

**TREMONTON CITY
CITY COUNCIL MEETING
May 5, 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 May 5, 2009 City Council Workshop to order at 6:01 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, Financial Director Curtis Roberts, and Recorder Darlene Hess. The Council reviewed the agenda and discussed the following items in detail.

- ▶ Director Fulgham informed the Council that Petersen Well Services has been cleaning the new Cedar Ridge well. The well looks great.
- ▶ The Council discussed the need to repeal Library Ordinance 09-10 regarding the restriction of “Adult Fiction” books to Library patrons under the age of 18. Insufficient information was provided prior to the adoption of this ordinance.

Councilmember Deakin arrived at 6:17 p.m.

Meeting adjourned at 6:44 p.m.

CITY COUNCIL MEETING

Mayor Weese called the May 5, 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, Financial Director Curtis Roberts, 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 hallway for this portion of the meeting. The prayer was given by Nancy Fuller from the Ogden Standard and the Pledge of Allegiance was led by Mayor Weese.

2. Approval of agenda

Mayor Weese asked if there were any changes to the agenda? Councilmember Holmgren said that the Museum Board is not ready to discuss Item 8d at this time; therefore, it should be deleted from the Agenda.

Motion by Councilmember Wood to approve the May 5, 2009 agenda with the deletion of Item 8d. Motion seconded by Councilmember Deakin. Vote: Councilmember Wood, Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, and Councilmember Reese - aye. Motion approved.

3. Approval of Minutes - January 13, 2009, April 13, 2009 and April 21, 2009

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

Motion by Councilmember Reese to approve the minutes of the City Council Meetings - January 13, 2009, April 13, 2009, and April 21, 2009. 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. Mayor Weese opened the Public Hearing at 7:07 p.m. with 46 people in attendance.

- a. Consider adopting the proposed Tentative Budget entitled "The Tremonton City Annual Implementation Budget 2009-2010 (General Fund, Capital fund, Enterprise Fund(s) and Special Improvement District #1", for the period commencing July 1, 2009 and ending June 30, 2010.

Mayor Weese said this will be the budget the City will use beginning the first of July 2009. It is a tentative budget at this time as there will be changes made before it is made final. It is balanced at this time. Councilmember Fridal asked why the City runs on a fiscal year from July 1 - June 30? Financial Director, Curtis Roberts, explained that all Government entities must be audited, therefore, it is partially to accommodate the accountants so they do not have all of the audits due by the end of

December. It is, also, a State Law set by statute to spread out the financial reporting. Most Cities do it this way, however, the Counties do not.

Mayor Weese asked the Council and the audience if they had any questions? No comments were made.

Mayor Weese closed the Public Hearing at 7:09 p.m.

- b. RDA Chairman, Max Weese, opened the second Public Hearing at 7:09 p.m. to Consider adopting the proposed Tentative Budget entitled "The Redevelopment Agency of Tremonton City Annual Implementation Budget 2008-09 for Area 3", for the fiscal year commencing July 1, 2009 and ending June 30, 2010.

Chairman Weese informed the audience that Area 3 is the City Industrial Park Area, and asked if there were any questions?

Nancy Fuller, from the audience, asked what this budget money is for? Curtis Roberts explained that the RDA was presented with a zero budget. The County was slow providing information to the City, and he received the last piece of information today. Now that we have that information, the City can finalize the budget. This is a tentative budget and will be subject to revisions. It is required by law to adopt a tentative budget by the first week in May. The City's financial plan will be ready to go in the next couple of days. Mayor Weese said it is hard to understand a budget without figures. Mr. Roberts said this is only the case with the RDA Budget. Mayor Weese said the City has guessed for years, however, this year the City chose to let it play out the way it should play out since the County does not get figures to the City on time.

Councilmember Holmgren asked Mr. Roberts to explain to the students in the audience what it costs to run the City. Mr. Roberts told the audience that because of an accounting aspect, the City has to account for things differently. The City has a new break out this year from the General Fund to keep track of the Fire Department separately from the General Fund. The City has to keep separate the water, sewer, Waste Water Treatment Plant, and storm drain operations as well as a special Service District. The General Fund is the basic operation of the City which pays for the Police Department, the Library, Cemetery, Parks and Recreation, Planning and Zoning, Roads, as well as the office staff, etc. The budget for the General Fund being proposed for this next fiscal year will be approximately \$4.6 million. This is primarily funded through sales tax along with a small amount from property taxes. Property tax contributes approximately \$800,000. to the total budget. Sales tax is almost \$1.2 million. The City also receives grants and a small amount of franchise tax.

The General Fund Budget keeps the services level as to what they have been in the past. The Fire Department will run at approximately \$250,000. This budget is primarily paid for out of the ambulance bills along with a few grants and fire runs. When we get into the Water and Sewer Departments, the numbers escalate. Those entities take up another \$1 million plus.

Kylie Farley, from the audience, asked what will this budget do? Mr. Roberts told the audience that this is what it takes to operate the City for the next year. To operate the Police Department as it stands now, is approximately \$1.2 million. The budget also takes care of the City streets and satisfies the City's debt service accounts in the amount of \$1.1 million. Those two accounts are very large, however, the City feels those things are very important to the resident of the City. From there the other \$2.2 million includes \$250,000 to the Parks and Recreation Department and \$200,000 for Library Services. Compared to other cities, this is a bare bones' Library Budget. Books alone can run \$30 to \$40 thousand dollars a year. The City's Library Budget is used mostly for hours of operation and staff. The City also spends \$100,000 on Building Inspections. Garbage service costs \$250,000.

Sandy Dillie asked if the City has an ordinance requiring developers to provide the infrastructure of their developments? Councilmember Holmgren said the City does require developers to install and pay for the infrastructure of their developments and subdivisions. Those structures are then turned over to the City to maintain. All new building is also required to pay impact fees which contribute to the entire community over the years. Ms. Dillie asked how the City handles the influx of the school system? Mr. Roberts said the school system is a completely separate government entity which has their own separate budget.

Councilmember Wood asked Mr. Roberts to explain to the audience that all their property tax money does not go to the City. Mr. Roberts said the City's portion of County Property Tax is only one component of the tax withheld. Property tax is more complex than what it seems. Most people think property tax is based on the value of their property times the tax rate. There is a lot more to it than this, since there is more than one entity that assesses property taxes. The bottom line - property tax on a \$200,000 home may come out to approximately \$1,500 to \$1,600, where only 12% to 13% of that amount goes to the City. Councilmember Wood said the majority of these taxes go to the School District, especially since they passed the new bond. This made all of our property taxes triple from what they use to be. Mr. Roberts said the County receives one third, the School District receives half, the City receives 12% to 13% and the Mosquito Abatements receives a small portion. These taxes are typically broken out into two different rates.

Ms. Dillie asked if the Council would have the tentative budget hammered out by the next meeting? Mr. Roberts said there would be another Public Hearing on June 2,

2009 to adopt the Budget. The Budget must be approved and adopted by June 22. The City is still waiting to see what the current property rate will be and how much revenue that will generate. All that information still needs to be gone over along with a couple of departments which are still being worked on.

Mr. Roberts said when the budget was presented, there were three goals and key aspects that went along with the budget which are:

1. The City Council feels City Employees are the City's most valuable resources. Most of the positions require a lot of skill and training which cannot be replaced easily. The first goal of the City is to keep the employees that we have already.
2. The City feels an obligation to provide a measure of stability for the residents. In times of uncertain economic stability, the City should be the stalwart. It is the City's goal to keep the level of services constant. There will be no decrease or increase to any of the City's services.
3. Projecting revenues. The City is taking a conservative approach to projected revenues to keep the City stable should revenues not come in as anticipated.

The cities and states must have a balanced budget.

Chairman Weese closed the RDA Public Hearing at 7:25 p.m.

5. Introduction of guests

Mayor Weese welcomed students from Mr. Littlefield's Class at Bear River High School. He also welcomed Scouts and their leaders from Troop 140.

6. Common Consent:

- a. Consider Resolution 09-16 adopting the Tremonton City Tentative Budget for the fiscal year commencing July 1, 2009 and ending June 30, 2010.

Mayor Weese asked if there were any questions? No comments were made.

Motion by Councilmember Reese to approve Resolution 09-16 adopting the Tremonton City Tentative Budget for the fiscal year commencing July 1, 2009 and ending June 30, 2010. Motion seconded by Councilmember Holmgren. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye.

Motion approved.

- b. Consider RDA Resolution 09-01 of the Redevelopment Agency of Tremonton City adopting the Tentative Annual Implementation Budget 2009-2020 Area 3, for the fiscal year commencing July 1, 2009 and ending July 30, 2010

Chairman Weese asked if there were any questions? No comments were made.

Motion by Lyle Holmgren to approve RDA Resolution 09-01 of the Redevelopment Agency of Tremonton City adopting the Tentative Annual Implementation Budget 2009-2020 Area 3, for the fiscal year commencing July 1, 2009 and ending July 30, 2010. Motion seconded by Roger Fridal. Vote: David Deakin - aye, Roger Fridal - aye, Lyle Holmgren - aye, Jeff Reese - aye, and Byron Wood - aye. Motion approved.

- c. Consider approving the March Financial Statement

Mayor Weese asked if there were any questions or comments on the March Financial Statement? No comments were made.

Motion by Councilmember Fridal to approve the March Financial Statement. Motion seconded by Councilmember Deakin. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

7. Request(s) to be on the agenda

- a. Handbill distribution application - Nick Misrasi

Nick Misrasi told the Council he is an Insurance Representative for AFLAC Insurance and would like to place advertisements on doors of City residents. Recorder Hess said that Mr. Misrasi has applied for a background check and is applying for the required license permit.

Motion by Councilmember Wood to allow Mr. Misrasi to distribute AFLAC Insurance advertisements' door-to-door in the community. Motion seconded by Councilmember Reese and Holmgren simultaneously. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- b. Consider reduction on ambulance bill - Lisa Durbin

Lisa Durbin explained to the Council that she has been making payments on her

ambulance bills since March of 2007. Due to unforeseen financial hardship, Ms. Durbin is asking the Council to reduce or waive the remaining balance of \$940.28 on her bill. Ms. Durbin did not have any medical insurance at the time the bill was incurred. She is currently working two jobs, one during the week and another on the weekend. Ms. Durbin does not live in Tremonton - she currently lives in Lewiston, Utah. The Council discussed the situation and found that Ms. Durbin has made a strong effort to pay her bill faithfully each month for over a year now. The Council wants to satisfy the financial responsibility to the City, however, when considering the option of reducing her bill by half, she has already paid more than half of the total charges.

Motion by Councilmember Holmgren to waive the remaining balance of \$940.28 on the ambulance bill of Lisa Durbin. Motion seconded by Councilmember Reese. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

8. New Council Business:

- a. Consider approving an off-premise beer license for the new Golf Pro at Skyway Pro Golf Shop

Jim Thomas from the Skyway Golf Board of Directors informed the Council that the golf course had hired a new Golf Pro and needs to transfer and reinstate the course's business licenses into his name. The new Golf Pro will be Del Ericson. Mayor Weese reminded Mr. Thomas that the consumption of alcohol is not permitted in the Golf Course Club House. Mr. Thomas agreed to this stipulation.

Motion by Councilmember Wood to approve an off-premise beer license for the new Golf Pro, Del Ericson, at skyway Pro Golf Shop. Motion seconded by Councilmember Fridal. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- b. Consider Ordinance 09-12 amending and adding to Title 15 Motor Vehicle and Traffic, Chapter 15-200 Parking, adding Section 15-224 Bear River High School Parking

Chief Nance informed the Council that there are problems in the southeast parking lot at the High School with people not parking in proper stalls. Tremonton City is authorized to enforce parking at this location. This ordinance will add to the existing parking ordinance to include this area. The cost of a parking ticket will be approximately \$35. Chief Nance said that flyers explaining the parking policy will

be posted at the school and the new laws will be enforced at the beginning of the next school year in the Fall of 2009. Students from the audience asked if they could park in the residential cul-de-sac just south of the school's parking lot. Chief Nance said they could if they complied with existing parking regulations.

Motion by Councilmember Holmgren to adopt Ordinance 09-12 amending and adding to Title 15 Motor Vehicle and Traffic, Chapter 15-200 Parking, adding Section 15-224 Bear River High School Parking. Motion seconded by Councilmember Deakin. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- c. Consider participation in the Box Elder County Fair with a community booth

Mayor Weese reminded the Council that the Youth City Council has decorated the community booth at the Fair for several years. The Civic League decorated it last year. The City provides \$500 for supplies.

Motion by Councilmember Reese to appoint the Women's Civic League to decorate Tremonton City's Community Booth at the Box Elder County Fair. Motion seconded by Councilmember Wood. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

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

The Museum Board is not ready to discuss this item at this time, therefore, the item was deleted from the agenda.

- e. Consider Ordinance 09-13 adopting Title 8, City Property, Chapter 8-600, Library, Part 8-620 to the Tremonton City Revised Ordinances, which repeals Part 8-610, Adult Fiction, from Chapter 8-600, Library, of Title 8, City Property, of the Tremonton City revised Ordinances.

Councilmember Holmgren said the City Council, Library Board, and Library Director were all surprised by this ordinance. The previous City Manager had handed it over to Councilmember Holmgren to have it approved by the Council. No other information was given. It was not the intent of the City or the Library to restrict "Adult Fiction" at the Library. The Council understood the restriction was focused towards "Adult Content". Councilmember Holmgren apologized for any misunderstanding and accepted responsibility on behalf of the Council for this error.

Motion by Councilmember Holmgren to adopt Ordinance 09-13 adopting Title 8, City Property, Chapter 8-600, Library, Part 8-620 to the Tremonton City Revised Ordinances, which repeals Part 8-610, Adult Fiction, from Chapter 8-600, Library, of Title 8, City Property, of the Tremonton City revised Ordinances. Motion seconded by Councilmember Wood. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- f. Consider LSTA Grant effective March 30, 2009 through February 28, 2010 maximum of \$3,474.00 with 10% matching funds for costs authorized by the Mini Grant contract for computer and Rosetta Stone software

Library Director Kim Griffiths, informed the Council that this is a technical grant used for new educational software and computers. The City will contribute 10% in matching funds. The Library currently has in use software for patrons to learn how to speak English. This new software will help English speaking patrons learn to speak other languages. Patrons do not have to have a library card to use this service.

Motion by Councilmember Holmgren to approve the LSTA Grant effective March 30, 2009 through February 28, 2010 maximum of \$3,474.00 with 10% matching funds for costs authorized by the Mini Grant contract for computer and Rosetta Stone software. Motion seconded by Councilmember Reese. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- g. Consider Resolution 09-17 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 thereof - Phone System

Mayor Weese told the audience that the City has been paying their current telephone provider \$1,700 a month for services. The City was not given the option of purchasing any of the existing equipment. The new telephone service will be a Voice Over IP System which will integrate with the City's computers. New telephones will be installed and the City will own all the equipment after 36 months of paid service. The new service will be \$1,800 per month. The City opened bidding for the new service and received 11 bids.

Motion by Councilmember Reese to adopt Resolution 09-17 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 thereof -

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

9. Comments:

a. Administration/City Manager Advise and Consent

1) Followup on security of the City's funds - Wells Fargo

Mayor Weese said the City has more money in one of the current bank accounts than the FDIC will insure. The Council discussed the possibility of depositing funds into separate banks. Mayor Weese said he and Recorder Hess had met with representatives from Wells Fargo Bank to discuss options. The City will soon spend down existing funds for projects like the new well, a new DAF Clarifier at the Treatment Plant, and road repairs.

Curtis Roberts explained how banks must apply to the Money Management Council to qualify for deposits from government entities. The Council felt comfortable with keeping the City's bank accounts as they are now.

Motion by Councilmember Deakin to keep the City's bank account funds as they are. Motion seconded by Councilmember Fridal. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

2) Compensation for covering for the Manager

Motion by Councilmember Reese to compensate Mayor Weese for sitting in for the City Manager. Motion seconded by Councilmember Wood. Motion seconded by Councilmember Fridal. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

b. Council Reports

Councilmember Holmgren informed the Council that the Library is in need of volunteers to spruce up the garden areas at the Library. Those willing to help can meet at the Library Wednesday, May 6, 2009 at 5:50 p.m.

Councilmember Fridal said the City has a good group of Councilmembers and

appreciated serving with them.

Councilmember Wood said the Senior Center had their ribbon cutting ceremony for the new Center on April 30, 2009. He invited the local clubs to visit the Center.

Councilmember Wood also reported that the walking trail at the new hospital will progress as soon as the property is deeded over to the City. Part of the funding for the trail will come from this year's budget and part will come from next year's budget. Councilmember Wood asked a member of the Women's Civic League in the audience if the City had received their donation for the Trail yet. **Diana Doutre** from the Civic League said the League had given the City a facsimile of the check and is looking into obtaining additional donations for the Trail.

Mayor Weese said the hospital is going to fill in the ditch on the east side of the hospital in front of their property. The Trail will begin at the Jeannie Stevens Park with eight-foot wide concrete sidewalk, then go northwest turning to asphalt and continuing west, then turning north and east to 1000 West then returning to concrete. The asphalt trails will also be eight-feet wide. They hope that wheeled vehicles such as bicycles and strollers will be allowed on the Trail. The Trail will go around the perimeter of the hospital.

Councilmember Deakin thanked Mayor Weese for helping the City.

Councilmember Deakin reported to the Council that Emergency Preparedness Director, Jim Hess, had obtained the Tamiflu Vaccination for the City several months ago and it is still available for purchase. The City has also prepared for other situations with disinfectants, gloves, and masks.

Mayor Weese said he receives updated reports on the current Swine Flu Virus. The State Health Department is on top of the situation.

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

Greg Madsen told the Council that he is sponsoring a competitive baseball team and would like to place a vending cart at the City's North Park where the team plays their ball games. The proceeds from the concession go toward the team only, and they are registered as a nonprofit organization. The Team is committed to leaving the field better than when they arrived. Recreation Director, Marc Christensen, said he had talked with City Attorney, Dustin Ericson, and found that this is allowed as long as it doesn't interfere with any other contracts for concessions the City may already have in place. Recorder Hess told Mr. Madsen he would need to obtain a health food permit and a sales tax license along with a city business license. Mr. Madsen asked if would be all right to park his cart on the City street.

Chief Nance said this would be allowed.

The Council agreed that this would be a great service for the community.

11. Adjournment

Motion by Councilmember Wood to adjourn the meeting. Motion seconded by Councilmember Deakin. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved. The meeting adjourned at 9:10 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 _____, 2009.

Darlene Hess, Recorder