

**TREMONTON CITY CORPORATION
CITY COUNCIL MEETING
October 20, 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 TOUR

The Council met at the Zollinger's Historical Barn at 460 North 300 East in Tremonton at 5:30 p.m. to view museum items. Those in attendance were Mayor Max Weese, Councilmembers Fridal, Holmgren, and Reese and City Manager/Deputy Recorder Shawn Warnke. Also in attendance were members of the Museum Board Tamara Zollinger, Roberta Fronk, Audrey Johnson, Rita Rhodes, and Linda Kay Udy. The Council looked over the museum items stored in the barn and discussed setting up a memorandum of understanding between Tremonton City and the Museum Board, a non profit organization, to enter into a long term lease for property for a future museum. No decision was made.

The meeting adjourned at 5:50 p.m. by consensus of the Council and the Council returned to the City Council Meeting Room to attend the City Council Workshop.

CITY COUNCIL WORKSHOP

Mayor Weese called the October 20, 2009 City Council Workshop to order at 6:07 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, Zoning Administrator Steve Bench, Public Works Director Paul Fulgham, Police Chief David Nance, 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.
 - ▶ The Council discussed changing the wording on Ordinance 09-23 which will read:

1.04.005 LAND USE AUTHORITY BOARD. The Land Use Authority Board shall be comprised of five (5) voting members; a minimum of three (3) voting members must be present to constitute a quorum. ~~consist of five (5) members.~~ The City Council authorizes the following positions as members of the Land Use Authority Board at any meeting: City Manager, City Attorney, Building Official, Zoning Administrator, Public Works Director, Recreational Director, and City Engineer. The Chair of the Land Use Authority Board or designee shall coordinate which

~~positions are to participate on the Board at a given meeting as voting members. Any individual who is on the committee may be replaced either at their own request or the request of the City Manager or City Council, and a new member may be appointed by the City Council in the place of the individual leaving the Board.~~

- ▶ Manager Warnke reminded the Council that the City was going to write a letter to the developer of Country View Estates supporting the claims of its residents regarding recent water pressure issues. The residents were, also, to have written letters to the developer stating their concerns and then bring those letters to the City Office to send with the City's letter. Manager Warnke said he had not heard from any of the Country View residents.
- ▶ Councilmember Holmgren said the Museum Board is still trying to resolve the storage issue for museum items stored in the Zollinger barn. Councilmember Holmgren said the Museum Board had been given \$25,000 several years ago, however, the Board has been unable to locate any of this money.

The meeting adjourned at 6:45 p.m. by consensus of the Council.

CITY COUNCIL MEETING

1. Opening Ceremony

Mayor Weese called the October 20, 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, and Wood, City Manager Shawn Warnke, Zoning Administrator Steve Bench, Police Chief David Nance, Public Works Director Paul Fulgham, 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 lobby for this portion of the meeting. The prayer was given by Mayor Weese 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? No comments were made.

Motion by Councilmember Wood to approve the October 20, 2009 agenda. Motion seconded by Councilmembers Deakin and Fridal simultaneously. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

3. Approval of Minutes - October 6, 2009.

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

Motion by Councilmember Holmgren to approve the minutes of October 6, 2009. Motion seconded by Councilmember Reese. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

4. Introduction of guests.

Mayor Weese welcomed students from Mr. Littlefield's Class at Bear River High School along with Scouts and their leaders from Troop #139.

5. Common Consent - Consent Agenda

a. Approval of the September 2009 Warrant Register

Mayor Weese asked if there were any questions regarding the Warrant Register? Mayor Weese said the amount of \$460,964.50 on the Warrant Register is payment for slurry seal which was recently applied to several City streets. Director Fulgham said this seal will extend the life of the roads seven years.

Motion by Councilmember Reese to approve the September 2009 Warrant Register. Motion seconded by Councilmember Wood. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

6. New Council Business:

a. Discussion and consideration of the appointment of Election Judges for the 2009 Municipal Election.

Mayor Weese asked the audience if they knew when voting will be held this year? A young scout said voting is November 3, 2009. Voting is always held the first Tuesday, after the first Monday, in November.

Mayor Weese said there will be six Election Judges: Carol Merrell, Christy Asay, Crystal Tracy, Mary Summers, Cathleen Bowcutt, and Sandra Nelson. Mayor Weese asked if there were any questions? Councilmember Deakin said that some of the Election Judges are repeat volunteers and the City is thankful for their service.

Motion by Councilmember Deakin to appoint Election Judges Carol Merrell, Christy Asay, Crystal Tracy, Mary Summers, Cathleen Bowcutt, and Sandra

Nelson for the 2009 Municipal Election. Motion seconded by Councilmember Fridal. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion unanimously approved.

- b. Discussion and consideration of Ordinance 09-23 amending the individuals who may serve on the Land Use Authority Board.

Administrator Bench said the Land Use Authority Board Ordinance needed to be changed to allow for flexibility regarding the members serving on the Board.

Motion by Councilmember Holmgren to adopt Ordinance 09-23 amending the individuals who may serve on the Land Use Authority Board per changes made. 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. Discussion and consideration of Ordinance 09-24 amending Title 9 Licensing, Control and Regulation of Business and Construction, Chapter 9-700 Sexually Oriented Businesses, Part 9-710 title for Citation, specifically Items 9-728 License - Issuance Conditions, and 9-730 License - Notice of Change of Information, and Title 11 Transportation, Streets and Public Ways, Chapter 11-300, Streets and Public Ways, Part 11-380, Excavations, Specifically Section 11-394(1) Inspection and Acceptance.

Recorder Hess said the wording of this ordinance needed to be corrected to change the responsibilities of the Recorder and the Treasurer regarding the duties of business licensing and bonds.

Motion by Councilmember Reese to approve Ordinance 09-24 amending Title 9 Licensing, Control and Regulation of Business and Construction, Chapter 9-700 Sexually Oriented Businesses, Part 9-710 title for Citation, specifically Items 9-728 License - Issuance Conditions, and 9-730 License - Notice of Change of Information, and Title 11 Transportation, Streets and Public Ways, Chapter 11-300, Streets and Public Ways, Part 11-380, Excavations, Specifically Section 11-394(1) Inspection and Acceptance. Motion seconded by Councilmembers Wood and Holmgren simultaneously. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- c. Discussion and consideration of approving a change order for the Jeanie Steven's Park Trail with Rupp's Trucking.

Director Fulgham informed the Council that Rupp's Trucking and Excavating found a water bed at Jeannie Steven's Park where they were constructing the new walking

trail. Rupp's company trucks must travel across the trail in order to deliver the base for the trail which will create weak spots in the asphalt where the water base was found. Director Fulgham said Rupp's resolved the problem by digging down ten to twelve inches into the water bed and filling it with aggregate, or pit-run, to stabilize the ground for the asphalt. Additional sprinkler work was also required. This change order will result in an additional expense for the trail in the amount of \$15,386.20. Rupp's recommended waiting until spring to lay the asphalt. Rupp's agreed to keep the cost for the asphalt at the current price.

Manager Warnke said that portions of the trail connecting to existing sidewalks will be made of concrete.

Director Fulgham said the trail was made a walkable trail on October 19, 2009, however the City will wait until spring to lay the asphalt.

Construction for the trail, including the change order, will still be under the City Engineer's estimated budget.

2. Comments:

a. Administration/City Manager Advise and Consent.

- 1) For the Canvassing of Election, the City Council will hold a meeting on November 10, 2009 at 7:00 p.m. at the Public Works Meeting Room. A formal notice will be given.

Mayor Weese said the Council will meet to canvas the November 3, 2009 elections. The meeting will be held Tuesday, October 10, 2009 at 7:00 p.m. in the Public Works Building.

b. Council Reports.

Mayor Weese informed the audience that a dog had been donated to the Police Department a year ago. The K-9 dog, "Buddy", recently became drug search certified. Buddy is handled by Officer Chad Hayman.

Officer Hayman demonstrated the dog's search abilities and said the K-9 Unit was called out four times last week. A young scout in the audience asked how can the dog find packages of drugs in a car if the whole car smells like drugs? Officer Hayman said if the dog smells drugs in a vehicle, the officer is then allowed to detain the occupants of the vehicle and search the entire car for however long it may take.

Manager Warnke asked if it is considered probable cause when the dog smells drugs? Officer Hayman said yes, this constitutes probable cause.

Another scout asked if the dog had to wear a bullet proof vest? Officer Hayman said the dog is usually called in after a situation is made secure and he is not required to wear a vest.

Councilmember Deakin said the K-9 Unit was a good investment for the City.

Councilmember Wood said he was glad to see the scouts attend the meeting.

Councilmember Fridal said it was a good night for the scouts to attend the meeting.

Councilmember Holmgren reminded everyone that Election Day will be November 3, 2009 and he encouraged everyone to come out and vote.

3. Public comments: Comments limited to three minutes.

No public comments were made.

4. Adjournment

Motion by Councilmember Deakin to adjourn the meeting. Motion seconded by Councilmember Wood. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved. The meeting adjourned at 7:42 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