

**TREMONTON CITY CORPORATION
CITY COUNCIL MEETING
February 15, 2011**

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 February 15, 2011 City Council Workshop to order at 6:05 p.m. The meeting was held in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Those in attendance were Mayor Fridal, Councilmembers Deakin, Doutre, Holmgren, Reese, and Wood, City Manager Shawn Warnke, Recorder Darlene S. Hess, Zoning Administrator Steve Bench, Public Works Director Paul Fulgham, 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 p.m. Council Meeting:

The Council reviewed the February 15, 2011 Agenda with the following items being discussed in more detail:

- Ordinance No. 11-03 – Zoning Administrator Bench explained that the cooking outdoors portion of the Open Fires Ordinance is being moved from the Zoning Code to the Revised Ordinances to allow for more enforcement. Councilmember Holmgren asked if open fields can be burned within Tremonton City limits with a fire permit. Zoning Administrator Bench explained that the burning of open fields within City limits was prohibited years ago. The field burning portion of the Ordinance is still addressed within the Revised Ordinances.

Councilmember Holmgren felt that the City's burn Ordinance is unclear on burning fields within the City limits. Councilmember Wood commented that a burn is needed on 2000 West. The tree stumps on top of the soil are an eyesore.

- Ordinance No. 11-04 – Zoning Administrator Bench said that this Ordinance establishes the Flood Damage Prevention Overlay Zoning District. It also includes the Flood Insurance Study FEMA requires.

- Manager Warnke - An Interlocal Agreement for fire protection with Box Elder County and Elwood Town has been finalized and approved by both Elwood Town and Box Elder County. There are a few changes from the previous agreement meant to make the agreement easier to administrate. It sets the Hard Cost per Equivalent Residential Unit (ERU) for a three year period which Box Elder County and Elwood Town will pay to have Tremonton City Fire Department be ready to respond to their fires. The agreement also charges Soft Costs (associated with using equipment, personnel, etc. used when responding to a call) to Elwood and the County. Mayor Fridal asked how much Tremonton will charge Deweyville when a call for fire service comes in from them.
- Resolution No. 16, entering into a short term office space user agreement with the Bear River Valley Chamber of Commerce. A user agreement has been prepared by Staff as directed by the City Council. Zoning Administrator Bench suggested the Chamber use the old Lucky's Restaurant Building for an office.
- Chief Nance explained that the Police Department has a 2006 Ford Crown Victoria patrol car which has 96,211 miles on it that the Chief would like to surplus. It is one that was scheduled to be replaced last year but was retained because of budget issues. The transmission needs to be replaced. Replacing the transmission would cost \$4,000.
- Mayor Fridal informed the Council that Tremonton and Garland are planning an earthquake drill at Bear River Valley High School on April 27th between 2:30 p.m. and 5:30 p.m. It will involve Tremonton CERT Team, Fire and Police Departments from both cities, the Bear River Valley Hospital, Box Elder County Sheriffs Office, the Health Department, Box Elder High School, and local mortuaries, Jay Munz and Jim Hess are in charge of it. They would like as many of the City Council to participate as possible. Chief Nance said that the hospital and local fire departments are going to participate. It will be a comprehensive drill. More information with be forthcoming.

2. Review of Mayor/City Council Assignments for 2011

Mayor Fridal reviewed the Council assignments for 2011. Assignment for the Food Pantry was moved from Councilmember Doutre to Councilmember Reese.

3. IS300 Training – March 29, 30 and 31 at the Public Works Training Room

Councilmember Holmgren presented graphs he had prepared based upon the City Sales Tax Receipts information the City Staff prepares monthly. The Moving Average Charts indicate that the City Sale Tax receipts have bottomed out and are starting to move upward. Manager Warnke

has suggested that the City talk to the newspaper to see if they will do a story letting people know that things are improving. The Council felt that was a good idea. Councilmember Deakin suggested showing an average of where the figures were before the recession and where they are now would be helpful.

The meeting adjourned at 6:47 p.m. by consensus of the Council.

CITY COUNCIL MEETING

Mayor Fridal called the February 15, 2011 City Council Meeting to order at 7:03 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, 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 offered by Councilmember Reese and the Pledge of Allegiance was led by Councilmember Deakin.

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 February 15, 2011 agenda. Motion seconded by Councilmember Holmgren. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. The motion carried.

3. Approval of minutes – January 18, 2011, January 25, 2011 and February 1, 2011.

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

Motion by Councilmember Holmgren to approve the minutes of January 18, 2011, January 25, 2011 and February 1, 2011. Motion seconded by Councilmember Wood. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. The motion carried.

4. Introduction of guests.

Mayor Fridal welcomed Kevin Hamilton, Box Elder County Community Development Director, members of the Youth City Council, and all others who were in attendance.

5. Presentations

a. Youth City Council Report of the Local Officials Day at the Legislature

Katrina Perkins and Darcie Christensen told about the trip they took with Councilmembers Wood and Doutre to the State Capitol in January. Darcie said that her favorite event was hearing Larry Gelwix, Highland High School Rugby Coach, speak on how to gain sustainable success. Katrina enjoyed going to the Capitol and observing the debate and voting on some bills, and meeting the Lieutenant Governor Bell. They were able to have lunch with Representative Ronda Menlove. Both said they enjoyed the trip and learned a lot. They thanked the Council for allowing them to attend.

b. Business Expansion and Retention (BEAR), Kevin Hamilton, Box Elder County Community Development Director

Kevin Hamilton spoke to the Council about the Business Expansion and Retention (BEAR) Program. Mr. Hamilton, Councilmember Holmgren, Manager Warnke, and several other people have been trying to figure out what can be done to move economic development along, especially in light of all the lay-offs that have occurred within the County. Box Elder County was really hit by the huge lay-offs by the County's biggest employer as a result of budget cuts in Washington D.C. Mr. Hamilton said that the effect of that lay-off on Box Elder County can be compared to laying off the 20,000 highest paid people in Salt Lake County.

There are two types of economic development: economic hunting where new businesses are sought to come to the area; and economic gardening where the focus is on building existing businesses.

The BEAR Program is a three year program which does three things:

- Vista volunteers, a group of people who are partially paid by the government, will work with the businesses to see if there is anything we are not doing for our businesses that we could be doing. They identify needs and then set up programs to assist in meeting those needs.
- The BEAR Program brings all resources together on a regular basis to find solutions to challenges local businesses are experiencing.

- The BEAR Board looks at what Government can do to get off people's backs by looking at and, where appropriate, modifying rules that are hindering the businesses.

The BEAR Board will be made up of three people from each of the Chambers of Commerce in Box Elder and Cache Counties and the BRAG director. ExecutivePulse software is used to track activities and tally the impact of the program so everything is measurable.

Councilmember Holmgren pointed out that the software is expensive, and the BEAR Program is a bi-county effort. The program works as a clearing house to satisfy the needs of the businesses.

Mr. Hamilton said that they have been successful in getting money from the Governor's Office of Economic Development to cover the cost of the software. This was made possible through the hard-fought efforts of Representative Menlove. Based upon a strict per capita amount to run the BEAR Program, Tremonton's contribution would be around \$2,600. However, because of some other funding sources, such as grants, Mr. Hamilton feels Tremonton's contribution will be less than half that amount, and, perhaps, nothing. What is being asked tonight is that, as the Council goes into the budgeting process, they keep their minds open to the possibility that some funding assistance may be needed.

Councilmember Wood asked if the amount mentioned is \$2,600 per year. Mr. Hamilton replied that that is correct. The first year is pretty well covered. The Vista grant pays for 80% of the volunteers' salaries for the first two years. The local areas will be responsible for the entire amount the third year, but it is the desire of the BEAR Board to collect the money on a yearly basis so no one will be stuck with the big amount that last year.

Mayor Fridal asked what businesses the volunteers will focus on. Mr. Hamilton replied that they will go to both large and small businesses. His emphasis will be upon those smaller manufacturing companies which may be a \$25,000 grant, or maybe a change in a zoning ordinance, away from hiring or keeping an employee.

Micah Capener explained that the BEAR Program was implemented in Carbon County. Some of the businesses in Carbon County didn't want to participate, so they went with the ones who did want to participate and were able to get thousands of dollars in grants for those businesses. Now, everyone wants to participate. The BEAR Program has brought \$1.5M in actual money into the Counties that have participated.

6. Common Consent - Consent Agenda.

- a. Consideration of approving the January 2011 Warrant Register.

Motion by Councilmember Doutre to approve the January 2011 Warrant Register. Motion seconded by Councilmember Reese. Vote: Councilmember Deakin - aye, Councilmember Doutre, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. The motion carried.

7. New Council Business:

- a. Discussion and consideration of approving Ordinance No. 11-03 repealing Chapter 1.23 Supplementary Regulations, 1.23.020 Open Fires of the Tremonton City Code, Title 1. Zoning and amending Title 10 Fire, Health, Safety and Welfare, Chapter 10-100 Fires – Department - Code, of the Tremonton City Corporation’s Revised Ordinances, more particularly, Part 10-180 Open . . . Air Field Burning Burning Regulations and adding Part 10-190 Open Fires for Recreational and Food Preparation

Zoning Administrator Bench reminded the Council that a year or so ago an ordinance was passed to regulate open fire pits in back yards for the preparation of food. The Staff feels that this Ordinance is better suited to be placed in the Revised Ordinances. This Ordinance would move these regulations from the Zoning Code to the Revised Ordinances. There is no change to the regulations.

Motion by Councilmember Reese to adopt Ordinance No. 11-03. Motion seconded by Councilmember Holmgren. Councilmember Deakin suggested that the motion show that the regulations are being moved from the Zoning Code to the Revised Ordinances. **Motion by Councilmember Deakin to adopt Ordinance No. 11-03 repealing Chapter 1.23 Supplementary Regulations, 1.23.020 Open Fires of the Tremonton City Code, Title 1. Zoning and amending Title 10 Fire, Health, Safety and Welfare, Chapter 10-100 Fires – Department - Code, of the Tremonton City Corporation’s Revised Ordinances, more particularly, Part 10-180 Open . . . Air Field Burning, Burning Regulations and adding Part 10-190 Open Fires for Recreational and Food Preparation.** Motion seconded by Councilmember Holmgren. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. The motion carried.

- b. Discussion and consideration of approving Ordinance No. 11-04 establishing Chapter 1.11 Flood Damage Prevention Overlay Zoning District to be added to Title 1 Zoning of the Tremonton City Code and Re-zoning the property located within the Federal Emergency Management Agency Mapped 100 Year Flood Plain “Zone A” to the Flood Damage Prevention Overlay Zoning District

Councilmember Deakin declared a conflict of interest on Agenda Item b. and left the podium at 7:36 p.m.

Zoning Administrator Bench explained that the contents of this proposed Ordinance have been compared with the Sensitive Area (SA) Ordinance which is the underlying zoning of the Malad River Basin. There are no conflicts, so the FEMA Ordinance is being brought back to the Council for consideration.

Mayor Fridal asked if there are any negatives within the proposed Ordinance. Zoning Administrator Bench said there is nothing that the SA Ordinance didn't already cover in the area, such as building, ranging cattle, etc. The Ordinance deals mostly with being a member of the FEMA Flood Program. Councilmember Wood commented that, if the City doesn't pass this Ordinance, businesses in the area wouldn't be able to purchase the reduced cost National Flood Insurance. Zoning Administrator Bench noted that it also allows FEMA to provide assistance in the event the area were ever declared a disaster.

Motion by Councilmember Wood to approve Ordinance No. 11-04. Motion seconded by Councilmember Reese. Vote: Councilmember Doutre – aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. The motion carried.

Councilmember Deakin returned to the podium at 7:40 p.m..

- c. Discussion and consideration of approving Resolution No. 11-15 approving an Interlocal Agreement for fire protection with Box Elder County and Elwood Town

Manager Warnke explained that this is an agreement with Elwood and Box Elder County to provide fire protection for those jurisdictions. Tremonton has had an agreement with both Elwood and Box Elder County in the past. This is just a revised agreement. Changes to the agreement include charging the soft costs to respond to a fire and how Tremonton will administrate the Agreement.

Tremonton would not be servicing Deweyville, but the way the funding formula is applied, the City would capture about the same amount of money as they have in years past in providing fire protection outside the City boundaries.

Both Box Elder County and Elwood have approved the agreement.

Councilmember Holmgren asked about a small section of Elwood south of 8800 North. Councilmember Deakin stated that his understanding is that that section of Elwood is covered by the Fire District. Manager Warnke confirmed that that is the case.

Motion by Councilmember Deakin to approve Resolution No. 11-15 approving the Fire Agreement with Box Elder County and Elwood Town. Motion seconded by Councilmember Wood Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. The motion carried.

- d. Discussion and consideration of approving Resolution No. 11-16 approving an Office Space User Agreement allowing on a short-term basis the Bear River Valley Chamber of Commerce the use of office space within the City's Civic Center

Manager Warnke stated that, as the result of discussions during the Work Session of the January 18th meeting, his understanding was that he was to prepare an agreement reflecting what the City could reasonable provide to the Chamber in the way of office space. The proposed agreement, which would be adopted by Resolution No. 11-16, is for a two year period and tries to make it clear what resources are available. Department Heads within the Civic Center have reviewed the agreement to make certain the operations of their Departments would not be affected. If approved, it will probably take a week or so before the IT consultants can get to the City Offices to hook up the internet. The proposed office space is the further west office in the north wing.

Councilmember Holmgren said that the Council wants to do what they can to help the Chamber, but, at the same time, encouraged them to look for a more permanent location for the future. In the mean time, this will bridge the gap between now and then.

Mayor Fridal asked Micah Capener, representing the Chamber of Commerce, if he has seen the room. Mr. Capener replied that he has and that the Chamber is very grateful for anything. He feels that it will be fantastic and that it will bridge a gap between where they need to be and where they want to be. They plan on bringing their own desk and will be ready whenever the City is ready.

Mr. Capener explained that he is currently not the Chamber President. Jonathan Roberts has taken over. Mr. Roberts signed the agreement.

Motion by Councilmember Reese to approve Resolution No. 11-16. Motion seconded by Councilmember Holmgren Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. The motion carried.

- e. Discussion and consideration to surplus Patrol Car T34 a 2006 Ford Crown Victoria (VIN # 2FAFP71W26X162682 mileage 96,231)

Chief Nance said that the subject 2006 patrol car started having transmission

problems in January. The vehicle was checked out and it was determined that the transmission needs to be replaced. The cost to replace the transmission would be about \$4,000. The car was scheduled to be replaced last year, but because of budget issues it was kept in service for another year. Chief Nance said that he hates to put \$4,000 into a vehicle that has that high of mileage on it.

Chief Nance suggested that the vehicle be surplus. Several parts have already been taken off this car to put on another Crown Victoria Patrol Car to keep it going, but someone may be interested in it.

Motion by Councilmember Reese to surplus Patrol Car T34, a 2006 Crown Victoria. Motion seconded by Councilmember Doutre Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. The motion carried.

8. Comments:

a. Administration/City Manager Advice and Consent.

1) Earthquake Drill at Bear River High School

An earthquake drill is scheduled at Bear River High School on April 27th between 2:30 p.m. to 5:30 p.m. More information will be coming.

b. Council Reports:

Councilmember Deakin thanked Manager Warnke for finally getting the Interlocal Fire Protection Agreement in place.

Councilmember Wood said that he was glad to see the Youth City Council come and thanked the citizens for allowing them to go to the Officials Day at the Legislature. The youth had a good time and it was a day well spent. They all learned a lot. The new Senior Bus really needs to get heated mirrors installed. The rearview mirrors frosted up badly going to Salt Lake for Officials Day. It is a safety issue.

Councilmember Holmgren asked what the status is on the Certified Local Government (CLG) Grant. Manager Warnke replied that the Ordinance is in place. There are one or two more steps. It was explained that the CLG allows obtaining grants for historical restoration of buildings which are on the National Register of Historic Places.

Councilmember Holmgren commented that for some time the staff has been doing a study on sales tax revenues. The decline seems to have bottomed out and things

are starting to improve a little bit. He will be getting with the newspaper to have an article published about the trend.

Mayor Fridal thanked everyone for coming and participating in City Council Meeting.

11. Public comments: Comments limited to three minutes.

There were no Public Comments.

12. Adjournment.

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

The meeting adjourned at 7:53 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 _____, 2011.

Darlene S. Hess, Recorder