

**TREMONTON CITY CORPORATION
CITY COUNCIL MEETING
October 6, 2009**

Members Present:

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

CITY COUNCIL WORKSHOP

Mayor Weese called the October 6, 2009 City Council Workshop to order at 6:04 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, Reese, Holmgren, and Wood, City Manager Shawn Warnke, Police Sergeant Todd Hunsaker, and Recorder Darlene Hess. The Council reviewed the agenda and discussed the following items in detail.

1. Review of agenda items on the 7:00 p.m. Council Meeting.
 - ▶ Councilmember Holmgren handed out maps of an area of City property west of town which the County would like to purchase for construction of a new Extension Office.

Administrator Steve Bench arrived at 6:08 p.m.

2. Receiving paper or paperless copies of revisions to the Revised Ordinances and Tremonton City Code - City Recorder.

Recorder Hess asked the Council if they would rather receive copies of the City's Revised Ordinances on paper or on CD's? The Council gave their individual preferences to Recorder Hess.

The meeting adjourned at 6:56 p.m. by consensus of the Council.

CITY COUNCIL MEETING

1. Opening Ceremony

Mayor Weese called the October 6, 2009 City Council Meeting to order at 7:01 p.m. The meeting was held in the Tremonton City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Mayor Weese, Councilmembers Deakin, Fridal, Holmgren, Reese, and Wood, City Manager Shawn Warnke, Zoning Administrator Steve Bench, Police Sergeant Todd Hunsaker, Library Director Kim Griffiths, Recreation Director Marc Christensen, and Recorder Darlene Hess were in attendance.

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 hall for this portion of the meeting. The prayer was given by Councilmember Reese and the Pledge of Allegiance was led by Councilmember Fridal.

2. Approval of agenda.

Mayor Weese asked if there were any changes to the agenda? Councilmember Holmgren said the Library is not ready to have Item 8j voted on at this time and asked to have Item 8j removed from the Agenda. Mayor Weese said that Resolution 09-30 in Item 8b should read Resolution 09-30A.

Motion by Councilmember Holmgren to approve the October 6, 2009 Agenda with the removal of Item 8j and change Resolution 09-30 in Item 8b to Resolution 09-30A. Motion seconded by Councilmember Fridal. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

3. Approval of Minutes - September 15, 2009 and September 16, 2009.

Mayor Weese asked if there were any changes or corrections to the minutes? Councilmember Deakin said that he wanted to change the statement in the September 15, 2009 minutes, page six, paragraph eight to read: Maybe the bar could consider moving to another location.

Motion by Councilmember Wood to approve the minutes of September 15, 2009 and September 16, 2009 and change the wording on the September 15, 2009 minutes, page six, paragraph eight to read: Maybe the “bar” could consider moving to another location. Motion seconded by Councilmember Deakin. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

4. Proclamation

a. Domestic Violence Awareness Month - Annette MacFarlane representing “Your Community in Unity.”

Annette MacFarlane representing the “Your Community in Unity” introduced Paulette Garren who has been their Board President for the past 13 years. Ms. Garren then read their Domestic Violence Proclamation. Ms. Garren informed the Council that some residents do not believe that domestic violence is a problem in this area. Ms. Garren said it is a very real problem in our community. Ms. MacFarlane said that domestic violence is on the rise and statistics show an increase in incidents. One in four women is a victim of domestic violence. Ms. MacFarlane said they have a good relationship with City’s Police Department and thanked them for their support along with the contribution from the City for general services. The Women’s Shelter is located at 700 South 450 East in Brigham City. The Shelter can house up to 14 people and more if the need arises.

Motion by Councilmember Deakin to authorize Mayor Weese to sign the Domestic Violence Proclamation. Motion seconded by Councilmember Reese. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

5. Request to be on the agenda (not an action item).

a. Update on the Boys and Girls Club - Jenny Schulze

Jenny Schulze and Jeunezlle Jeffries representing the Boys and Girls Club informed the Council of the Club's effort to obtain a grant to hire a full time Director in the Bear River Valley area. The Club currently has afternoon programs at McKinley Elementary, Garland Elementary, and Harris Intermediate Schools, and they are hoping to have a statewide Teen Program begin this month. They also have summer programs. There has been an increase in need for after school programs. One trimester in the program costs \$25.00 per student. La-Z-Boy donated a van to the Club which has been a great benefit.

Ms. Jeffries said the Boys and Girls Club began service in Box Elder County in 1997. Since 2006 they have served more than 500 youth in this area. Ms. Jeffries said they appreciated the support from Tremonton City.

6. Introduction of guests.

Mayor Weese welcomed students from Mr. Littlefield's Class at Bear River High School and Boy Scouts who attended the meeting.

7. Public Hearing

Mayor Weese called the Public Hearing to order at 7:26 p.m. with 25 people in attendance to discuss the following:

- a. Concerning the proposed annexation of real property owned by the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints, a Utah Corporation Sole and Farmland Reserve, Inc. (Tax ID Nos. 05-180-0011 and 05-180-0009), within the areas defined in the Master Policy Declaration for future expansion by Tremonton City.

Administrator Bench pointed out on a map of the City the location for the annexation which is at 345 South 1000 West. Administrator Bench said a portion of the property is in the City limits, however, it is not enough to build on. The Church will build a church on three acres of the property and the remaining land will be used as farmland.

Mayor Weese asked if there were any other questions? No other comments were made. Mayor Weese closed the Public Hearing at 7:28 p.m.

8. New Council Business:

- a. Discussion and consideration of approving Ordinance 09-20 annexing 48.638 acres of real property (Parcel Nos. 05-180-0009 and 05-180-0011) and classifying the property as Rural Residential (R1-20) owned by the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints, a Utah Corporation Sole, and Farmland Reserve, Inc. located within the areas defined in the Master Policy Declaration for future expansion by Tremonton City.

Mayor Weese asked if there were any questions or comments on this matter? No comments were made.

Motion by Councilmember Fridal to approve Ordinance 09-20 annexing 48.638 acres of real property (Parcel Nos. 05-180-0009 and 05-180-0011) and classifying the property as Rural Residential (R1-20) owned by the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints, a Utah Corporation Sole, and Farmland Reserve, Inc. located within the areas defined in the Master Policy Declaration for future expansion by Tremonton City. Motion seconded by Councilmember Reese. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- b. Upon approval of Ordinance 09-20 by the City Council, discussion and consideration of approving Resolution 09-30A amending the Articles of Incorporation and authorizing Mayor Weese to sign a letter of certification by the municipal legislative body that all necessary legal requirements relating to the boundary change regarding the annexation of the Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints, a Utah Corporation Sole, and Farmland Reserve, Inc. have been completed.

Mayor Weese asked if there were any questions or comments on this matter? No comments were made.

Motion by Councilmember Fridal to approve Resolution 09-30A amending the Articles of Incorporation and authorizing Mayor Weese to sign a letter of certification by the municipal legislative body that all necessary legal requirements relating to the boundary change regarding the annexation of the Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints, a Utah Corporation Sole, and Farmland Reserve, Inc. have been completed. Motion seconded by Councilmember Wood. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion unanimously approved.

- c. Discussion and consideration of approving Ordinance 09-21 amending Title 3, Chapter 924, "Establishment of Manager Form of Government and creation of City Manager - appointment and qualifications of Manager" of the Tremonton City Corporation's Revised Ordinances.

Manager Warnke said there are different forms of government. One form is a Manager by Ordinance which requires the Council to adopt an ordinance creating the office of a City Manager and prescribing duties. Another is a Manager form which requires the vote of the people. The City needs to clarify the ordinance to say that the City created the office of City Manager and prescribed duties.

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

Motion by Councilmember Reese to approve Ordinance 09-21 amending Title 3, Chapter 924, "Establishment of Manager Form of Government and creation of City Manager - appointment and qualifications of Manager" of the Tremonton City Corporation's Revised Ordinances. 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. Discussion and consideration of approving Resolution 09-32 amending Resolution 08-09 “Prioritized and Approved Consolidated Capital Improvement List.”

Councilmember Deakin asked if the City is funded for these projects? Manager Warnke said the City funded for the Salsnes Filter and the cost will depend on what the bids come in at. The remaining projects have been funded for except for the sidewalks which are an ongoing effort. This resolution allows the City to be eligible for CDBG and CIB funding.

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

Motion by Councilmember Wood to approve Resolution 09-32 amending Resolution 08-09 “Prioritized and Approved Consolidated Capital Improvement List.” Motion seconded by Councilmember Holmgren. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- e. Discussion and consideration of adopting Ordinance 09-22 more fully establishing the Tremonton City Library Board .

Manager Warnke said the State requires Cities with libraries to create a formalized board and specify details and duties of the Board Members. The Councilmember over the Board will be a voting member and the meeting minute taking will be assigned to a staff member. Councilmember Holmgren said the Board said they wanted the Councilmember to be a voting member. Library Director, Kim Griffiths, said there are currently eight voting members on the Board. The Library Director is not a voting member.

Motion by Councilmember Holmgren to adopt Ordinance 09-22 more formally establishing the Tremonton City Library Board. Motion seconded by Councilmember Wood. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion unanimously approved.

- f. Discussion and consideration of approving Resolution 09-33 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 to enter into said agreement, and authorizing the execution and delivery thereof - 2010 Toyota Tundra D Cab 4X4.

Mayor Weese said this is a new vehicle for the Police Department’s K-9 Unit. The Unit was recently called to assist with an incident in Brigham City where the new K-9 dog, Buddy, performed as trained and found illegal drugs in a suspicious vehicle.

Sergeant Hunsaker said the Department has had Buddy for a year now and he became certified a week ago.

Motion by Councilmember Reese to approve Resolution 09-33 approving the form of the Equipment Lease Agreement with Zions First National Bank, Salt Lake City, Utah. Finding that it is in the best interests of Tremonton City to enter into said agreement, and authorizing the execution and delivery thereof - 2010 Toyota Tundra D Cab 4X4, with a correction to the wording of the

payment description on the explanation sheet to read “12 monthly payments” instead of “12 annual payments.” Motion seconded by Councilmember Wood. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- g. Discussion and consideration of authorizing bidding out the Senior Center roof repair.

Mayor Weese informed the Council that the roof on the new Senior Center Building is leaking. It was found that the cause of the problem was poor workmanship.

Councilmember Deakin said this is an unexpected expense and asked what account the funds for these repairs will come out of? Manager Warnke said he had visited with Senior Center Director, Marian Layne, and they discussed the possibility of applying for a grant. The Senior Center has already received a few donations from patrons of the Senior Center for the repairs. Manager Warnke said payment for the remaining amount may have to come out of the fund balance.

Motion by Councilmember Fridal to authorize bidding out for the Senior Center roof repairs. Motion seconded by Councilmember Deakin. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- h. Discussion and consideration of approving the City’s sponsorship of the Pumpkin Patch Walk.

Mayor Weese said the City will sponsor the Pumpkin Patch Walk by allowing the use of City property for the event. Manager Warnke said he had been told that Jessica from USU Bridgerland had donated supplies to the Chamber for this event. This year, the event will be held October 28th through the 31st.

Motion by Councilmember Wood to approve the City’s sponsorship of the Pumpkin Patch Walk. Motion seconded by Councilmember Reese. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- i. Discussion and consideration of approving Resolution 09-34 approving entering into a 60-month equipment lease agreement with Xerox. Finding that it is in the best interests of Tremonton City, Utah to enter into said agreement, and authorizing the execution and delivery thereof - a copier for the Fire Department.

Manager Warnke said this is a new copy machine for the Fire Department. The funds for the copier will come out of the Fire Department’s budget.

Motion by Councilmember Holmgren to approve Resolution 09-34 approving entering into a 60-month equipment lease agreement with Xerox. Finding that it is in the best interests of Tremonton City, Utah to enter into said agreement, and authorizing the execution and delivery thereof - a copier for the Fire Department. Motion seconded by Councilmember Wood. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye,

Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- j. Discussion and consideration of approving the appointment of Daniel Francom as a member of the Library Board.

Councilmember Holmgren asked to have this Item removed from the agenda.

9. Consent Agenda

- a. Approval of Resolution 09-35 ratifying the Enterprise Zone application.

Administrator Bench informed the Council that this will bring the City on track for tax breaks available to businesses within the Enterprise Zone.

- b. Approval of the Malt-O-Meal use of the City's Civic Center Parking Lot for the Buck a Bag Fund Raiser for United Way.

Mayor Weese said the City will block off the parking lot between the Civic Center and the Police Department for this event which will be held October 24, 2009. This event draws a lot of people and it is very generous of Malt-O-Meal to do this for the community. Malt-O-Meal also donates many boxes of cereal to the City's Food Pantry.

- c. Approval of Resolution 09-36 entering into a Worksite Learning Agreement with the Department of Workforce Services.

Mayor Weese said the Council already has an understanding of this item.

- d. Approval of the August Warrant Register.

Mayor Weese asked if the Council wanted to vote on the Consent Items together or separately? The Council agreed to make one vote to cover all the Consent Items.

Motion by Councilmember Holmgren to approve Consent Items a, b, c, and d. Motion seconded by Councilmember Wood. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

10. Comments:

- a. Administration/City Manager Advise and Consent

- 1) Administration of 2009 Budget.

Manager Warnke said the City has an ongoing effort to review and monitor the Budget. The City is only a few months into the current Budget year, however, there are a few issues which need to be addressed. The General Fund Revenue was budgeted at approximately \$84,000 in development, building permits, and inspection related fees. The City is currently at 5% and 3% of that budget. Heading into the winter months, it is not foreseeable that this will pick up any time soon.

Manager Warnke said the City had budgeted low on property tax revenue. Based on the Certified Tax Rate, the City will receive approximately \$30,000 more than what was budgeted.

On the expenditure side, Chief Nance has pointed out that a shortfall is projected in the Police Department benefit line item of approximately \$90,000. The City will continue to monitor the budget. This is a significant item to note. The budget is an estimate of expenditures and revenues which must be monitored throughout the year.

2) Recording of Notices on undeveloped lots.

Manager Warnke said the City had approved a 16-lot subdivision on 250 South 1000 West approximately ten years ago. The lots were recorded, however, the improvements were never installed. Since the lots have been recorded, they can now be sold to another party. The City may need to record a notice which will show up on a lot's title report which will give notice to potential property buyers that the City may not issue a building permit until improvements are installed. Administrator Bench is contacting the current land owner regarding this issue.

Manager Warnke said there are other subdivisions that have been approved and recorded without subdivision improvement guarantees. Manager Warnke suggested the City adopt an ordinance requiring sidewalks be constructed prior to issuing a Certificate of Occupancy. The City may also want to record a notice on recorded lots that do not have sidewalks as part of the subdivision bond. These notices would alert potential owners that they may be responsible for the installation of sidewalks. This may also allow the potential property buyer to negotiate the matter with the seller of the lot before the lots are purchased.

3) Exploring the Development of a Community Garden located at 100 West 102 South.

Manager Warnke said the Council had discussed this matter last Spring. The garden would be made up of planter boxes at an approximate cost of \$3,000 to \$5,000 with an option to place the boxes on either asphalt or grass. Businesses in town could possibly donate toward this project and it would be treated as a park facility. The Council discussed location options and the need to make sure the garden would be kept in good condition. The Council felt the City should wait until Spring to send out fliers to see if there is a public interest in the garden.

b. Council Reports

Councilmember Holmgren said the Museum Board has gone through the museum items that are stored at the Zollinger Barn and would like to have the Council see the items as well. Most of the items that were in the old museum were picked up by the owners. Whatever was not picked up was stored in the barn. Mayor Weese asked Recorder Hess to contact the Council when a date is set for them to view the museum items.

Councilmember Fridal said it is good to see the people in the audience. He also thanked the City's office staff for their work in putting together the information for the Council.

Councilmember Deakin thanked Manager Warnke for his presentations of Council and City documents. Manager Warnke said it is all a group effort.

13. Public comments: Comments limited to three minutes.

Alan Christensen said he works at IFA and has experience with garden planter boxes and would be happy to assist the City with the Community Garden should the Council decide to put this together. A young scout from the audience asked if the garden could be used by people living in Garland? Mayor Weese said the Garden should be open to whomever wanted to use it.

14. Adjournment

Motion by Councilmember Holmgren to adjourn the meeting. Motion seconded by Councilmembers Wood and Deakin simultaneously. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved. The meeting adjourned at 8:11 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