

**TREMONTON CITY  
CITY COUNCIL MEETING  
May 19, 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 15, 2009 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. Those in attendance were Mayor Weese, Councilmembers Deakin, Fridal, Holmgren, Reese, and Wood, Police Chief David Nance, Zoning Administrator Steve Bench, Public Works Director Paul Fulgham, Recorder Darlene Hess, and Treasurer Sharri Oyler. The Council reviewed the agenda and discussed the following items in detail.

- ▶ The Council discussed the upcoming Public Hearing to annex the Brough property. The annexation went to the Boundary Commission and received their approval. The people opposing the annexation do not have the authority to do so since they are not residents of Tremonton. The issues involved with the Agricultural Protection Program have been satisfied as well.
- ▶ Mayor Weese informed the Council of the guidelines for those wishing to speak during the Public Hearing. A Public Hearing is not open for dialogue or discussion. The Public Hearing is to decide on annexation, not a subdivision.

Councilmember Deakin arrived at 6:10 p.m.

- ▶ Mayor Weese informed the Council that Treasurer, Sharri Oyler, had compiled a list of ambulance and utility accounts to be written off. Some of these accounts date back to 2003. These accounts have been sent to a collection agency with no favorable results or payments.
- ▶ Councilmember Deakin informed the Council that Planning Commission Member, Kasey Thompson, has said he must leave the Board due to conflicts with his work schedule. Councilmember Deakin will present a name for the approval of Mr. Thompson's replacement at another Council Meeting.

Meeting adjourned at 6:39 p.m.

## CITY COUNCIL MEETING

Mayor Weese called the May 19, 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, Public Works Director Paul Fulgham, 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 Wood and the Pledge of Allegiance was led by Councilmember Deakin.

### 2. Approval of agenda

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

**Motion by Councilmember Holmgren to approve the May 5, 2009 agenda.** Motion seconded by Councilmember Deakin. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

### 3. Approval of Minutes - May 5, 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 May 5, 2009.** Motion seconded by Councilmember Wood. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

### 4. Public Hearing

Mayor Weese opened the Public Hearing at 7:03 p.m. with 36 people in attendance to consider the following:

- a. To consider annexing property to Tremonton City - Brough Annexation

Councilmember Wood declared a conflict of interest and left the podium.

Mayor Weese asked how many people wanted to speak during the Public Hearing? Eight people raised their hands to speak. Mayor Weese informed the audience that this was a Public Hearing to take public input. There will be no specific dialogue, however, each individual will be allowed three minutes to present their views or

concerns.

**A. L. Hansen** said he is concerned with who will be responsible for the roads in this new subdivision. Mr. Hansen said he has farmed this area for many years and is concerned about the interaction between additional traffic and farm equipment.

**Ricky Hansen** said he is also concerned about maintenance of the roads, drainage and sewer issues.

**Mayor Weese** reminded the audience that this is a Public Hearing for annexation of land only and not to consider development.

**Fred Selman** said that Governor Leavitt established an Agricultural Protection Development several years ago to help protect farmers and ranchers from urbanization. Mr. Selman is concerned about the effect this development will have on existing canals and irrigation systems the farmers use. Mr. Selman said the Canal Company will be held responsible for problems with the irrigation system and not the City. Mr. Selman wants to protect ditches and waterways.

**Vicky Hansen** said she is concerned with the roads, safety, and the capacity to handle additional traffic.

**Diana Harris** said she is in favor of allowing people to develop their own property as they wish, however, this development affects all residents. Ms. Harris asked the City to be considerate of the safety issues involved with this development. Ms. Harris said her property extends out into the middle of the road. An easement was granted to the County for the roadway.

**Mayor Weese** again reminded the audience that this Public Hearing is to address the annexation of land only and not any part of a subdivision.

**Attorney Brandon Baxter** representing residents opposed to the development said his clients are not opposed to growth and annexation as long as it is in accordance with the spirit and letter of the law. Mr. Baxter said he feels the annexation is flawed with unclear boundaries and has the existence of peninsulas. Boundaries were moved to exclude those opposed to the annexation and include those who favored the annexation. Developments should be consistent with the existing community. This area is historically an agricultural community. Mr. Baxter said the City needs to have more vision.

**Attorney Amy Hugie** representing the Brough Annexation said the audience has valid issues pertaining to the subdivision process. This annexation will not change or increase traffic in this area. The annexation will only redraw boundary lines. The entire Tremonton area community is still considered rural and agricultural and probably always will. Mr. Brough has satisfied all requirements and stipulations along with following all guidelines required by the County and the City for the

annexation process. Mr. Brough will continue to abide by all other requirements for any additional development approval.

**Curtis Brough** said he proposed this annexation two and one half years ago. He received annexation guidelines and direction from Tremonton City and has jumped through hoops to satisfy all regulations as stipulated. Any future development will also be done the right way. He has professional people to help with the development. The issues brought up here have been brought before the Boundary Commission and met their approval. Mr. Brough asked the City to accept his proposal for annexation at this time.

**Ramona Hull** said that her husband and son are here today because of the rescue efforts of the Tremonton City Police Department. Ms. Hull said that an annexation leads to a subdivision which will lead to hundreds of cars in this area.

**Michael Yates** said he appreciates his neighborhood and community and understands property rights. Mr. Yates asked the Council to consider helping keep the character of the community and consider the roads in the new development by making them adequate. The City does not want the 1200 North Street in this development and neither does the County. Mr. Yates said he visited with Councilmember Deakin and said that Councilmember Deakin said he didn't care if they had a mess or not and he just doesn't care about this road. Mr. Yates said the County told him if the City approves this annexation then the City will be responsible for the 1200 North Street. Please do not leave the community in a mess with this road.

**Mayor Weese** said the Council will do their best to do what is right.

**Tremonton City Attorney, Dustin Ericson,** said the City reviewed and discussed the issue of peninsulas with Utah League of Cities and Towns Attorney, Dave Church, and the County Attorney and found the annexation meets all code requirements.

**Councilmember Deakin** said the City is not annexing the road in question and it is not part of the City's decision at this time. This does not mean the City or Council does not care.

**Councilmember Reese** said he has mixed emotions with this situation. Each and every person in the audience would be upset if anyone opposed their rights to develop their own property. Councilmember Reese hopes that all individuals concerned will come to equal ground on these issues.

**Councilmember Holmgren** said he feels a sense of cooperation with the individuals involved and acknowledged the valid concerns with the sensitive and emotional issues. The Broughs have property rights. The City hopes the residents will work together with the Broughs on these issues. The City also respects the rights of the agricultural situation.

**Councilmember Fridal** said this is an unusual situation. He has known most of these people for many years and sympathizes with each group. He had a similar situation on property he owned out in Bothwell several years ago as well. The City is concerned about all of the issues and does not take them lightly. The City and Council will comply with all rules and regulations.

**Shelly Lewis** asked the Council where the City water for this development will come from? Where will the piping go?

**Mayor Weese** said the City will have to wait to see maps from the developer. There are various directions the water could be routed from. It hasn't happened yet. If the Broughs decide to subdivide the property, they will have more hoops to jump through. The engineers will work that out for the best of all concerned.

**Gary Harris** said he is concerned with two Councilmembers, Fridal and Holmgren, who have done very well financially with subdividing and developing property which gives favoritism to the Broughs. Is this a legitimate concern?

**Mayor Weese** said Councilmember Wood had excused himself from voting on this annexation because he felt he had a conflict of interest. Mayor Weese said he would not have felt bad if Councilmember Wood had stayed. Mayor Weese told the audience that he trusts each of the Councilmembers to do what is best. Someday the people in the audience may sit in one of these Council seats or in another community. The five men on this Council will do what they feel is right for the community.

Mayor Weese closed the Public Hearing at 7:35 p.m.

5. Introduction of guests:

This Item was deleted from the agenda.

6. Common Consent:

a. Consider approving the April Warrant Register

Mayor Weese asked if there were any questions on the Warrant Register? No comments were made.

**Motion by Councilmember Reese to approve the April Warrant Register.** Motion seconded by Councilmember Deakin. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

b. Consider approving the April Financial Statement

Mayor Weese asked if there were any questions on the April Financial Statement?

No comments were made.

**Motion by Councilmember Reese to approve the April Warrant Register.**

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. Permit to distribute handbills - Michelle Hards

Item deleted from the agenda as Ms. Hards was not present at the meeting.

- b. Private Club application - Don Anderson of Western Billiards

Don Anderson, owner of Western Billiards, told the Council that laws have changed stating he does not have to be a private club so he wants to obtain a liquor license. Mr. Anderson must obtain approval from the City before the State will give their approval.

Mayor Weese told Mr. Anderson if he wants to change his liquor license from serving beer to serving hard liquor he may also need to change his business. There is a requirement stating liquor cannot be sold within 600 feet from a church. A church has been established across the street since he obtained his first license. There may be a problem in obtaining a new license if this is considered a change of business. Mr. Anderson will look into the matter further and contact the State then return to the Council when he has obtained this information. Mr. Anderson was told he should also talk with Police Chief Nance regarding City's regulation on this matter.

8. New Council Business:

- a. Consider Ordinance 09-14 annexing property to Tremonton City - Brough Annexation

Councilmember Wood declared himself a conflict from voting on this item.

Mayor called for a motion on this item.

**Motion by Councilmember Fridal to adopt Ordinance 09-14 annexing Brough Property into Tremonton City.**

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

Councilmember Holmgren said the Council does not have any personal favorites with

specific individuals. If anything, the Brough Development could be considered competition for him. Councilmember Holmgren said he considers the people of East Tremonton to be his friends.

- b. Consider Resolution 09-18 amending its Articles of Incorporation - Brough Annexation

**Motion by Councilmember Deakin to approve Resolution 09-18 amending its Articles of Incorporation to include the Brough Annexation.** Motion seconded by Councilmember Reese. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- c. Consider Resolution 09-19 approving an Interlocal Agreement for Ambulatory Services with Bear River City

**Motion by Councilmember Wood to accept Resolution 09-19 approving an Interlocal Agreement for Ambulatory Services with Bear River City.** Motion seconded by Councilmember Fridal. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- d. Consider Utility Billing write-offs

Mayor Weese said the City has uncollectible Utility and Ambulance accounts from people just traveling through Tremonton along with people who have passed away, and others who had declared bankruptcy. The City has sent these accounts to a collection agency with no results. The Council discussed the options of tracking these individuals' Social Security Number and garnishing their tax returns or sending these debts to credit bureaus.

**Motion by Councilmember Reese to write off uncollectible Utility debts as presented.** Motion seconded by Councilmember Wood. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- e. Consider Ambulance write-offs

**Motion by Councilmember Reese to write off uncollectible Ambulance debts as presented.** Motion by seconded Councilmember Wood. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- f. Consider appointment of Jean Humphreys to the Library Board

Councilmember Holmgren said the Library has selected Jean Humphrey to fill the

vacant opening on the Library Board. Ms. Humphreys is a life long resident of the community and will be an asset to the Board.

**Motion by Councilmember Holmgren to appoint Jean Humphreys to the Library Board.** Motion seconded by Councilmember Deakin. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

9. Planning Commission recommendation(s):

a. Draft consideration of Small Wind Energy System

Administrator Bench informed the Council that an individual wants to sell power generators to residents of the City. The Planning Commission has reviewed several drafts of this proposal. The generators will be between 40 and 75 feet high. Existing communication towers in the City are approximately 196 feet high. This is regulated by the State. The generators will cost approximately \$15,000.00 per unit. Councilmember Holmgren said an unofficial wind survey had been taken in the City with results of 82 days out of 870 an average of 13 miles per hour winds. The Council discussed this item and felt it should be tabled and put on the agenda for the June 2, 2009 Council Meeting.

10. Comments:

a. Administration/City Manager Advise and Consent

1) Budget Workshop scheduled for May 20, 2009 at 5:30 p.m.

Mayor Weese reminded the Council of the Budget Meeting to be held Wednesday, May 20, 2009 at 5:30 p.m. in the Civic Center Building.

Director Paul Fulgham informed the Council of progress at the new well. Testing has proven the well to be good at 1,000 gallons per minute. It is now up to the Council to negotiate with the owner to purchase the well.

b. Council Reports:

**Councilmember Wood** said he would be out of town on Wednesday for the Budget Meeting.

**Councilmember Fridal** said the Women's Civic League would like a copy of the City's new logo. Administrator Bench will provide the logo.

**Councilmember Deakin** said the Planning Commission had received complements on the trash dumpsters put out by the City during the Cleanup Week. He has also

received a compliment on the City's Newsletter. Ms. Margaret Ann Buxton asked if the City would consider providing a Community Garden space for residents to either rent or use to grow gardens. The Council asked about empty City property West of town? Director Fulgham said the area does not have any water facilities.

**Councilmember Holmgren** asked if there were an ordinance requiring empty or vacant lots to be kept clean. Administrator Bench said the City does have a nuisance ordinance. Councilmember Holmgren asked representatives from the newspapers if they would print an article asking residents to keep their lots and yards clean and free of weeds. The Council mentioned a problem with a significant amount of debris collecting at Rhodes Conoco east of town.

**Mayor Weese** said a spin-off company from Proctor and Gamble is considering doing business in Tremonton called "Project Jill." Director Fulgham asked the Mayor if he would let Paul know of any new business or entity that would have an impact on the Waste Water Treatment Facility. He had recently attended a conference on pretreatment where he learned about new regulations.

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

**Nancy Fuller** said Brigham City rents out ground by their Lincoln Center for gardening.

- 12. Adjournment:

**Motion by Councilmember Holmgren 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 8:14 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.

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Darlene Hess, Recorder