

**TREMONTON CITY CORPORATION
CITY COUNCIL MEETING
April 20, 2010**

Members Present:

David Deakin
Diana Doutre
Lyle Holmgren
Jeff Reese
Byron Wood
Roger Fridal, Mayor
Shawn Warnke, City Manager
Darlene S. Hess, Recorder

CITY COUNCIL WORKSHOP

Mayor Fridal called the April 20, 2010 City Council Workshop to order at 6:05 p.m. The meeting was held in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Those in attendance were Mayor Fridal, Councilmembers Deakin, Doutre, Holmgren, Reese, and Wood, City Manager Shawn Warnke, Recorder Darlene S. Hess, Police Chief David Nance, and Zoning Administrator Steve Bench. The Council reviewed the agenda and discussed the following items in detail.

1. Review of agenda items on the 7:00 Council Meeting:

The Council review the April 20, 2010 Agenda with the following items being discussed in more detail:

Councilmember Deakin arrived at 6:09 p.m.

- Councilmember Deakin asked if the hotel/motel owners were coming to the meeting to discuss the proposed Transient Tax. He was told that they had been notified. Councilmember Deakin stated that he had been thinking about the Transient Tax. He agreed with Manager Warnke that the tax has merit but wondered if, at this time of economic downturn, it was worth the \$15,000 it would raise. There are only four (4) businesses being affected, and they may feel they are being singled out.

Councilmember Holmgren stated that he was also somewhat opposed to the tax. The Council needs to be careful when talking about tax increases, but if it is decided to go ahead, it would be nice if the money went toward a purpose that helped bring more people to Tremonton, like tourism.

It was discussed that the transient tax would be one (1) percent, or \$1.00 per night on a \$100 room. This would be in addition to the four and one-half (4 ½) percent the County imposes. Though it is not much, it is a tax and would put some additional burden on the hotel/motel owners as they would have to change their invoices, computers, etc. Councilmember Deakin stated that one question he would like to ask the owners/managers, if they come this evening, is what their occupancy is. Councilmember Dautre said that she didn't think the regular tourist would notice an additional dollar on their bill. Councilmember Holmgren commented that it is still a tax.

- Recorder Hess asked the Council if they understood why the On-Premise Beer License application for Bear River Bowling was back on the agenda. She explained that the last time it was on the agenda, the Council told Chad Munns that they would provide him with a letter to the State indicating that when he met the all the State requirements, the City would issue him an On-Premise Beer Business License. Those requirements have now been met, and the minutes need to show that the beer license has been approved.

2. Discussion regarding the Bear River Valley Museum placing a shed on Tremonton City property

Councilmember Holmgren explained that the Museum Board would like to put a 14' X 30' shed at the Parks and Recreation property, just west of the Parks and Recreation building, for the purpose of storing some of the collection. However, if the Council would rather not have the building there, there is space at the Holmgren Farm where the shed could be placed. There is concern about how hot the interior of a shed can become and the effect it could have on some of the more valuable museum objects. Mayor Fridal suggested that those items be placed in the Civic Center basement.

The two major concerns the City has in placing the shed on City property are: 1) the City doesn't want to be liable for the objects; and, 2) this should not be a permanent arrangement. There needs to be a limit on how long the shed and items could be stored on City property. (Councilmember Deakin arrived at 6:09 p.m.) Councilmember Holmgren explained that there is no way of knowing how long the items would need to be stored. After some discussion, the Council decided that the shed could be placed at the Parks and Recreation area.

Manager Warnke asked if there should be an agreement drawn up. It was decided that there should be an agreement and that it should address liability as well as a time limit of five (5) to seven (7) years with a mechanism for renewal. Manager Warnke asked what should happen if the Museum Board dissolves. Councilmember Holmgren suggested that the

agreement could include the condition of a term, say five (5) years with a mechanism for renewal if both parties agreed, but add, “as long as the Board is solvent,” and that, if the Board dissolves, the agreement ends and the Board must arrange for disbursement of the museum items. There are a few items that have important Tremonton history. These items should be kept.

3. Update on the 2010 – 2011 Budget

Manager Warnke reminded the Council that a Budget Meeting has been scheduled for April 27th. At that time, things need to be finalized for the Tentative Budget adoption on May 5th.

Councilmember Deakin asked Manager Warnke where he found the additional \$150,000. Mr. Warnke replied that the Council’s suggestion was to try to “eat” some of the UTOPIA cost this year. There are Reimbursement Agreements between RDA #2, RDA #3 and the City. We have the tax increment that came in this year. Manager Warnke proposed that the RDA Budget be amended to use \$75,000 to pay the portion that is owed this year. The City has a year to re-pay the amount UTOPIA has already drawn out of the City account, so the City will just replace it in this fiscal year. At this point, the bank has pulled approximately \$82,000, but the City will replace \$75,000 this year and then try to pick up \$75,000 next year. The RDA Budget has to go through the Taxing Committee, so we will need to start the public process to see if they will allow the budget to be amended.

Councilmember Deakin suggested that Manager Warnke call the employees together to ease their minds about the budget and potential loss of income or employment. Sometimes people don’t say anything, but they are still concerned.

Manager Warnke stated that the General Fund is in good shape. There are a few small projects that the Council needs to decide on such as the proposed computer upgrade. He said he felt it would be appropriate to use the fund balance for this, if necessary, as it is a one-time expenditure that will bring about a pay-back due to lower operational costs. There is also a project with the Christensen’s; the City has a partner who will help fix a mistake that was made, moving a storm drain pond off a right-of-way, correcting an intersection, and also doing some landscaping at the storm drain pond. It is a project that should be considered as the City has someone who will help. Councilmember Doutre asked when this would take place. Mr. Warnke said it would be this summer. Mr. Warnke continued with other projects that would be good to consider, such as budgeting \$8,000 toward work on the City billboards and upgrading the sound system in the Council Chambers to include microphones for the tables and more speakers.

Mayor Fridal asked where things stood with the City beautification process. Councilmember Holmgren replied that he had spoken with Barney Barnett at Willard Bay Gardens. Mr.

Barnett is preparing a drawing, but the Council needs to come up with a budget that he can work with. Mr. Barnett will bring the plants and set them out. Volunteers will then be needed to come and plant them. The Youth City Council should be highly involved with this project. We need to make certain the sprinkler system is running before everything is planted. It may be a good time to start the project.

Councilmember Doutre asked if Mrs. Fuhriman needed help at the Library Park, and whether she is being paid or if she is a volunteer. Councilmember Holmgren explained that Mrs. Fuhriman is a City employee and that some of her time is dedicated to working on the grounds at the Library. It would be good to have some help doing the initial clean-up and planting, then she can maintain it.

Manager Warnke said that, within the Enterprise Funds, the Council needs to consider increasing the fees for the Sewer and Storm Drain in order for them to be self-funding.

At one of the Budget Meetings, the possibility of cutting back funds on some of the contributions the City makes to other entities, such as Your Community in Unity and the Boys and Girls Club was discussed. Councilmember Doutre said that, at a meeting she recently attended, a report from The Boys and Girls Club indicated that Tremonton City donated \$1,200 while Brigham City contributed \$50,000. She was informed that Tremonton City actually contributed \$2,000 last year. Councilmember Doutre didn't feel like Tremonton should cut back their donation as a lot of Tremonton youth utilize this program. Councilmember Reese stated that these are good programs, but if it comes to a choice between cutting an employee and contributing less somewhere else, we need to protect our employees. Manager Warnke stated that, when he prepared the proposed budget, he had decreased the contribution in proportion to the drop in revenue.

Councilmember Wood asked how things went at the meeting with Garland. Councilmember Holmgren stated that he felt things went pretty good – that they were much more receptive once everything was explained to them. When the possibility of Tremonton just charging them the going rates as a customer was discussed, Garland tried to say that we would have to pay them back for what they had already invested in the Treatment Plant. Manager Warnke explained to them that that was not how it worked. Public Works Director Paul Fulgham reminded everyone that Tremonton was already a long way into the Salsnes Filter Project and that we can't just stop and not do it. These are not the kinds of things one fixes when it is too late. Tremonton has the bulk of the say because we have the bulk of the people and we own the plant.

The meeting adjourned at 6:51 p.m. p.m. by consensus of the Council.

CITY COUNCIL MEETING

1. Opening Ceremony.

Mayor Fridal called the April 20, 2010 City Council Meeting to order at 7:02 p.m. The meeting was held in the Tremonton City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Those in attendance were Mayor Fridal, Councilmembers Deakin, Doutre, Holmgren, Reese, and Wood, City Manager Shawn Warnke, Recorder Darlene S. Hess, Police Chief David Nance, and Zoning Administrator Steve Bench.

Mayor Fridal 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 Mr. Hugh Clark and the Pledge of Allegiance was led by Recorder Darlene S. Hess.

2. Approval of agenda.

Mayor Fridal asked if there were any changes to the agenda. There were no comments.

Motion by Councilmember Wood to approve the April 20, 2010 agenda. Motion seconded by Councilmember Holmgren. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

3. Approval of minutes – March 23, 2010 and April 6, 2010.

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

Motion by Councilmember Reese to approve the minutes of March 23, 2010 and April 6, 2010. Motion seconded by Councilmember Wood. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion unanimously approved.

4. Introduction of guests

Mayor Fridal welcomed all those in attendance.

5. Common Consent – Consent Agenda

- a. Consideration of approving the March warrant Register

Councilmember Holmgren asked Manager Warnke to tell the audience about the \$323,741.25 expenditure to Wells Fargo Bank. Manager Warnke explained that this was the final payment on a bond debt, incurred for the purpose of repairing roads within the City.

Motion by Councilmember Holmgren to approve the March 2010 Warrant Register. Motion seconded by Councilmember Doutre. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- b. Consideration of approving the March Financial Statement.

Motion by Councilmember Reese to approve the March, 2010 Financial Statement. Motion seconded by Councilmember Holmgren. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- c. Consideration of approving Resolution 10-10 authorizing the Mayor to sign a professional service contract with Mountain States Contracting for track inspection on City owned rail spur.

Motion by Councilmember Deakin to approve Resolution 10-10 and authorizing the Mayor to sign a professional service contract between the City and Mountain States Contracting for track inspection on a City owned rail spur. Motion seconded by Councilmember Wood. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion unanimously approved.

- d. Consideration of approving Resolution 10-11 vacating the plat of the Johnson Estates Subdivision, including all public streets, right-of-way, and easements in accordance with Utah Code Annotated 10-9a-608.

Councilmember Deakin commented that the Planning Commission held a Public Hearing regarding this item.

Motion by Councilmember Wood to approve Resolution 10-11 vacating the Johnson Estates Subdivision Phase I, including all public streets, easements and right-of-ways. Motion seconded by Councilmember Deakin. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- e. Consideration of approving Ordinance 10-02 vacating the Johnson Estates Subdivision plat, including all public streets, rights-of-way, and easements, pursuant to Tremonton City Resolution 10-11 and Utah Code Annotated 10-9a-608.

Motion by Councilmember Holmgren to approve Ordinance 10-02 vacating the

Johnson Estates Subdivision Phase I, including all public streets, rights-of-way, and easements. Motion seconded by Councilmember Reese. Vote: Councilmember Deakin - aye, Councilmember Dautre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- f. Consideration of approving an On Premise Beer License – Bear River Bowling Center, owner Chad Munns.

Mayor Fridal explained that Bear River Bowling Center has complied with all the rules and regulations of Tremonton City and the State of Utah for an On Premise Beer License application.

Councilmember Holmgren stated that the public is probably wondering why the City would consider allowing another beer license, however, the City Ordinance allows for so many licenses per population, so, in approving this, the Council is merely following our own Ordinances. There were no restrictions which would prevent the Council from approving this On Premise Beer License, so the City is obliged to do so.

Motion by Councilmember Holmgren to approve an On Premise Beer License for the Bear River Bowling Center. Councilmember Wood commented that he felt it was good that the beer has to be served with food, and it will help the business. The owner has had a lot of requests for beer. Motion seconded by Councilmember Wood. Vote: Councilmember Deakin - aye, Councilmember Dautre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

6. New Council Business:

- a. Discussion regarding the possible adoption of a Municipal Transient Room Tax Ordinance of 1 percent on transient lodging within the incorporated limits of Tremonton City

Manager Warnke stated that Utah Code allows for cities to impose a Transient Room Tax (TRT) of 1% on charges for rooms, so if a room cost \$100.00, the tax would be \$1.00. Also, Box Elder County charges a 4.25% County TRT tax which is mostly restricted to the promotion of tourism. The municipal tax generated can be used for any general governmental purpose. Brigham City and Perry City have both adopted the Municipal Transient Room tax. There are a lot of services the General Fund provides, including roads, police protection, and fire services. Police protection is a service which hotels and motels perhaps have a greater demand for than other types of businesses. This Transient Tax could help to offset some of these costs.

Councilmember Wood asked Chief Nance if the police get many calls to these establishments. Chief Nance responded that they get quite a number of calls for a

wide range of things such as medical, various disturbances, and 911 calls.

Hotel/motel owners and managers within the City were invited to attend tonight's meeting to join in the discussion of imposing the TRT tax. Mayor Fridal asked if anyone from the hotel/motel industry was present and would like to make any comments.

Tysa Tree, General Manager at the Hampton Inn, said that they have concerns as they feel it is not the right time for another tax. A large portion of their occupants are corporate people who are bringing business to the community. Hampton Inn does not see a lot of transient customers. She asked the Council to consider who it is that they would be taxing. Also, Hampton Inn is a small business that is just trying to get started and an additional tax would affect them, as well. Councilmember Doutré asked if she thought that the estimated \$1.00 per night would stop someone from coming. Ms. Tree replied that it doesn't sound like a lot, but it does add up quickly and they are having trouble, as it is, with what they have to offer. The taxes they already have, a State tax plus the occupancy tax, amount to approximately 10%. It is more tax than people pay on food, and people, especially those from out of state, do notice it.

Councilmember Deakin thanked Ms. Tree for what they are doing at the Hampton Inn. It is something Tremonton has not had before. Councilmember Deakin asked what the occupancy is at the Hampton Inn. Ms. Tree said that this month they are running at about 50%. They are building up. Occupancy has been quite slow recently, and last year was slower than they expected, but it is starting to improve as they go into their busier season. The economy is definitely having an effect. When they first opened, it was a completely different story. Seventy (70) percent of their business was from people traveling, but people aren't traveling as much.

Councilmember Wood thanked Ms. Tree for coming and explaining their position. He expressed the opinion that it might not be the right time to impose another tax as the economy is in a tough shape. He suggested that the City look at it again in one year.

Councilmember Holmgren stated that he agreed and that the government's ability to impose a tax is a huge responsibility that shouldn't be taken lightly. The Council needs to be careful. Sometimes government gets the idea that the citizenry are there to serve the government, but it should be the other way around. The government is there to serve the citizenry. He did, however, recognize that Tremonton may be the only community in the County who has hotels or motels that doesn't impose the TRT tax. It was agreed that this issue should be put on the agenda at a later time and that the hotel/motel owners and managers will once again be notified.

Councilmember Wood stated that the Council shouldn't do anything that would deter people from coming to town, or people staying in our town. Sales tax is the City's biggest source of revenue, and when people come they usually spend money.

- b. Discussion and consideration of adopting Resolution 10-08 amending Sections XII Employment Classification/Compensation, XIII Salary Planning, and XIX General Safety of the City's Personnel Policies and Procedures Manual

Manager Warnke explained that most of the amendments are merely housekeeping items. It is important to review our Policies and Procedures from time to time and keep them up to date.

Motion by Councilmember Deakin to approve Resolution 10-08 amending Sections XII Employment Classification/Compensation, XIII Salary Planning, and XIX General Safety of the City's Personnel Policies and Procedures Manual. Motion seconded by Councilmember Doutre. Councilmember Wood commended Manager Warnke on his work in preparing these amendments. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- c. Discussion and consideration of approving Resolution 10-12 approving a template Sub division development agreement, owner's dedication and acknowledgment along with a process for approving the agreement.

Manager Warnke explained that the City's Development Code requires that we have a subdivision development agreement with every plat we approve, and the State Code authorizes municipalities to enter into subdivision development agreements.

There has been one change to the agreement since the Council last saw it. It is an unintended error of omission. Originally, the owner's dedication and acknowledgement was not included. On the plat itself, as land is dedicated to the City for public use, it is done by dedication language. This is what dedicates streets to the City. On the template, there is language for owner's dedication and acknowledgement, and the owner's dedication references the development agreement. The State Code also requires, along with the dedication, that it include the acknowledgement.

The template documents will be used for each subdivision but they can be modified for the unique aspects of each subdivision.

Resolution 10-12 also authorizes the Mayor to sign the agreement so long as the City Engineer and the City Attorney have signed it. Then it will be put on the agenda for the Council's ratification. Councilmember Deakin asked if there was something clearly out of the ordinary, would the agreement be brought before the Council first. Manager Warnke said that the staff would notify the Council of anything unusual, but the resolution doesn't say that. The language could certainly be added, however. Councilmember Deakin said that he was okay with the process in a routine situation; however, he would like to have any agreement with unusual conditions brought

before the Council first. Councilmember Wood suggested that it be brought up at the Land Use Authority Board that the Council should be brought aboard in unusual circumstances.

Motion by Councilmember Deakin to approve Resolution 10-12 approving a template subdivision development agreement, owner's dedication and acknowledgment and authorizing the Land Use Authority Board, the Mayor, and the Attorney to sign the agreement as long as they are substantially the same as the template agreement. The motion was seconded by Councilmember Holmgren.

Manager Warnke suggested that the language be incorporated into the resolution. or, if they preferred, the agreements could just come to the Council in every instance. The purpose of having the Mayor sign was to save time for the developers.

Councilmember Deakin withdrew his previous motion and moved to table this item and bring it back with the additional language included. The motion was seconded by Councilmember Holmgren. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion unanimously approved.

7. Comments:

a. Administration/City Manager Advice and Consent.

- 1) Discussion regarding a proposed professional service contract between the City and an individual to serve as the Off-Line Medical Director for the Fire Department

The City is working on renewing the EMS License. The Fire Department currently has an Intermediate License. Every couple of years the license needs to be renewed. The Bureau of EMS has changed some of the requirements and now requires a formal contract with an off-line Medical Director. This is a doctor who helps the EMS with protocol and patient care. Work is being done to formalize an agreement, including an exhibit which outlines the specific duties. This will hopefully be ready for the next agenda. Dr. DellRay Anderson has been serving as the Off-Line Medical Director. He is paid for this service.

b. Council Reports

Councilmember Wood told the audience how happy he was to have everyone attend the meeting.

Councilmember Doutre expressed how much she had enjoyed the Utah League of Cities and Towns Conference in St. George. She felt she learned a lot.

Councilmember Holmgren asked for volunteer help to refurbish the area around the Civic Center building with new plants and color. Scout groups, 4-H groups, the Youth City Council, or anyone else interested in helping plant plants, were encouraged to assist. This will be scheduled for around the middle of May. Councilmember Doutre said there is also a need for volunteer help for planting trees on Arbor Day.

8. Public comments: Comments limited to three minutes.

Mr. Hugh Clark stated that he had read in the Daily Herald that all the communities involved with UTOPIA would be meeting this week and asked if that had been scheduled. Manager Warnke told Mr. Clark that a public meeting has not been scheduled, but they anticipate that there will be one in the upcoming weeks. Mr. Clark requested that he be notified when a public hearing was scheduled.

9. Adjournment.

Motion by Councilmember Wood to adjourn the meeting. Motion seconded by Councilmember Deakin. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

The meeting adjourned at 7:45 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 Norene Rawlings.

Dated this ___ day of _____, 2010.

Darlene S. Hess, Recorder