

**TREMONTON CITY CORPORATION
CITY COUNCIL MEETING
September 7, 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 September 7, 2010 City Council Workshop to order at 6:03 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, Public Works Director Paul Fulgham, Police Chief David Nance, and Treasurer Sharri Oyler. The Council reviewed the agenda and discussed the following items in detail.

1. Discussion on a member of the Council serving on the Ambulance Bill Reduction Committee

Mayor Fridal explained to the Council that, after pondering the decision made at the last City Council meeting regarding the Treasurer and Fire Chief making the decision about ambulance bill write-offs, he felt uncomfortable. He felt that they should not take all of the heat and thought it would be a good idea if an elected official were on that committee as well. Councilmember Reese and Wood agreed. This will be brought back as an agenda item at a later date.

2. Open Public Meeting training

Manager Warnke presented detailed training on the Open and Public Meetings Act (OPMA) as required by State Law. The training included the purpose of the Act, Key Definitions, the fact that all meetings are open to the public unless closed in accordance with the act, the process for and permitted purposes of a closed meeting, what is forbidden during a closed meeting, public noticing, the fact that no action may be taken on topics not listed on the Agenda, minutes and recordings, emergency meetings, and electronic meetings. In addition, Manager Warnke explained the consequences of violating OPMA, who can enforce OPMA, and how long a party has to pursue corrective action.

When discussing the definition of a Public Body, Manager Warnke explained that the City does, on occasion, create public bodies by ordinance. He stated that, at the upcoming

meeting, he will be proposing that the Council create a Tree Board. The creation of this Board is a requirement of Tree City USA. It will meet the definition of a Public Body in that it will be created by ordinance; it will consist of two or more individuals; it will be vested with the authority to make decisions regarding the public's business; and it will be supported in whole or in part by tax revenue.

There was discussion regarding public comment and public hearings. Manager Warnke suggested that it is not necessarily a good idea to answer public comments from the dais. It was also discussed that it is advisable to not make a decision the same night as the public hearing but to wait and consider the information before making a decision.

3. Review of agenda items on the 7:00 p.m. City Council Meeting:

The Council reviewed the September 7, 2010 Agenda with the following items being discussed in more detail:

- Department Head Reports – Manager Warnke said that Public Works Director Fulgham is proceeding with the road projects as per the budget and the handout he provided to the Council at a prior meeting. Director Fulgham reminded the Council that there was suppose to have been money set aside for roads, but, when former City Manager Woodworth left, Curtis Roberts, the City Finance Director, said the money was not there. It is Director Fulgham's belief that the money which created the overage in the Reserves is that money which was originally set aside for roads.
- Utility Billing Write-offs - Treasurer Oyler referred the Council to the explanation sheet she had provided explaining the reasoning for the requested write-offs. Old accounts are written off about once a year. Bankruptcy amounts are required to be written off by law. The non-collectibles have all been sent to a collection agency with no results however, they will continue to work on them.
- Ambulance Billing Write-off's – Treasurer Oyler stated that Finance Director Roberts recommends that old uncollectable ambulance accounts be written off each year. The write-offs were not done last year, so the proposed amount is for 2009 and 2010.
- Animal Control Services Agreement with Box Elder County – Police Chief Nance explained that this is a renewal agreement. The County and the City attorneys changed some of the wording, but it is basically the same agreement.
- Revision of Title 13 of the Revised Ordinances – Chief Nance stated that he worked on this change for some time, looking at similar ordinances for best practices. Councilmember Deakin said that he did not have time to finish reading it. As a result, he didn't feel ready to approve it. Chief Nance explained that some changes were made for senior citizens. Their animal(s) will still need shots, but they won't be required to get a license each year.

- Ordinance 10-05 amending Title 17, 17-101 of the Revised Ordinances – Recorder Hess told the Council that in the past the State Code required municipalities to maintain three copies of all code books in the Recorder’s Office. Now only one is required.
- Selection of Road Projects for Small Urban Sub Committee’s consideration – Director Fulgham explained that two projects were submitted for the Joint Highway Commission Small Urban Sub-Committee’s consideration. This is the same money the City used to build one-half of 2000 West. This would be a \$1M grant with 8% matching funds required. The road would have to be built to government standards. The Council will need to decide at what point Federal money is cost effective because, for each of these roads, the City will have to do an Environmental Study, and probably a Historical Study if it crosses canals and roads. The City is at the point where we can likely get a project on the STIP (State Transportation Improvement Plan) List for funding. Impact fees could pay or repay the City for a lot of the improvements on those roads if the Council should choose to go that route.

The other road submitted was the south end of Iowa String from the other side of the overpass to Main Street. Iowa String is newer than 10th North, so 10th North will likely require more work in the future. Councilmember Deakin commented that 10th North is being used more and more. It is being used as a shortcut for anyone getting off the freeway. Director Fulgham said the City Engineer computed the numbers and then plugged them into the State’s spreadsheet associated with Small Urban Projects and the cost went from \$2.5M to about \$5M for the 10th North Project. Councilmember Deakin stated that he didn’t know how the City would be able to afford to do that work without getting some government help. Director Fulgham commented that, when the City built 2000 West, the south end was done to City specifications and the north end was done to Federal specs. Looking at the road today, there is no difference other than cost. The Federal Government requires use of a costly oil mix plus there is increased cost in the things the engineers have to do to jump through governmental hoops. The City spent about \$100,000 for the Environmental Study and the historical documents that had to be done on the north end that didn’t have to be done on the south end. On the north half the City did everything, including the bridge, for about \$600K, and the other half cost the City \$1M.

Councilmember Holmgren asked about the amount of traffic on Iowa String. Director Fulgham replied that there is a chance it will increase, as well. The County and the City have both unofficially approached the State, about turning Iowa String into a State road. The State doesn’t want it, though. They keep trying to pawn more of their roads on the cities. Councilmember Doure asked if they are still talking about doing an overpass at Proctor and Gamble from I-15. Director Fulgham said he hasn’t seen or heard anything about it.

Director Fulgham said the Council needs to decide if they want to keep both of these roads on the STIP List. Only one project will be funded, but the Council can set the priority and the other one could be moved further down on the list. There is no other federal money available for roads right now. Class C funding can be allocated to a project, but that takes away from the routine maintenance.

Manager Warnke commented that some of the work that needs to take place on 10th North was brought about by development. The Council may want to consider impact fees for roads so that the people who impact the road system pay for the road system. There are not a lot of other revenue sources for roads. Chris Beinholt, City Engineer, has been asked to come up with some methodology for the Council to consider.

- Temporary ordinance amending the sign and outdoor advertising ordinance – Manager Warnke stated that there has been an increase in off-premise signs within the City. Most cities prohibit off-premise signs, but Tremonton’s Ordinance currently allows them. Councilmember Reese stated that he had received a phone call asking about an individual who has advertising on their car and parks it on the streets. Mayor Fridal said that he had people complain about an Attorney who had a sign on his pickup. After some consultation regarding this issue, the Mayor was told that if the party moves their vehicle within a 24 hour period, there is nothing that can be done about it. Councilmember Holmgren asked if the sign ordinance will affect subdivision signs, etc. Manager Warnke stated that those signs are usually on the property being developed. What is being presented relates to off-premise signs where the location of the sign has nothing to do with the property being advertised.

The temporary sign ordinance would also limit the height of pole signs to 36 feet. Right now the pole signs can be 90 feet. Councilmember Doutre questioned if the taller signs don’t help bring people off the freeway. Manager Warnke agreed that they can be seen for miles. Councilmember Wood and Holmgren asked what harm they do. Manager Warnke replied that it depends on what the Council wants the City to look like. Everyone is going to the lower standard. There is a balance between business and aesthetics. This would temporarily put standards in place and then allow six months for the ordinance to be reviewed. Manager Warnke recommended that the City prohibit off-premise signs because once they start you can’t get rid of them. The temporary ordinance will not affect existing signs.

The meeting adjourned at 6:58 p.m. by consensus of the Council.

CITY COUNCIL MEETING

Mayor Fridal called the September 7, 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, 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 Councilmember Reese and the Pledge of Allegiance was led by Mayor Fridal. Mayor Fridal recognized the two Boy Scouts who were in attendance and encouraged them to get their Eagle Scout award. All visitors were welcomed to the meeting.

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 September 7, 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 – August 9, 2010 and August 17, 2010.

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

4. **Motion by Councilmember Reese to approve the minutes of August 9, 2010 and August 17, 2010.** Motion seconded by Councilmember Doutre. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

5. Department Head Reports

a. Report on the bid process associated with road projects authorized with the amendment of the 2010- 2011 Budget - Director Paul Fulgham

Director Fulgham reported that after the City Council appropriated up to \$500K on streets, they looked at what could be done and those projects were put out for bid. The bids will be opened on September 15th at 11:00 a.m. in the Council Chambers. The Council has been provided with a list of the roads that are being done. If bids are favorable, the City may be able to do even more. Time is of the essence. The road work will need to be completed by November. Public Works has already started doing some of the repair so the roads will be ready when the contractor starts. The only thing that will change the schedule is if the weather gets wet and cold – below fifty degrees. Those are the two things that cause problems with

asphalt. If it is not possible to complete all of the roads this year, they will be done in the spring.

6. Common Consent - Consent Agenda

a. Approval of the July 2010 Financial Statement

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

b. Approval of a request that the Planning Commission update the City's Affordable Housing Plan

Manager Warnke explained that the State requires cities to have a moderate income plan, and the City does have one, but it has not been updated since 2002. The City has a proposal from the Bear River Association of Government (BRAG) to update the plan. This Council action is to request that the Planning Commission update the City's Affordable Housing Plan. The money for this will come from the Redevelopment Agency.

Motion by Councilmember Deakin to approve updating the City's Affordable Housing Plan. Motion seconded by Councilmembers Doutre. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved

c. Approval of Resolution No. 10-34 authorizing an interfund loan between Tremonton City Corporation's Water Fund and the Tremonton West Liberty Food EDA 172, Tremonton Tenth North RDA (Malt-O-Meal EDA) 196, and Tremonton Freeway and Garland Cem (RDA #3) 197

A budget amendment was approved at the last City Council meeting which included funds for the interfund loan from the Water Fund to the RDA. The City oversees the Water Utility Fund and the RDA is a separate agency, although the City Council sits as the RDA Board. This formalizes the loan. The amount of the loan is up to \$17,000. The funds will be used to try to jumpstart development within the City's redevelopment area and create project areas for redevelopment. The loan will be repaid from tax increment which is derived off of the new development. The State allows the City to receive all the tax increment off development within these RDA's.

Motion by Councilmember Wood to adopt Resolution No. 10-34 authorizing

an interfund loan between Tremonton City Corporation's Water Fund and the Tremonton West Liberty Food EDA 172, Tremonton Tenth North RDA (Malt-O-Meal EDA) 196, and Tremonton Freeway and Garland Cem (RDA #3) 197. Motion seconded by Councilmember Holmgren. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- d. Approval of utility write-offs

See **motion** in Agenda Item "e."

- e. Approval of ambulance write-offs

Mayor Fridal requested that the discussion of Agenda items 6.d. and 6.e. be combined. Manager Warnke explained that the City has both utility funds and ambulance funds which are collected from user fees. Sometimes, people do not, or are unable to pay. Each year, the City needs to write-off those debts it is unable to collect. Writing these debts off gives a more accurate picture of the City's financial position for the financial statement. The City has done everything it can to collect on these debts and will continue to pursue collection through a collection agency. For the Utility Fund there is \$1,500 in bankruptcy write-offs and about \$2,300 in non-collectibles. The ambulance unpaid debts were not written off last year, so these figures cover two years. The non-collectible amount is about \$63,000, bankruptcies are about \$1,800 and the amount for those who are deceased is about \$6,000.

Motion by Councilmember Holmgren to approve the proposed utility and ambulance write-offs. 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 Resolution 10-35 establishing an Animal Control Services Agreement with Box Elder County

Chief Nance stated that this is a renewal of an agreement the City has had with Box Elder County over the past years. The attorneys have looked at it and made a few changes, but the agreement is essentially the same as it has been in the past.

Motion by Councilmember Doutre to adopt Resolution 10-35 establishing an Animal Control Services Agreement with Box Elder County. Motion seconded by Councilmember Reese. 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 Ordinance 10-04 revising Title 13 Animal of the Revised Ordinances of Tremonton City Corporation

Chief Nance told the Council that the Animal Control Ordinance has not been updated for some time. In the process of reviewing the Ordinance, it was felt that some modifications and deletions should be made as well as the addition of some new language.

Motion by Councilmember Deakin to table this item for two weeks for further consideration. Motion seconded by Councilmember Wood. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- c. Discussion and consideration of adopting Ordinance 10-05 amending Title 17 Uniform Utah Criminal and Traffic Codes, Chapter 17-100, Adoption of Uniform Utah Criminal and Traffic Code, 17-101. Uniform Utah Criminal and Traffic Code Adopted

Recorder Hess informed the Council that this is merely changing the City's requirement so that only one copy of the Uniform Utah Criminal and Traffic Code need be kept in the Recorder's Office instead of three copies. This is in accordance with a change in the State Code and will cut down on the expense for the books.

Motion by Councilmember Reese to adopt Ordinance 10-05 amending Title 17 Uniform Utah Criminal and Traffic Codes, Chapter 17-100, Adoption of Uniform Utah Criminal and Traffic Code, 17-101. Uniform Utah Criminal and Traffic Code Adopted. Motion seconded by Councilmember Doutre. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved

- d. Discussion and consideration of selecting road project(s) for the Joint Highway Commission Small Urban Sub-Committee's consideration for being placed on the State Transportation Improvement Plan (STIP) for funding

Director Fulgham explained that Small Urban refers to rural cities with a population between 5,000 and 50,000 that aren't interconnected with larger cities. The Federal Government allocates about \$2M to \$3M every year for Small Urban road projects. They give \$1M grants with 8% matching money required.

Two projects have been presented for consideration. The Council needs to

determine which project they want to pursue. One is 10th North from 2000 West to the I-84 UDOT Station. This would include widening the road, realigning it, adding curb, gutter and sidewalk, addressing drainage issues, and just building a better road to handle the increased traffic flow as the hillside is developed.

The second project is Iowa String from Main Street to the original 1200 South, or the City limits. This project would also include widening, drainage, as well as adding curb, gutter and sidewalk. Both projects have been submitted, but it will be up to the City to select the number one priority so the City can get on the STIP List. The actual funding would be five to seven years out. Cities need to have the initial planning and design work done before the project can be added to the list. This has been done by City Engineer Chris Brienholt of Jones and Associates. What is being requested is a recommendation of how the Council would prioritize the projects.

Councilmember Deakin offered his opinion that the City has the biggest challenge on 1000 North. That stretch of road is a connection between I-15 and I-84. There has been an increase in traffic along that road which has also been influenced by some new subdivisions in the area. 1000 North is also a lot narrower and older than Iowa String. For that reason he would like to see 1000 North selected above Iowa String, but to keep Iowa String on the list for the next round of funding.

Councilmember Wood asked, if the City receives this money, if the planning and design work that has already been done could be used against the 8% match. Director Fulgham said that he couldn't answer that. The \$1M is actually a small amount of money for these projects. The City will need to provide other funds which would go toward the 8%. When done to Federal Standards, 1000 North is probably a \$5M project. They have strict specifications. Councilmember Holmgren requested that the City keep in mind that 1000 North goes into a residential area and widening could encourage heavier use. Councilmember Doutre did not want to see the speed limit raised. Director Fulgham said that a lot of the heavier use is going to come as that hillside develops. This would allow for the addition of turning lanes and sidewalks. It wouldn't be a wide boulevard but would be a 60 foot wide collector road. Part of the goal would be to improve the safety along that road as well as to help people understand that they have the option to get on I-84 and then get off on Main Street.

Motion by Councilmember Deakin to make 1000 North the number one priority for the State Transportation Improvement Plan Funding. Motion seconded by Councilmember Reese. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- e. Discussion and consideration of approving Ordinance 10-06 a temporary ordinance of Tremonton City amending its sign and outdoor advertising ordinance

Manager Warnke explained that State law allows cities to adopt temporary ordinances when they see emerging issues developing. Temporary ordinances are good for six months in order to allow municipalities the time to sufficiently look at the issues and come up with a more permanent ordinance. The proposed ordinance addresses three issues.

The first one is off-premise signs. These are signs that are on property which has no relationship to the business being advertised. The City has seen an increased volume in the number of off-premise signs. The temporary ordinance would restrict off-premise signs until the City could come up with permanent regulations.

Next would be the regulation of billboards within the City. Tremonton does not currently regulate billboards. The ordinance defines a billboard as something with changeable copy, and it is akin to an off-premise sign. Billboards and off-premise signs are typically prohibited by most cities throughout the State due to the detrimental effect they can have.

The last one is regulating the height of free standing signs. Typically these are pole signs. In the Commercial Highway Zone, Tremonton allows up to 90 feet for what is called a freestanding pole sign. 90 feet is a large sign. There is good reason to have signs in a community as they provide information and promote businesses, but there is also good reason to regulate their usage and placement.

Mayor Fridal asked if political signs would fit into the off-premise category. Manager Warnke replied that it would not. There is a different definition for political signs. There was a recent law-suit in one of the municipalities. As a result, cities are backing off on regulating the amount of time political signs can be displayed.

Motion by Councilmember Wood to table this item for further consideration. Motion seconded by Councilmember Doutre. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- f. Discussion and consideration of approving Resolution No. 10-36 authorizing the Mayor's signature and authorizing the staff to take all necessary steps to submit an Industrial Protection Area Application to Box Elder County for parcel 04-054-0009 currently used for Composting Operations

Manager Warnke stated that the City owns a 20 acre parcel of property which sits outside of the City limits on 1600 North and 8000 West. The City operates the composting of the by-product of our Sewer Treatment Plant at that location. There are certain odors which are associated with composting and it is deemed to be in

the City's best interest to make application to the County for an Industrial Protection Area. This would give the City some benefits: it would prohibit, to some degree, the cases that can be brought against the City for nuisance ordinances; it puts people on notice that the City has an industrial use for that property; and, it prohibits other governmental jurisdictions from taking the City's property and purchasing the property against the City's consent.

Motion by Councilmember Holmgren to adopt Resolution No. 10-36 authorizing the Mayor's signature and authorizing the staff to take all necessary steps to submit an Industrial Protection Area Application to Box Elder County for parcel 04-054-0009 currently used for Composting Operations. Motion seconded by Councilmember Deakin. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- g. Discussion and consideration of adopting Ordinance 10-07 amending Title 9 (Licensing, Control, and Regulation of Business and Construction) Chapter 414 (Application for License) of the Tremonton City Revised Ordinances

Recorder Hess reported that Part 9-414 Application for License is outdated and unclear as to how to enforce the ordinance. City Attorney Dustin Ericson reviewed the chapter and recommended that the code be amended as reflected in Ordinance 10-07.

Motion by Councilmember Reese to adopt Ordinance 10-07 amending Title 9 (Licensing, Control, and Regulation of Business and Construction) Chapter 414 (Application for License) of the Tremonton City Revised Ordinances. Motion seconded by Councilmember Doutre. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- h. Discussion and consideration of approving an Off-Premise Beer License for Kwick Stop purchasing Hardy Enterprises - Zahid Azam

Mr. Azam told the Council that he is buying this business from Hardy Enterprises. He stated that he lives in Ogden and has been running a similar business for the last ten or twelve years. He has never had any problem with the law. Councilmember Deakin asked if this was a new gas station. It was clarified that this is the old Shamrock Station. This is just a change of ownership. The former business had an Off-premise Beer License. Mr. Azam is reapplying for a license in his name.

Motion by Councilmember Wood to approve an Off-Premise Beer License for Kwick Stop. Motion seconded by Councilmember Holmgren. Vote:

Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye.
Motion approved.

8. Comments:

a. Administration/City Manager Advise and Consent

- 1) Review of a draft resolution amending the Tremonton City Policy and Procedure Manual creating employee promotion and in-house recruitment and E-verify Policy and Procedure

Manager Warnke advised the Council that there are a couple of proposed amendments to the Policy and Procedure Manual that will be brought to the Council in the upcoming weeks. The first proposed change creates and expands the process of in-house recruitment. The City has always encouraged hiring and promoting from within. This gives the City more of a process for doing internal promotions.

The next procedure involves the process for E-verification of someone's legal status to work within the country.

There is also an expanded policy for volunteers. This is for the protection of both the volunteers and the City.

These items will be presented for the Council's consideration at the next City Council Meeting.

- 2) City Employee Summer Party – September 13, 2010 at 5:30 p.m. at North Park

Manager Warnke reminded the Council about the upcoming City Employee Summer Party.

b. Council Reports

Councilmember Wood reported that letters had been sent out to some businesses to see if they will fill in pot holes on their property. Councilmember Doutre commented that the residents probably don't realize that the pot holes are not the City's responsibility.

Councilmember Reese said that he received two phone calls from Elwood citizens thanking the Fire Department for the quick response and professionalism exhibited at the recent accident in Elwood. The way it was handled was second to none. They specifically mentioned Mike Norr and how professional he was. All

four of our ambulances had to be deployed. The firefighters and EMT's did a great job.

Councilmember Holmgren reported that Mayor Fridal, Councilmember Doutre, and he attended an economic development meeting in Brigham City. It was a good meeting. They announced the start up of a small business development center which will provide a lot of support and help for small businesses and for people wanting to get something started. It will be a great resource for the community.

11. Public comments: Comments limited to three minutes.

Terry Montgomery introduced himself stating that he lives in Chadaz Estates. He spoke of an issue he has with restrictive covenants within their subdivision, particularly weeds. Also, in Phase II, there are homes being built with no garages. This is against the covenant. There is one resident that has not cleaned up the weeds in over three years. There are also trenches for sprinklers that haven't been filled in and they are quite deep. This is a safety hazard. One of the residents actually fell in a trench and hurt her ankle. Lots of neighbors have called and nothing has happened. Councilmember Wood asked Chief Nance if a complaint has been filed. Chief Nance responded affirmatively and stated that the Police Department has looked into it. There are weeds, but the trenches are not so deep as to be what they would consider to be a safety hazard. Councilmember Deakin asked if these were restrictive covenants within the subdivision as opposed to City Ordinances. Mr. Montgomery replied that the covenants are within Phase I of Chadaz Estates. Councilmember Doutre asked if the City handled enforcement of restrictive covenants and was told that the City does not. Councilmember Holmgren explained that restrictive covenants are an agreement between the residents and the developers of a subdivision. Residents can issue a complaint to the City, but there is nothing the City can do to enforce the covenants. That is something the residents need to resolve with the developer. Manager Warnke asked if the protective covenants were recorded with the County. Mr. Montgomery replied that they were recorded. Manager Warnke said that the covenants usually state how they will be enforced, but typically it is a civil issue. Mr. Warnke stated that he went with the Enforcement Officer to look at the property referred to. The Enforcement Officer did attempt to make contact with the owner of the property. The owner has not been available but messages have been left for him. The City has ordinances related to weeds but not the amount of time in which a property owner must put in the front yard. Councilmember Holmgren suggested that it would be more effective if the residents were to go to the developer as a group. As long as the homes are meeting all of the City requirements, anything above that is up to the enforcement of the restrictive covenants and going back to the developer.

12. 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 7:55 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 prepared by Norene Rawlings.

Dated this _____ day of _____, 2010.

Darlene S. Hess, Recorder