

**TREMONTON CITY CORPORATION  
CITY COUNCIL MEETING  
November 17, 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 November 17, 2009, 2009 City Council Workshop to order at 6:06 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 Chief David Nance, Recorder Darlene Hess, and Treasurer Sharri Oyler. 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 the October Warrant Register. Several invoices were discussed in detail.

Treasurer Oyler arrived at 6:13 p.m.

- ▶ The Council reviewed items on the Council Meeting Agenda.

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

**CITY COUNCIL MEETING**

1. Opening Ceremony

Mayor Weese called the November 17, 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, Recorder Darlene Hess, and Treasurer Sharri Oyler 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

Manager Warnke 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? The Council said they did not have sufficient time to review all the items in the Council packets and decided to table items 10 d, 10 h, and 10 i.

**Motion by Councilmember Wood to approve the November 17, 2009 agenda and table Items 10 d, 10 h, and 10 i.** 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 - October 20, 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 20, 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. Presentation/acknowledgment for the accomplishment of Darlene Hess obtaining the International Institute of Municipal Clerks (IIMC) designation of Master Municipal Clerk.

Mayor Weese read from a letter he had written to Recorder Hess along with a letter and plaque he received from the President of the International Institute of Municipal Clerks in recognition of Recorder Hess achieving the designation of Master Municipal Clerk. Mayor Weese said this accomplishment is equal to obtaining a Master's Degree. The City also gave Recorder Hess a planter. The local newspaper took pictures of Recorder Hess with Mayor Weese. Recorder Hess thanked the Mayor, City Council, City Managers, past and present, along with her family for their support over the years.

Mayor Weese said he was honored to have two employees receive this distinction. Previous Recorder, Norene Rawlings, also received this award.

5. Proclamation

a. 2010 Census Partner

Mayor Weese read the 2010 Census Proclamation and emphasized how important the Census is to the community.

**Motion by Councilmember Reese to allow Mayor Weese to sign the 2010 Census Proclamation.** Motion seconded by Councilmember Deakin. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye,

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

6. Introduction of guests.

Mayor Weese welcomed three scouts from Troop 133 and their leaders.

7. Common Consent - Consent Agenda

a. Ratifying of Disposal of City Computer Equipment.

Manager Warnke suggested that the City donate three old keyboards and three computer mice to DynaQuest to refurbish and then donate to schools.

b. Approval of the October Warrant Register.

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

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

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

a. Bear River Valley Care Center - Sarah Sinclair

Bear River Valley Care Center Administrator, Sarah Sinclair, handed out pamphlets on the Care Center to the Councilmembers. Ms. Sinclair said she had been appointed Care Center Administrator on October 12, 2009 and extended an open invitation to the Council to come see the Center and give input. Ms. Sinclair said the Center is now owned by Mission Health Services and is certified as a Skilled Health Center. The Center currently has between 28 and 30 residents and has space for 38 residents.

b. 959 South 1000 West Sewer Issue - Marlene Pingel

William Pingel, son of Marlene Pingel, told the Council that his family purchased a home at 959 South 1000 West two years ago which they use as a rental unit. The Pingels recently contacted the City asking about a cement structure in their back yard, and wanted to know if it was possibly a septic tank. The Pingels have been paying for City sewer service since May of 2009 and, therefore, assumed they were connected to the City's sewer system. Mr. Pingel said the City told him that the concrete structure in his yard was a septic tank, and that he was not connected to the City's sewer system. Mr. Pingel said he was told by the City that all residents living within 300 feet of the City's sewer system must connect to the system at a cost of \$1,932.20 for impact fees. The City will refund what Mr. Pingel has paid for sewer service in the amount of \$130.30, or put this amount toward the impact fees.

Treasurer Oyler said the previous owners and occupants of this residence have also paid for City sewer service since 2005 which, including Mr. Pingel's payments, totals \$1,122.69. Treasurer Oyler said the City did not know why sewer charges had been applied to this residence.

Mr. Pingel said he wanted the City to allow him the option of choosing whether or not to connect to the City's sewer system, and if they did choose to connect, would ask the City to waive the impact fee due to the unusual circumstances of the situation. Mr. Pingel also said that the plat on his property states that the residence is connected to the City's sewer system.

Councilmember Holmgren asked if the City's Ordinance would allow the City to waive this fee? Manager Warnke said the State would allow the City to waive the fee as long as it is stated so in the City's ordinances.

The City installed a sewer line in this area in 1984 and the area was annexed into the City in 1986. Mr. Pingel asked why the City had not required this residence be connected to the City's sewer system before now?

Councilmember Wood asked if there was a Grandfather Clause that would exempt Mr. Pingel from the current Ordinance requirement? Treasurer Oyler said the City's Attorney, Dustin Ericson, said Mr. Pingel would be required to connect to the City's sewer system according to the current City Ordinance.

Councilmember Reese said he was not comfortable with requiring a property owner to pay impact fees on something that should have been taken care of by the City long ago, including the billing error. The City does not know what the previous circumstances were, or why this connection wasn't required when the property was annexed into the City.

Councilmember Deakin suggested since the septic tank on Mr. Pingel's property is working now, maybe the City could give him time to contact the Title Company who did the plat and title search on his property for payment of the impact fees and connection.

Councilmember Fridal asked if the impact fees were \$1,900. in 1986 when this area was annexed into the City? Treasurer Oyler said there were no impact fees in 1986. Councilmember Holmgren said property owners were assessed a fee at that time to connect to the City's sewer system.

Mr. Pingel said his brother is a licensed contractor and asked if he would be qualified to do the sewer connection? Mayor Weese said if his brother was a licensed contractor then yes, he would be qualified to make the sewer connection.

The Council decided to give the Pingels six months to work out the issue with the Title Company. This item will be added to the Agenda at that time.

9. Public Hearing

Mayor Weese called the Public Hearing to order at 7:44 p.m. with eight people in attendance to discuss the following:

- a. Concerning the proposed annexation of real property owned by Jonathan Randy Grover and Loni Bird Grover (Tax ID No. 05-163-0038), within the areas defined in the Master Policy Declaration for future expansion by Tremonton City.

Mayor Weese said the Council had discussed this matter previously. The area to be annexed will consist of 1.13 acres.

Mayor Weese asked if there were any questions? **Jean Richer** asked what the address was of this annexation? Mr. Grover said it is directly north of his property at 2139 East Main Street.

With no further questions or comments from the audience or City Council, Mayor Weese closed the Public Hearing at 7:45 p.m.

10. New Council Business:

- a. Discussion and consideration of approving Ordinance 09-25 annexing real property owned by Jonathan Randy Grover and Loni Bird Grover (Tax ID No. 05-163-0038), within the areas defined in the Master Policy Declaration for future expansion by Tremonton City.

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

**Motion by Councilmember Deakin to accept Ordinance 09-25 annexing real property owned by Jonathan Randy Grover and Loni Bird Grover (Tax ID No. 05-163-0038), 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 09-25 by the City Council, discussion and consideration of approving Resolution 09-37 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 Jonathan Randy Grover and Loni Bird Grover annexation have been completed.

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

**Motion by Councilmember Wood to approve Resolution 09-37 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 Jonathan Randy Grover and Loni Bird Grover annexation have been completed.** Motion seconded by Councilmember Fridal. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved unanimously.

- c. Discussion and consideration of approving Ordinance 09-26 adopting a Housing Ordinance for the purpose of allowing a certain number of recreational vehicles (RV's) for temporary housing use within Town and Country Mobile Home Park and Aspen Grove Mobile Home Park.

Administrator Bench said Town & County and Aspen Grove Trailer Parks have requested the City allow them to designate 110 temporary RV housing units in their parks for employees of the Ruby National Gas Pipeline during construction of a new gas line which will be running through Box Elder County. The Ordinance will allow for RV units beginning January 2010 with a Sunset Clause set for July 2011. All utility connections are already in place.

Administrator Bench said the pipeline company requires background checks on their employees and there should not be any negative impact on the community. The families of the employees stay in their own hometowns, therefore, they will not be attending any schools in the local area. Councilmember Wood said this will be a win-win situation for the City.

**Motion by Councilmember Holmgren to approve Ordinance 09-26 adopting a Housing Ordinance for the purpose of allowing a certain number of recreational vehicles (RV's) for temporary housing use within Town and Country Mobile Home Park and Aspen Grove Mobile Home Park.** 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 Ordinance 09-27 allowing for the keeping of chickens in residential zones for the purpose of family food production.

This item was tabled.

- e. Discussion and consideration of approving Resolution 09-38 declaring intent to enter into a long term lease with the Bear River Valley Museum on City owned property.

Councilmember Holmgren said the Museum Board is asking the City to give tentative approval or intent to release City property, adjacent to the City Library, to the Museum Board for placement of a future museum facility. Councilmember Holmgren said the architect will design the Museum building to match the Library building.

Councilmember Deakin asked where the funding will come from for the new museum? Councilmember Holmgren said the Board is hoping to receive grants and local donations. The Board may also consider a possible partnership with the local Chamber of Commerce and Women's Civic League.

Councilmember Holmgren said there will be no financial impact on the City. The Museum Board is only asking for the City's support at this time.

**Motion by Councilmember Reese to approve Resolution 09-38 declaring intent to enter into a long term lease with the Bear River Valley Museum on City owned property.** Motion seconded by Councilmembers Holmgren and Wood simultaneously. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- f. Discussion and consideration of approving Ordinance 09-28 amending Title 12 Planning and Zoning, Chapter 12-100. Planning part 12-140 Building Permits by adding Section (3) requiring sidewalks be constructed as a requirement for receiving a building permit.

Building Administrator Bench said that in the past the City has only required developers of subdivisions to install sidewalks as each home is completed instead of installing sidewalks in the entire subdivision, due to the risk of the sidewalks getting broken during construction. A problem has however occurred where the development is sold, then an individual lot is sold to a third party which makes it unclear who is responsible for installing the sidewalk once a home is built. This new section of the ordinance will initiate the requirement of installing sidewalks as a condition of obtaining a building permit.

**Jean Richer** asked if a property owner would be required to install sidewalks if there were no other sidewalks in the area? The City will consider this matter on a case by case basis.

**Motion by Councilmember Reese to approve Ordinance 09-28 amending Title 12 Planning and Zoning, Chapter 12-100. Planning part 12-140 Building Permits by adding Section (3) requiring sidewalks be constructed as a requirement for receiving a building permit.** Motion seconded by Councilmember Deakin. Vote: Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion unanimously approved.

- g. Discussion and consideration of approving Ordinance 09-29 allowing for the extension of the expiration of primary and final plats, required improvements, and escrow bond requirements.

Building Administrator Bench informed the Council of the need to grant extensions to developers. Some developers have been unable to complete their projects due to the poor economy. Building Administrator Bench said this would be a temporary ordinance and each of the developers would be sent a letter informing them of the extension.

**Motion by Councilmember Holmgren to approve Ordinance 09-29 allowing for the extension of the expiration of primary and final plats, required improvements, and escrow bond requirements.** Motion simultaneously seconded by Councilmembers Reese and Wood. 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 Resolution 09-39 amending Sections: III Employee Hiring; XVI Benefits; and XVIII Leaves of Absence of the City's Personnel Policies and Procedures Manual.

This item was tabled.

- i. Discussion and consideration of approving Ordinance 09-30 modifying, replacing, repealing and/or adding to certain portions of Title 10 Fire, Health, and Welfare, Chapter 10-100 Fires - Department - Code, of the Tremonton City Corporation's Revised Ordinances, more particularly, Part 10-110 Department, adding Section 10-112 Rules and Regulations, and Part 10-120 Personnel and Duties, moving Section 10-122 Power and Duties of Chief to Section 10-125 and adding Section 10-122 Creation of Deputy Chiefs; repealing 10-123 Employees and replacing it with 10-123 Creation of Captains; adding Sections 10-124 Fire Department Employees, Section 10-126 Employees, and Section 10-127 Personnel Policies and Procedures.

This item was tabled.

11. Comments:

- a. Administration/City Manager Advise and Consent
  - 1) Consideration of a request by Garland Civic Club to support a Fund Raiser.  
  
Manager Warnke reported to the Council that the Garland Civic Club is asking for \$1,000 donations for renovations to the Bear River High School Auditorium. The Council discussed this request, however, they did not make a motion on the matter.

- 2) An overview of the 2010 City Council vacancy appointment.

Manager Warnke said the City will have to wait until the Councilmember seat is actually vacant before the position can be posted in January 2010. The City has 30 days from the date the vacancy occurs to fill the position. The notice for the position must be posted for two weeks.

- 3) Resolution approval for a template subdivision agreement.

Manager Warnke said the City is working on creating a future resolution to address an agreement between the City and developers to indemnify the City from certain liabilities.

No motion was made on this item.

Mayor Weese asked Recorder Hess to list Items 11.a.1 and 11.a.3 on the next City Council Agenda.

b. Council Reports

**Councilmember Wood** informed the Council that the Senior Center will be serving a Thanksgiving Dinner on Friday, November 20, 2009. Any Councilmembers who would be able to help serve are invited to attend. Councilmember Wood congratulated Recorder Hess for her accomplishment and extended appreciation from the Council for all her work for the City.

**Councilmember Fridal** informed the Council that ATK had donated an electric forklift to the Food Pantry and he thanked ATK for their generous donation.

12. Public comments: Comments limited to three minutes.

**Nancy Fuller** informed the Council that the Northern Region of the Daughters of the Utah Pioneers would like to donate to the local Historical Museum.

13. 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 8:16 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 S. Hess, Recorder