

**TREMONTON CITY CORPORATION
CITY COUNCIL MEETING
September 21, 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 MEETING

Mayor Fridal called the September 21, 2010 City Council Meeting to order at 9:00 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 (arrived at 9:04 p.m.), Doutre, Holmgren, Reese, and Wood, City Manager Shawn Warnke, Recorder Darlene S. Hess, and Public Works Director Paul Fulgham.

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 Doutre and the Pledge of Allegiance was led by Councilmember Holmgren.

Councilmember Deakin arrived at 9:04 p.m.

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 September 21, 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 – September 7, 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 September 7, 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. New Council Business:

- a. Discussion and consideration of approving a letter of support of legislation restricting the sale and use of the drug commonly known as “Spice” - Mayor Fridal

Manager Warnke suggested that discussion of this agenda item be postponed until Chief Nance arrived. The postponement was agreed to.

- b. Discussion and consideration of awarding the bid for Road Work

Public Works Director Fulgham informed the Council that there were three bidders for the road work: Advanced Paving - \$545,197, Staker-Parsons - \$501,675, and Consolidated Paving - \$477,989. Director Fulgham recommended that the bid be awarded to Consolidated Paving for \$477,989. They are the apparent low bidder and have all the qualifications to do the project. Consolidated Paving did the project at 350 North, so the Council has seen their work. The crown surface will be ground down to 5% rather than 2%. This will save money. The Engineer’s estimate for this project was \$488,174. The roads which will be done are: 100 West from Main Street to 600 South, 600 South from Tremont Street to the railroad tracks, 800 South - finishing up the work that wasn’t done last time, David Drive up to the new section, 350 East from 700 North up to the end, 100 South from Tremont Street to 100 East, and the north end of 400 West up to 600 North. 41,000 square yards of material will be laid. It is expected that the project will begin by the first of October and should be finished by the first of November.

Motion by Councilmember Deakin to award the road project to Consolidated Paving for \$477,989. 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. Unfinished Business:

- a. Discussion and consideration of amending Resolution 10-37 adding an elected official to serve on the Ambulance Bill Reduction Committee

Motion by Councilmember Holmgren to amend Resolution 10-37 adding an elected official to serve on the Ambulance Bill Reduction Committee. 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 the appointment of an elected official to serve on the Ambulance Bill Reduction Committee

Mayor Fridal asked if there were any volunteers to serve on the Ambulance Bill Reduction Committee suggesting that the position be rotated quarterly. Councilmember Deakin asked if rotating the position would allow for consistency. Councilmember Doutre commented that the Treasurer and Fire Chief, as permanent members of the Committee, would provide consistency. There was discussion about how the position should be rotated and it was decided to rotate each time the Committee convenes. Councilmember Deakin agreed to be the first Councilmember to serve.

Motion by Councilmember Holmgren to appoint an elected official to serve on the Ambulance Bill Reduction Committee, rotating the elected official each time the Committee convenes. Motion seconded by Councilmember Doutre. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

6. Comments:

- a. Administration/City Manager Advise and Consent

- 1) Tree Utah Grant – Manager Warnke

The City received a Tree Utah Grant for the planting of trees. There are several projects which have been identified, focusing on our parks. The tree planting will occur on Wednesday, October 20, 2010. Volunteers are needed to assist in this project. A letter will be sent out, but Manager Warnke asked for the Council's help in finding volunteers.

- 2) River, Trails, Conservation Assistance Grant- Manager Warnke

Manager Warnke explained that the River, Trails, Conservation Assistance Grant is a planning assistance grant. A scoping meeting was held with representatives from that organization. Councilmember Deakin attended the meeting as, if the grant is awarded, it would be a project that the Planning Commission would work on. Some of the potential projects were reviewed to allow the representatives to gain a sense of what the City is hoping to accomplish. There is no commitment at this time as to whether Tremonton City will receive the grant.

Councilmember Deakin added that Tremonton is vying with six other communities who have applied for the same grant. After the meeting, it was indicated that Tremonton is high on the list. The representative asked if all the area in the river bottoms is classified as wetland. Councilmember Holmgren stated that there are some areas which are designated as wetland, or sensitive, but other areas are not. Director Fulgham explained that any area where cattails will grow is likely specified as wetlands. Councilmember Holmgren explained that a firm evaluated the area and their designations were then accepted by the Army Corp of Engineers.

Councilmember Deakin suggested that, inasmuch as Councilmember Holmgren is a major property owner in that area, it would be good to meet with him and bring him up to date on what is being considered.

Discussion on Agenda Item 4.a was resumed.

4. a. Discussion and consideration of approving a letter of support of legislation restricting the sale and use of the drug commonly known as “Spice” - Mayor Fridal

Councilmember Doutre informed the Council that Garland City called and asked that the Tremonton City Council coordinate with them in writing an ordinance regarding the restriction of the sale and use of the drug commonly known as “Spice”. Garland has obtained a copy of the ordinance Ogden City recently passed. She and Chief Nance will be attending a meeting with Garland City tomorrow evening.

Police Sergeant Kevin Allred told the Council that, “Spice” is, basically, incense. As far as he knows, the only store in Tremonton that is selling incense is RJ’s Fuel Stop. They sell a lot of it and, apparently, make a large commission on it. Until it becomes illegal, they won’t stop selling it. It says right on the container that it is not for human consumption, but it is being used because they sell bongos, papers, etc. along with it. People smoke it and it gives them a high.

Police Chief Nance arrived at 9:21 p.m.

Chief Nance said that, until today, there were only two known places in the County that sell “Spice”: one in Plymouth, and RJ’s in Tremonton. They both indicated earlier in the week that they would voluntarily pull it from their shelves after the supply they have on hand runs out. Today it was discovered that the old Hardy’s (now named Kwick Stop) has started selling it. The Police Department will be talking to them about pulling their supply.

Councilmember Doutre indicated that the Council was considering an ordinance banning the use of “Spice”. A lot of people will want to sell it if the mark-up is that high. Chief Nance stated that the only ordinance that he is aware of is the tri-county one that the Health Department is considering. There are some issues that have come up, however. The County Attorney’s Office is hesitant. Councilmember Holmgren asked about Ogden’s ordinance. Chief Nance said that he has read it. It is quite a complete ordinance as far as dealing with chemicals. It addresses the sale, the possession, and the use, like a marijuana ordinance. The biggest problem is that it addresses thirteen different chemicals which are illegal, but, right now, the Utah State Crime Lab can only test for one of those chemicals. Samples would have to be sent out of state, typically California, in order to prove anything for a conviction. That makes it difficult. The State Legislature is planning on looking at “Spice”. If they pass an ordinance, most likely there would be a fiscal note attached so that the test equipment could be obtained. A lot of the ordinances that are being passed are stop-gap ordinances which state that the provisions are only valid until the State ordinance comes into effect. It may be something worth doing. The other issue is

that attorneys are going to be more than willing to fight new ordinances such as this. Councilmember Wood said that his concern is that passage of an ordinance now could lead to litigation for the City. He feels it is better to wait for the County to pass their legislation, which would be County-wide and would include Tremonton. Councilmember Deakin asked if that isn't what the Council is being asked to do this evening. Councilmember Reese stated that something has to be done because the kids are "playing the game" right now. Chief Nance said that there are a lot of people on probation or parole using Spice because there is no way of testing for it right now and they know it. It doesn't come up on a drug test. That is why they are using it.

Manager Warnke asked Chief Nance to talk about the substance itself and how close it is to marijuana. Chief Nance replied that natural marijuana contains a chemical which is called Delta 9. Chemists have engineered a very similar chemical. The synthetic cannabinoid they are putting in "Spice" is called Delta 8. It is just a little bit different but has similar effects and doesn't fall within what is currently illegal in the State. Recorder Hess asked if "Spice" is as addictive as other drugs. Chief Nance replied that he didn't know as it is fairly new. There are a lot of people using it because they think it is legal. Law enforcement agencies within the State are charging people with Psychotoxic Chemical Abuse, the same ordinance that is used for someone who is sniffing gas, glue, etc. Councilmember Holmgren asked if Chief Nance has had any contact with people driving unsafely or exhibiting other tendencies indicating intoxicative behavior. Chief Nance replied that there have been several instances of overdose. Brigham City has had a significant number. There have been DUI arrests within the County. "Spice" has weird effects. Users have anxiety attacks and become very aggressive and combative.

Manager Warnke asked how prosecution would be different if Tremonton City adopted an ordinance. Chief Nance replied that, if the City had an ordinance such as Utah County passed, which just prohibits the distribution or sale within the County, then there would be some leverage to prevent its sale in town. As far as prosecution for use, it is difficult because we would have to prove the chemical structure of the product used. The ones Tremonton has charged for Psychotoxic Chemical Abuse have not gone to court yet, but Logan has had mixed success with convictions on that charge. Councilmember Holmgren asked if stopping the sale of "Spice" is the first step. Chief Nance said that it helps, but it is not going to prevent it. There may be less of a legal hassle with just stopping the sale as there could be with making the use illegal.

Councilmember Doutre asked if the letter of support is for the County or the State. Councilmember Deakin replied that it is for the County. The letter will be going to County Commissioner Brian Shaffer.

Motion by Councilmember Wood to approve a letter to Box Elder County supporting legislation restricting the sale and use of the drug commonly known as "Spice". Motion seconded by Councilmember Deakin. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember

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

Discussion of Agenda Item 6., Comments, was resumed.

b. Council Reports:

Councilmember Doutre commented on what an opportunity it was to be able to listen to Governor Herbert this evening. He had some great things to say about our County and our area.

Councilmember Wood agreed with the previous comments.

Mayor Fridal said that it was a good and worthwhile event that several of the Councilmembers participated in.

7. Public comments: Comments limited to three minutes. There were no public comments.

8. Adjournment.

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

The meeting adjourned at 9:38 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