):

▶ Grover Excavation - \$31-352.88

- ▶ Landis Excavation - \$31,138.88 plus additional Granular Barrow - \$2,000.00 = \$33,138.88
  - ▶ Rupp's Trucking - \$32,029.44
  - ▶ Consolidated Asphalt - \$37,324.00
- Awarded to Grover Excavation

**Motion by Councilmember Wood to award the Parking Lot Bids (west of Food Pantry & south of Civic Center - 21,328 sq ft) to Grover Excavation.** Motion seconded by Councilmember Reese. Vote; Councilmember Wood - aye, Councilmember Reese - aye, Councilmember Deakin - aye, Councilmember Fridal - aye, and Councilmember Holmgren - aye. Motion approved.

(2) 2000 West Electrical Line (lay 5,300 of 6" conduit and set 6 12'x7' vaults)

- ▶ Landis Excavation - \$5,719.00
  - ▶ Grover Excavation - \$9,150.00
  - ▶ Rupp's Trucking - \$8,550.00
- Awarded to Landis Excavation

**Motion by Councilmember Wood to award the underground 2000 West Electrical Line (lay 5,300 of 6" conduit and set 6 12'x7' vaults) to Landis Excavation.** Motion seconded by Councilmember Reese. Vote; Councilmember Wood - aye, Councilmember Reese - aye, Councilmember Deakin - aye, Councilmember Fridal - aye, and Councilmember Holmgren - aye. Motion approved.

(3) Consider changing the Tremonton City Corporation Employment Application

Mayor Weese informed the Council that the Police Department requested the City's employment application be updated. The employment application will be updated.

**Motion by Councilmember Holmgren to accept changing the Tremonton City Corporation Employment Application.** 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. Council Reports

**Councilmember Deakin** said he had talked with Bear River High School Principal, Eldon Peterson, about the public using the track at the newly constructed field house

at the school. The public would like to use this facility before and after school hours. Mr. Petersen said the field house is not ready for public use, however, they do plan on allowing the public to use this new facility.

**Councilmember Reese** informed the audience that the Civic League and Press should go see the new Senior Center. It is a very nice facility with a lot of versatile space.

**Mayor Weese** asked if there was any news from IHC on the walking trail at 1000 West 1000 North? Administrator Bench said he would look into the matter.

Mayor Weese said the Senior Center will be holding an Open House at the new Center on Thursday, April 30, 2009.

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

**Nancy Fuller** representing the Ogden Standard asked what constitutes “Adult Fiction”? Several nonfiction books could be restricted. Councilmember Deakin said the “Adult Fiction” definition would consist of adult content.

13. Adjournment

**Motion by Councilmember Deakin to adjourn the meeting.** Motion seconded by Councilmember Wood. Vote: Councilmember Deakin - aye, Councilmember Wood - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, and Councilmember Reese - aye. Motion approved. The meeting adjourned at 8:08 p.m.<sup>80</sup>

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 \_\_\_\_\_, 2009.

\_\_\_\_\_  
Darlene Hess, Recorder