

**TREMONTON CITY CORPORATION  
CITY COUNCIL MEETING  
May 4, 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 May 4, 2010 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 Fridal, Councilmembers Deakin, Doutre, Holmgren, Reese, and Wood, City Manager Shawn Warnke, Recorder Darlene S. Hess, Zoning Administrator Steve Bench, Public Works Director Paul Fulgham, and Police Chief David Nance. 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 reviewed the May 4, 2010 Agenda with the following items being discussed in more detail:

Councilmember Deakin arrived at 6:08 p.m.

- Manager Warnke stated that he had added a restriction to the Bear River Valley Museum contract stipulating that no outside storage would be allowed. Tamara Zollinger said that the Museum Board would like to move everything next week and was told that some site preparation was needed before the building could be placed on the property, but that the site work can be done right away. The Council discussed whether or not the City should require insurance on the building. It was felt that at least liability insurance be obtained by the Museum Board.
- Zoning Administrator Bench told the Council that the Planning Commission and been working on updating Title III of the City Code, the Public Works Standard, along with the Standards and Drawings. Manager Warnke called the Council's attention to one of the specification changes which calls for widening some sections of sidewalk to eight (8) feet, on one side, for the purpose of trail use. The LDS Church is putting a sidewalk in on Iowa String, and it would be a good time to take

advantage of their construction and put in the money to upsize it to eight (8) feet. Councilmember Holmgren asked if this would be an issue with the high level of traffic on Iowa String. Director Fulgham replied that it wouldn't be any narrower than it is right now, but the on-street parking would be limited at intersections. There would be a turn lane, but no on-street parking. Councilmember Reese told the Council that he had been approached by three residents from that area. They would like to know if the Council would consider placing the speed sign on the south side of the overpass because cars travel so fast through that area. Also, there will be more trucks traveling that road soon.

- Manager Warnke informed the Council that the City is coordinating with the church architects on this upsize. They would like some direction so they can move ahead. Councilmember Holmgren said he would like to see the Citywide Plan for the areas where the sidewalk width would be increased. Director Bench stated that it basically follows the City Master Plan for trails.

Mayor Fridal informed the Council that, as they have been somewhat concerned about the safety of City funds, he visited with Lyle Vance at Zions Bank. Mr. Vance did some research and, up until yesterday, Zions Bank guaranteed the City .0049 percent interest through the first of the year; and, despite the large balance, the funds would be 100% FDIC insured. This changed yesterday. Now the interest is .0025 percent, but the funds are still 100 percent guaranteed by the FDIC. This would be good until January 1, 2011, but Mr. Vance has no idea what will happen then. Councilmember Reese asked why the City wouldn't consider splitting up their funds in order to get a higher interest. Mayor Fridal responded that, in order to get a higher interest of .075 percent, the City would need to divide the funds between different banks with a maximum of \$250,000 per bank. There was some question as to whether that would be \$250,000 per bank or per account. Manager Warnke said he would look into this matter. Councilmember Reese suggested that the Council should look around. Mr. Vance has offered to come to City Council meeting and talk to the Council.

The meeting adjourned at 6:52 p.m. by consensus of the Council.

## **CITY COUNCIL MEETING**

Mayor Fridal called the May 4, 2010 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. Those in attendance were Mayor Fridal, Councilmembers Deakin, Doutre, Holmgren, Reese, and Wood, City Manager Shawn Warnke, Recorder Darlene S. Hess, Fire Chief Steve Batis, Zoning Administrator Steve Bench, Public Works Director Paul Fulgham, and Police Chief David Nance.

### **1. Opening Ceremony.**

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

Zoning Administrator Steve Bench and the Pledge of Allegiance was led by Mayor Fridal.

2. Approval of agenda.

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

**Motion by Councilmember Deakin to approve the May 4, 2010 agenda.** Motion seconded by Councilmember Doutre. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

3. Approval of minutes – April 20, 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 April 20, 2010.** Motion seconded by Councilmember Holmgren. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

4. Introduction of guests.

Mayor Fridal welcomed former Mayor, Max Weese, along with Boy Scouts from Troop 627, and all others who were present.

5. Public Hearing

- a. To consider adopting the proposed Tentative Budget entitled “The Tremonton City Annual Implementation Budget 2010-2011 (General Fund, Capital Fund, Enterprise Fund(s) and Special Funds and Special Improvement District #1)”, for the period commencing July 1, 2010 and ending June 30, 2011.

Mayor Fridal opened the Public Hearing at 7:12 p.m. Twenty (20) people were in attendance.

Manager Warnke explained that the budgeting process started in January of this year. There has been a lot of hard work and cooperative effort on this process along with holding meetings with the City Council to get direction on the budget. The upcoming budget year is going to be tight and the City is expecting a decrease in revenue of about 14%. Nevertheless, citizens should not notice a drop in services provided by the City. A lot of the cuts are a result of some savings realized in obtaining insurance bids, delaying capital expenditures like vehicles for a year, and some capital projects. There are some capital projects that the City is planning to do. About \$252,000 has been set aside for road projects. Among those projects is reconstruction of 350 North. There are other capital expenditures aimed at reducing operating costs. Rocky Mountain Power has a program whereby the City can receive

incentives for making energy upgrades. The City is looking at doing projects that have a short payback period and also some upgrades in computer equipment that will realize a reduction in expenditures related to the costs of operation and maintenance.

The enterprise funds are fairly healthy. A lot has been set aside for depreciation and some funds will be taken from the fund balance. The City has quite a few years to make up the depreciation expense and it is not expected that it will be made up in this fiscal year.

Councilmember Deakin commended Manager Warnke and the Department Heads for making the budget work. The City will not be losing any jobs and has been able to maintain salaries, something that has been of concern to the Council, and no programs have been cut.

Mayor Fridal called for comments from the audience. There were none. The Public Hearing was closed at 7:11 p.m.

6. Common Consent - Consent Agenda

- a. Consideration of approving Resolution 10-13 adopting the proposed Tentative Budget entitled "The Tremonton City Annual Implementation Budget 2010-2011 (General Fund, Capital Fund, Enterprise Fund(s) and Special Funds and Special Improvement District #1)", for the period commencing July 1, 2010 and ending June 30, 2011.

**Motion by Councilmember Wood to approve Resolution 10-13.** Motion seconded by Councilmember Reese. Vote: Councilmember Deakin - aye, Councilmember Doutre – aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

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

- a. Bear River Valley Hospital – Eric Packer and Shari Scott

Mary Marble and Kristi Reardon were present representing Bear River Valley Hospital. Ms. Marble thanked the City Council for their support of the hospital. The new hospital has been in operation for about a year and a half and things are going very well. Many new services are coming in including a new OBGYN, a new family practitioner, and the establishment of a Community Benefits Committee. The purpose of the committee is to work within the community to educate them on the services the hospital has and to find out what the community wants. Another new service the hospital has is the addition of a sleep lab. Ms. Marble asked Ms. Reardon to tell the Council more about the sleep lab.

Ms. Reardon informed the Council that it was the consensus of the community to have a sleep lab in Tremonton rather than having to go to Logan or Ogden to have a sleep study done. Ms. Reardon is a registered sleep technician and scores the studies during the night as well as initiating the C-Pak machines and testing to see if people have sleep apnea. Sleep apnea is becoming more and more common

with more awareness. Sleep studies are being done on Thursdays and Fridays, or as needed. They are trying to make the community aware that this service is available locally.

Ms. Marble told those present that there is a Health Fair coming up on June 19<sup>th</sup>. Businesses are encouraged to participate, and input on other services people might want would be appreciated.

Former Mayor Weese stated that he has had the opportunity to work with the people at the hospital and that it has been very gratifying. They are hard workers and the community is blessed to have this fine facility. He asked that Ms. Marble provide the figures on new baby deliveries. Ms. Marble replied that there were about ten (10) deliveries in April.

- b. Open fires and time of extinguishment for fires - Jared Grover and Allen Ostberg

Mr. Grover stated that Allen Ostberg was ill today and unable to attend. He requested that this agenda item be postponed until the next City Council Meeting so they could both be present. They will be scheduled for the next meeting.

8. New Council Business:

- a. Discussion and consideration of awarding a bid for the site work for Salsnes Filter Site Work – Director Paul Fulgham

Director Fulgham reported that the work for the new Salsnes Filter was broken out between the site work and the building, trying to keep some of the work in our community. There were three (3) bidders on the site work portion of the work. The estimate was around \$40,000. Landis Construction's bid was \$44,078.85, Rupp's Trucking bid \$29,625, and Grover's Excavation came in with the lowest bid at \$26,937. After reviewing all the bids, Clayton Grover's bid included everything and met all the requirements. It was recommended that the bid be awarded to Grover's Excavation.

**Motion by Councilmember Holmgren to award the bid to Grover's Excavation for the site work on the Salsnes Filter.** Director Fulgham informed the Council that the site work bid includes the demolition of the old oxidation ditch, the cement pond, back filling and compaction, as well as putting in a new roadway and parking area associated with the new building. Not included in this bid is some work to repair the fencing. 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. Discussion and consideration of awarding a bid for the Salsnes Filter Building – Director Paul Fulgham

Director Fulgham explained that the second bid is the actual building and piping work. There were nine bidders who bid on this project. The bids ranged from the

high bid of \$610,586 down to the low bid of \$434,160. The four (4) lowest bidders that qualified were Counterpoint Construction with a bid of \$457,331, Whitaker Construction (\$449,000), Raymond Construction (442,989) and Spindler Construction with the low bid of \$434,160. After reviewing Spindler's bid, it was a qualified bid, so they recommend that the bid be awarded to Spindler Construction out of Logan.

Councilmember Reese asked if the City has worked with Spindler Construction before and was told that the City has not, but our Engineer, Aqua Engineering has worked with them on a couple of projects for E.A. Miller and they have heard good things about them.

**Motion by Councilmember Reese to award the bid to Spindler Construction for the Salsnes Filter Building.** Motion seconded by Councilmember Deakin. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

Director Fulgham informed the Council that Spindler's bid is a little bit higher than the estimate of \$428,148, but not much higher. Councilmember Holmgren pointed out that the site work bid was considerably less than estimated. Director Fulgham said the original estimate for the entire project was \$1.3M. Last month they revisited the estimate figures and the new estimate is a little over \$900,000 which equates to a savings of about \$350,000. This is attributed to the timing: the economy, and how labor costs have come down. As a result, the City should be able to cash flow the project without having to borrow money to complete the project.

c. Update on Utah Telecommunication Open Infrastructure Agency (UTOPIA)

Manager Warnke explained that the City is a member of what is commonly referred to as UTOPIA. In the upcoming weeks the Council is going to be discussing some additional bond obligations to fund the construction and operations of UTOPIA. This is just to inform the Council and the public that in the future, most likely by the end of May, this will be an agenda item with a decision needing to be made on the additional bond. The bond would most likely be from the franchise taxes that the City receives on municipal energy.

Councilmember Deakin asked if UTOPIA wants the Council to give them some indication tonight on what the Council's intent is. Manager Warnke stated that he could pass along any preliminary direction from the Council, but UTOPIA is still working on bond documents. Any decision by the Council should be reserved until it is placed on the agenda, but if there are any issues or concerns the Council has, those could be passed along.

Councilmember Deakin explained that the Council has had a chance to meet with UTOPIA. They are short on money and therefore presented four options for member cities to consider in deciding how to proceed in the future: 1) close the UTOPIA doors, 2) keep muddling through, 3) try to find a buyer for the network, or 4) bond to provide more money. Clearly, they are promoting the fourth option

of increasing the funding and trying to grow out of it. Councilmember Deakin stated that he is uncomfortable with the fourth option for several reasons and feels more comfortable with trying to find a non-government buyer to purchase the system and therefore keep it going.

- d. Discussion and consideration of approving Resolution 10-14 entering into a ground lease with the Bear River Valley Museum, Inc. for property located at 614 North 1000 West.

Manager Warnke told those present that at the end of 2009 the City Council adopted a Resolution that contemplated the allowance and possible donation of City property for the construction of a museum. The Bear River Valley Museum Board is not in a position at this time to construct a building, but they do have a collection that needs to be stored in a secure location. The Museum Board has approached the City to see if they could place a temporary portable building on City property, located behind the City Parks and Recreation building, for the purpose of storing the collection. In order to formalize the request and what the City agrees to, there is a ground lease agreement which is before the City Council for consideration. The agreement allows for a three (3) year period of time giving the Council the opportunity to extend the agreement should they choose to do so. The agreement tries to make clear and address any issues with liability.

Councilmember Holmgren added that the Museum Board has purchased the building so the City is not out any money. They are just asking for a place to put the building so that they can store the collection. The Museum Board will cover their own insurance. Manager Warnke stated that there is a clause which allows the Museum Board to decide about obtaining insurance, and also a clause which states that the Museum Board will hold the City harmless. There was some discussion about requiring them to obtain some property insurance, but that requirement is not written into the agreement. There was also the discussion of requiring them to have general liability insurance. If that is something the Council would like, that needs to be added to the agreement.

Councilmember Holmgren said that the only thing that concerns him is the possibility that if there was an item in the collection that belongs to someone else and it was stolen or damaged that the Museum Board would have some liability insurance to protect them against that, and perhaps, some property insurance as well. Also, if there were a fire and it damaged one of the City's neighboring buildings that there would be some insurance to cover that. He recommended and felt the Museum Board would be agreeable to carrying some insurance.

**Motion by Councilmember Holmgren to adopt Resolution 10-14 with the addition of adding to Item 5 of the agreement that the Museum Board be required to carry liability insurance, so that the City is kept harmless, and recommending that they have property insurance as well.** Councilmember Deakin asked for clarification that the intent is to require that they carry liability insurance but to just recommend that they carry property insurance. He was told that he was correct. Motion seconded by Councilmember Wood. Vote: Councilmember Deakin - aye, Councilmember Dautre - aye, Councilmember Holmgren - aye,

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

- e. Discussion and consideration of adopting Resolution 10-15 approving a professional service contract between the City and an individual to serve as the Off-Line Medical Director for the Fire Department

Manager Warnke explained that the City is in the process of renewing its EMS License and one of the State's requirements is that the City have a formal contract with the City's Medical Director. In the past, the City has used Dr. DellRay Anderson and he has done a great job. In putting this contract together, the City has tried to be more definitive about the roles and duties of the Medical Director and so, attached to the contract, is a job description which is in the process of being refined. Mr. Warnke stated that he is working with the Utah Local Governments Trust to determine what the appropriate insurance is to have and who should be liable for it. A draft of the contract was provided to the Council. The Bureau of EMS has extended the City's license until the end of May so the process needs to be concluded by then. There have been discussions with Dr. Anderson but, at this point, he has not seen the formalized contract. Mr. Warnke noted that Chief Batis, Mark Thompson, and Collette Anderson, who have all worked with him on the contract, were present. Mr. Warnke will continue to refine the contract and put it on the May 18<sup>th</sup> agenda for possible adoption.

9. Unfinished Business:

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

Mr. Warnke stated that this is an item the City Council has discussed. The City Code requires that the City have a subdivision development agreement, and the State Code allows for City's to have development agreements. This would be an agreement between a subdivider and the City and would discuss such issues as general liability and required public improvements. The last time the Council discussed this issue it was determined that some language should be proposed which addresses the approval process. Two alternative languages have been provided for the Council's consideration. The first would be to always require the development agreement to come to the Council prior to the recordation of the subdivision. The second alternative would be to allow the Land Use Authority Board to decide if the subdivision agreement being executed is essentially the same as the template document, realizing that it is a template and that it will be modified to meet the specific circumstances of the subdivision. If the Land Use Authority does feel that it is essentially the same form as the template agreement, then the City Engineer would sign the agreement attesting to the fact that all the engineering requirements are in line, the City Attorney would sign the agreement signifying that all the legal requirements are being met, and then the Mayor would sign it. At that point, the document could be recorded with the subdivision plat. Then it would be brought to the City Council for ratification. This would allow the subdivider to move forward prior to being placed on a City Council agenda to shorten up the process.

Councilmember Deakin commented that, since agreements would be working off a template, option two (2) made the most sense to him. Councilmember Holmgren inquired how approval would be handled if there were ever variations from the template. Manager Warnke stated that, if there were ever unique requirements, then he thought that the Land Use Authority Board would make that determination and forward it to the Council for approval prior to the Mayor signs it. Councilmember Holmgren stated that he wanted it made clear that that is what would happen. Whenever there are variations, the Council needs to be made aware of what is going on.

**Motion by Councilmember Holmgren to approve Resolution 10-12 approving the template subdivision agreement, owner's dedication and acknowledgment using the language in option number two (2) with any deviations from the template being approved by the City Council.** Motion seconded by Councilmember Deakin. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

10. Planning Commission recommendation(s):

- a. Review and discussion of the proposed amendments to Title III and Standards Drawings

Zoning Administrator Bench said that, with a new City Manager, a new set of eyes are looking at some of the documents the City has had for years and providing new perspective. The changes to Title III are, in large, corrections of typing errors, punctuation, and form. The Planning Commission, the Land Use Authority Board and the City Engineer have all looked at the document and provided input to make certain the most current required infrastructure was included. The most significant change that was done was in the drawings. The City's Trail Plan was reviewed and an alternative plan is suggested for providing a wider sidewalk to be a part of the Walking Trail System. The standard road has a four (4) foot sidewalk on both sides plus a four and a half (4 1/2) foot parking strip. The alternate is an eight (8) foot sidewalk on one side. There would still be the four and a half (4 1/2) parking strip with the curb and gutter. The other side would be the typical four (4) foot sidewalk, four and a half (4 1/2) parking strip, and the curb and gutter. Where the difference would be made in compensating for the eight (8) foot sidewalk is in reducing the width of the asphalt by four (4) feet. There wouldn't be any loss of traffic lane, nor of shoulder, but when it comes to the intersection where parking will not be allowed, there would still be room for the left turn lane and enough stacking for the left turn. Most of the roads where this would be used and would tie in with the walking trail are collector roads where parking on the street typically is not allowed. In those instances we will try to either have two travel lanes or there will be a wide enough shoulder and wider travel lanes if there is just one travel lane per direction.

Councilmember Holmgren commented that some of the streets that will be

affected are Iowa String and Tenth North. He asked if there would still be enough room for trucks and semis that would be travelling on those streets. Mr. Bench replied that the size of the travel lane won't change. It will still be a minimum twelve (12) foot travel lane. It is the parking lane that is reduced by two (2) feet on each side.

Councilmember Wood asked if this was being done to tie into the Trail System. Mr. Bench replied that it was a way of trying to get something going on the trails. For the developers it will basically be a wash as they won't have to pay for the additional asphalt on the road and it will provide a wider safer walkway for bicycles and pedestrians.

Councilmember Deakin commented that the Planning Commission had held a Public Hearing on the changes. Mr. Bench told the Council that they will try to have this ready to be put back on the agenda for consideration at the May 18<sup>th</sup> meeting.

Manager Warnke said that one other change is that now, instead of just doing a chip seal on the roads, it will also require a fog coat. The City recently did a lot of road work. The following spring it was noted that a lot of those chips had come of. The fog coat would seal those chips.

Manager Warnke stated that there is an opportunity for the City to participate with the Church on upsizing the sidewalk. The Church would be willing to upsize the sidewalk if the City would pay the difference in the concrete.

11. Comments:

a. Administration/City Manager Advise and Consent

1) Budget amendments for 2009-2010 Fiscal Year

Mr. Warnke explained that the City is winding up the current fiscal year which ends June 30<sup>th</sup>. As part of the process, the Council always revisits the current year budget and makes any necessary amendments. As of the current date the City is about 83% through our fiscal year. The revenue is 78.2% of what had been projected, and the expenditures are 78.1% of the project amount. This is only about a \$3,000 difference. Manager Warnke said he will be bringing some amendments to the Council. If an account's bottom line has exceeded the budget, Mr. Warnke said his intent was to call this to the attention of the City Council. Just line items within the account will just be adjusted. If there are any grants received within the City for specific purchases, those line items will be increased to allow for the expenditures. These are the amendments Mr. Warnke plans to bring to the Council for their consideration. If there is something more that the Council would like adjusted, Mr. Warnke asked that he be given direction. Mr. Warnke said he would try to have some information to the Council by June 1<sup>st</sup>.

- 2) Discussion regarding making an interim appointment to fill the Tremonton City Public Defender vacancy

Mr. Warnke explained that the City has a Justice Court, and, as part of the Justice Court, a Public Defender is provided for those who can't afford public defense. The City has been using Travis Marker as the Public Defender, but Mr. Marker has moved. Mr. Warnke is proposing that the Council appoint an interim Public Defender so that the cases that are ongoing can proceed and there won't be a backlog. Mr. Warnke will then work on a spec which he would bring to the Council for the purpose of going out to bid to competitively secure the best individual to provide public defense.

Councilmember Deakin recommended that, when the City is ready to appoint a permanent Public Defender, we look locally. It may be a little awkward for the clients to have to go out of town for someone to provide their defense as well as taking business away from our local attorneys.

- b. Council Reports

**Councilmember Wood** stated that he would like to make a plea to the newspapers to mention that the City is looking for someone to serve as Youth City Council Advisor. The City is taking applications for perhaps two people. Interested parties may contact either Councilmember Wood, Mayor Fridal, or Manager Warnke.

**Councilmember Reese** gave kudos to Manager Warnke and the Department Heads for putting this challenging budget together. It is hard to work in a negative position and everyone had to tighten their belts. It was great they way it came together.

**Councilmember Doutre** expressed the same sentiments. Every night when you turn on the news you see how much trouble everybody is having in this economy. Tremonton City has come through this very well, probably due to Manager Warnke and his diligence.

It was great to have Tremonton's first Arbor Day. A tree was planted at the Senior Center. We look forward to continuing this tradition every year.

Councilmember Doutre stated that she had the opportunity this week to go to Hyrum and learn about land use. That was informative and educational for her and she appreciated the opportunity.

**Councilmember Holmgren** congratulated the City Manager, the Department Heads, and everyone else who helped put this budget together. It was a difficult process. He also recognized his fellow City Councilmembers and the way the City went through the budget process this year. There was a lot to deal with but everyone put their best effort forward and there were no

problems in terms of personalities. Everyone realized that there were some issues that needed to be dealt with and it worked out really well. He thanked everyone who had a part in that.

**Mayor Fridal** stated that the City has a great Council who are truly concerned and great people to work with. He said that he is so impressed with the people who work for the City. We have such a wonderful group of people in Tremonton City. The City should be proud of them. Mayor Fridal thanked each of them for the terrific job they do, including the Council, Manager Warnke, Recorder Hess, and Ms. Rawlings and said that the City has a wonderful staff.

12. Public comments: Comments limited to three minutes.

Seth Jensen told the Council that he is Jared Grover's neighbor to the south and that he had come to talk about his request for an open fire and the time for putting them out. Mr. Jensen said that Mr. Grover has lived next to him for two years and every summer they have smoke blowing through their windows on Friday and Saturday nights. It has come to the point that his wife wants to move. His children have breathing problems as do a lot of his neighbors. It is not just the smoke from the fires. He consumes a lot of alcohol so there is a large noise problem as well. At 1:00 a.m. or 2:00 a.m., one can hear the chopping of wood, neighborhood dogs being riled up, and a lot of swearing. Mr. Jensen requested that if Mr. Grover does come back and wants to discuss this matter again that the Council review Mr. Grover's police records and the complaints that have come in. Midnight is a good time to wind things down. 2:00 a.m. or 3:00 a.m. is too late. Mr. Jensen said that he does not want the Council to ban backyard fires. A lot of people put a lot of money into their fire pits. Most people are responsible enough to use them.

Councilmember Wood stated that an ordinance is in place to take care of this issue, and Councilmember Deakin asked if Mr. Jensen was comfortable with the City Ordinance as it stands. Mr. Jensen said that midnight is a good hour. He said he is not against people having a good time, but there is a problem.

Councilmember Wood asked if Mr. Jensen has ever approached him and asked for a little consideration. Mr. Jensen stated that he had. He is a nice guy when he isn't drinking, but on Friday and Saturday nights it gets to be a problem.

Paulette Southwick said that she lives behind Mr. Grover. Sometimes the sparks fly higher than his house. She has spoken with him several times when he wasn't drinking. One morning after he had had a bonfire, she found ash all over her car. This frightens her. She hesitates to speak to him anymore because when she does speak to him, he retaliates. Midnight isn't a bad hour if the fire isn't a large one with the potential of spreading. Ms. Southwick stated that she has asthma and when he burns his fires she goes into her room and "cranks up" her air purifier so she can breathe.

Councilmember Holmgren asked if we have an ordinance that regulates the size of a fire. There is a difference between a cooking fire and a bonfire. Councilmember Doutré stated that County fire permits require the fires be out by midnight. A bon fire is not a cooking fire. It was suggested that language be included in the ordinance requiring that all fires be

contained within a legal fire pit with a screen.

Councilmember Deakin asked Ms. Southwick if she was comfortable with our ordinance as it stands. She replied that, if she understands it correctly, yes. Councilmember Deakin then stated that, as he understands the concern, it is an enforcement issue. The City needs to enforce what we have on the books. Mr. Jensen said he was concerned with the height of the flames.

Mayor Fridal thanked everyone for their comments.

13. Adjournment.

**Motion by Councilmember Deakin to adjourn the meeting.** Motion seconded by Councilmember Wood. Vote: Councilmember Deakin - aye, Councilmember Doutre - 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 Norene Rawlings.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2010.

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Darlene S. Hess, Recorder