

**TREMONTON CITY CORPORATION  
CITY COUNCIL MEETING  
June 1, 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 June 1, 2010 City Council Workshop to order at 5:00 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 Warnke, Fire Chief Steve Batis and Recorder Darlene S. Hess.

1. CLOSED SESSION – to discuss the character and professional competence of an individual

**Motion by Councilmember Wood to move to a closed session to discuss the character and professional competence of an individual.** Motion seconded by Councilmember Doutre. Vote: Councilmember Deakin – aye, Councilmember Doutre – aye, Councilmember Holmgren – aye, Councilmember Reese – aye, Councilmember Wood – aye. With an affirmative vote of two-thirds of the members of the public body present, the Council moved to a close session at 5:02 p.m. Mayor Fridal, who was presiding, signed a sworn statement affirming that the sole purpose for closing the meeting was to discuss the character and professional competence of an individual.

**Motion by Councilmember Doutre to return to an open public meeting at 6:35 p.m.** Second by Councilmember Holmgren. Vote: Councilmember Deakin – aye, Councilmember Doutre – aye, Councilmember Holmgren – aye, Councilmember Reese – aye, Councilmember Wood – aye. Motion approved.

2. Review of agenda items on the 7:00 p.m. Council Meeting Agenda

Councilmember Doutre commented that Jeri Allred will not be able to do the Fair Booth this year because she is doing the Rodeo.

The Council discussed the June 1, 2010 Agenda with the following items being discussed in detail:

- The Council discussed Resolution 10-17 adopting the 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. City Manager Warnke proposed to the Council that they fund some additional items from the Fund Balance: the new well (\$450,000), a van for the Senior Center (the City's share is approximately \$17,000 with the balance being funded through a grant), and the Trail Project (\$50,000). These are items that most likely will not be completed this fiscal year and should be re-appropriated for the 2010 – 2011 budget. Also, and the most significant item, funding of \$37,800 is proposed for the City's proportionate share of UTOPIA Operating Expenses for six months.

Councilmember Deakin asked if a discussion on UTOPIA was supposed to be on the Agenda this evening. Manager Warnke told him that UTOPIA is waiting on some things like the structuring of the bonds, a Letter of Credit, a Service Agreement, as well as some other issues. The issue of how to proceed will not appear on the Agenda until July. UTOPIA is hoping to be able to make it financially until July. There was some discussion on how each City should share in the cost of UTOPIA's operational shortfall and whether those with more of the network in operation should pay a larger share of the cost. Tremonton City's proportionate share is 2.52%, or \$6,300 per month, but we also have more of the network in operation. There is no new word on law suits. UTOPIA's main focus is on getting bonding. Both Layton and Orem have committed to both the monthly proportionate share and the bonding. West Valley has not committed at this point. Councilmember Reese asked why UTOPIA has never been back to Tremonton in an attempt to obtain additional customers. Manager Warnke replied that they will be going back to the member cities as part of a five (5) year plan within the bond.

Manager Warnke told the Council that he is proposing that \$37,800 be added to fund the City's proportionate share of UTOPIA's operating expense for the next six (6) months. He further recommended that instead of labeling this account UTOPIA Op Ex that it be labeled UTOPIA Op Ex/Telecommunications to allow flexibility in the use of the money should something else come up that needs to be addressed related to telecommunications.

3. Discussion associated with letting the Chamber of Commerce use an office at the Civic Center when the Census is complete

There was no discussion on this item.

The meeting adjourned at 6:55 p.m. by consensus of the Council.

## CITY COUNCIL MEETING

Mayor Fridal called the June 1, 2010 City Council Meeting to order at 7:01 p.m. The meeting was held in the Tremonton City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Those in attendance were Mayor Fridal, Councilmembers Deakin, Doutre, Holmgren, Reese, and Wood, Fire Chief Steve Batis, Librarian Kim Griffiths, Police Chief David Nance, City Manager Shawn Warnke, and Recorder Darlene S. Hess.

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 Chief Nance and the Pledge of Allegiance was led by Nancy Fuller, Standard Examiner Reporter.

2. Approval of agenda.

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

**Motion by Councilmember Reese to approve the June 1, 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 – May 18, 2010.

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

**Motion by Councilmember Wood to approve the minutes of May 18, 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. Public Hearing

- a. To consider adopting the proposed 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. Eight (8) people were in attendance.

Manager Warnke explained that some changes to the Tentative Budget are being proposed for projects in process and capital expenditures. These changes are:

Van for the Senior Center	\$ 17,000
Trail Project	\$ 30,000
Completion of Well	\$450,000
UTOPIA OpEx/Telecommunications	\$ 37,800

Mayor Fridal called for comments from the audience. There were none. The Public Hearing was closed at 7:08 p.m

5. Introduction of guests.

Mayor Fridal welcomed all those present.

6. Common Consent – Consent Agenda

- a. Consideration of approving Resolution 10-17 adopting the 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.

Manager Warnke explained that there are some recommended appropriations from the Fund Balance that were not included in the Resolution nor in the budget figures presented. Should the Council wish to appropriate those funds, they will need to be identified in the motion.

Councilmember Deakin stated that he was comfortable with all the adjustments except for the UTOPIA adjustment. He said he would rather leave the \$37,500 in 10-47-242 Discretionary Funds and not specify it for UTOPIA until they come and present something to the City and a plan is in place. Councilmembers Doutre and Wood both agreed as UTOPIA already has the option to draw on the committed \$150,000 beginning in January. City Manager Warnke explained that the City has already pledged our sales tax to backstop the bonds UTOPIA has issued to help fund the construction of our network and other city’s networks. UTOPIA is not fully making the payments on the bonds, so, as part of Tremonton’s bond obligation and what the City has agreed to, the City must put their portion of a year’s debt service in a bank account that UTOPIA can draw down as needed. That is the pledge that has been referred to. The \$37,800 is for operational expenditures. There was some discussion regarding line item “10-41-242 Discretionary” with a budgeted amount of \$37,504. Manager Warnke stated that his purpose in identifying these funds for UTOPIA was to make clear what the expenditure was for. The \$37,504 appropriated as Discretionary Funds was a surplus in the estimated budget and was placed in this line item to balance the budget. Councilmember Holmgren asked if the title were broadened to be identified as “UTOPIA/Telecommunications” if the Council would feel the same concern. Councilmember Deakin replied that the next budget fiscal year (2011-2012) will be very awkward and the Council needs to be careful about not drawing down too much on the fund balance. Councilmember Deakin further

stated that he needs to see that UTOPIA has a plan before committing any more money. Councilmember Wood asked if this money would be applied toward Tremonton's commitment. When told that it would not, he agreed that the City should not give UTOPIA any additional funds. Manager Warnke pointed out that a lot of the cities are dependant on the UTOPIA telecommunication services and should those services no longer be available it would directly impact the City and require that we expend money in order to be operational. Manager Warnke checked to see if our telephone system could be re-routed. It can, but there would be expense involved. Councilmember Holmgren said that this is what concerns him. He stated that he agrees with the others but there is more to consider. Manager Warnke pointed out that just because the money is appropriated doesn't mean it has to be expended. Councilmember Deakin stated that that is why he wants the funds left in Discretionary so that the Council has to vote on it before any money is appropriated. Councilmember Wood asked why it would need to be specified as UTOPIA Op Ex/Telecommunications as it could be appropriated directly from discretionary. Manager Warnke said he felt the Council should be more specific in identifying how funds are to be appropriated and that is why he would prefer it be identified as suggested. Councilmember Deakin responded that his position is that the funds are not being appropriated to UTOPIA at this time.

**Motion by Councilmember Deakin to approve the adoption of Resolution 10-17 adopting the 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, including the funding of the additional items from the fund balance: Senior Vans, Capital Trails, the New Well adjustment, and the Salsnes Filter adjustment. However, moving \$37,500 from Discretionary Funds to UTOPIA Op Ex, 10-41-XXX, is not approved.**

Councilmember Holmgren advised that the Council should vote line-by-line on the additional budget items. Though he can see everyone's point of view, if UTOPIA were to fail the City would have to scramble to obtain service. Councilmember Reese suggested that the City start looking into a back-up system right away. Manager Warnke stated that the City telephone system is now configured with fiber and could be modified, but it would take time and time is money. Councilmember Deakins's motion died for lack of a second.

**Motion by Councilmember Holmgren to approve the appropriation of \$37,800, GL# 10-41-XXX UTOPIA Op Ex with the stipulation that the money cannot be expended without City Council consent.** The motion died for lack of a second.

**Motion by Councilmember Deakin to approve the appropriation of \$17,000, GL# 10-63-501, from the Fund Balance for purpose of purchasing a van for the Senior Center.** The motion was seconded by Councilmember Holmgren. Vote: Councilmember Deakin - aye, Councilmember Dautre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

**Motion by Councilmember Reese to approve the appropriation of \$50,000, GL#**

**40-72-705, for the Capital Projects Trail.** The motion was seconded by Councilmember Wood. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

**Motion by Councilmember Reese to approve the appropriation of \$363,000, GL# 51-39-900, Impact Fee Reserves for the Salsnes Filter.** The motion was seconded by Councilmember Doutre. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

**Motion by Councilmember Deakin to approve the appropriation of \$450,000, GL# 51-70-711, for the completion of the new well should the project not be completed this year.** The motion was seconded by Councilmember Wood. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

**Motion by Councilmember Reese to approve the adoption of Resolution 10-17 adopting the 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.** 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 approved.

- b. Consideration of approving the April Finance Statement

**Motion by Councilmember Holmgren to approve the April Finance Statement.** Councilmember Deakin asked if the small adjustment reserving the Cash Account with Zion's Bank has been made to make certain the City is guaranteed. Manager Warnke said that needs to be added to the agenda next meeting. The motion was seconded by Councilmember Reese. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- c. Consideration of approving Resolution 10-18 defining the City contribution for employee benefits for the 2010-2011 Fiscal Year.

Manager Warnke reminded the Council that at the last meeting they had selected the insurance providers the City would use for the coming Fiscal Year. Today an opening enrollment meeting with employees was held. The purpose of this Resolution is to solidify the City's contribution toward the employee's Health Benefit Program. One thing that the Council may want to add to the resolution, under the Cafeteria Flex Spending Program, is that there is a maximum of \$2,500 that can be set aside for the employees to use. This would somewhat limit the City's liability with that program. There is also a \$5,000 cap on daycare if employees choose to use the funds this way. Otherwise, the Resolution defines what the City has done historically.

**Motion by Councilmember Wood to approve Resolution 10-18 defining the City contribution for employee benefits for the 2010-2011 fiscal year with the addition of the maximum amounts on the Flex Spending account.** 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. New Council Business:

- a. Discussion and consideration of approving Tremonton City Appointments

Councilmember Doutre informed the Council that two names were presented to the Library Board, Julie Stokes and Kay Weaver. They have both agreed to serve.

**Motion by Councilmember Holmgren to approve the appointments of Julie Stokes and Kay Weaver as members of the Tremonton City Library Board.** The motion was seconded by Councilmember Doutre. It was pointed out that there were other appointments that also needed to be approved. Councilmember Holmgren withdrew his motion.

**Motion by Councilmember Holmgren to approve the following appointments: Linsey Nessen to the Land Use Authority Board, and Julie Stokes, Kay Weaver, Rosa Gonzales, and Merilee Tueller for three year terms to the Library Board, ending June 2013.** The motion was 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 adopting Resolution 10-19 amending Section XI: Performance Evaluations of the City's Personnel Policies and Procedures Manual

City Manager Warnke explained that the amendment to the Personnel Policies and Procedures Manual being proposed is for the purpose of eliminating the complex evaluation form and process which the City has used for the past several years and replacing it with a new and more functional form.

**Motion by Councilmember Reese to adopt Resolution 10-19 amending Section XI: Performance Evaluations of the City's Personnel Policies and Procedures Manual.** Motion seconded by Councilmember Wood. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

8. Unfinished Business:

- a. Discussion and consideration of adopting Resolution 10-15 approving a professional service contract between the City and DelRay Anderson, M.D. to serve as the Emergency Medical Services Medical Director

Manager Warnke explained that this is an item that has been previously discussed. Councilmember Deakin asked if the issue of compensation for Dr. Anderson has been settled. Manager Warnke stated that Dr. Anderson has not seen the agreement yet, but he has always said he would provide the service pro gratis. The City is pushing up against the EMS deadline. It is important to get this agreement approved so that it can be presented to Dr. Anderson for signature. Chief Batis informed the Council that he has talked with Dr. Anderson about the requirements and Dr. Anderson told him that he does not want to be paid. What he wants is to be a fireman. This would give him liability insurance. Manager Warnke suggested to the Council that the agreement could be passed specifying zero compensation.

**Motion by Councilmember Deakin to adopt Resolution 10-15 approving a professional service contract between the City and DelRay Anderson, M.D. to serve as the Emergency Medical Services Medical Director with the compensation for this service being zero.** It was discussed that, should Dr. Anderson change his mind about the compensation, the Council could discuss it further at that time. Motion Seconded by Councilmember Wood. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

9. Comments:

- a. Administration/City Manager Advise and Consent

There were no Advise and Consent items

- b. Council Reports

**Councilmember Doutre** stated that she had attended several cemeteries the past weekend and felt Tremonton City's Cemetery was the most beautiful and a lot of credit should be given to those involved. She stated that she was very proud to be from Tremonton. Councilmember Wood said that Rusty Scoffield is the one that is responsible for the Cemetery grounds. The white fence really spruces things up and with the flags in the back, it is absolutely gorgeous. Councilmember Doutre also stated that the Library is beautiful. Mrs. Fuhriman has done a really good job. Councilmember Holmgren informed the Council that the front part of the Library grounds was recently planted with the help of the 4-H kids.

**Councilmember Wood** reported that Valerie Josten has agreed to help Cindy Payne with the Youth City Council so they are geared up and ready to go.

**Councilmember Deakin** added that, in addition to how the Cemetery looked, and the Council should get word back to Director Fulgham and his crew on that, the Recreation Department did a really good job on the Memorial Day Program.

**Mayor Fridal** agreed with the comments about the Cemetery and the Memorial Day Program. Mayor Fridal said that he spoke with Director Fulgham this morning and told him how nice everything looked. Director Fulgham said he would pass the word on to Rusty Scoffield. Everything was outstanding. Mayor Fridal encouraged the Council and those in attendance to attend next year's Memorial Program and recognize our veterans. Councilmember Deakin suggested that the City promote it better next year. The attendance was only fair.

10. Public Comments: This is an opportunity to address the Council regarding concerns or ideas. Please limit your comments to three minutes.

Brian Griffiths asked if the Council thought UTOPIA was going to make it. Councilmember Doutre asked Jean Richins, representing Frontier, if UTOPIA clients would be able to hook up to Frontier. Ms. Richins replied that they would be able to.

11. 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 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.

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Darlene S. Hess, Recorder