

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

Members Present:

David Deakin  
Diana Doutre (arrived at 6:05 p.m.)  
Lyle Holmgren  
Jeff Reese  
Byron Wood  
Roger Fridal, Mayor  
Shawn Warnke, City Manager  
Darlene S. Hess, Recorder

**CITY COUNCIL WORKSHOP**

Mayor Fridal called the March 15, 2011 City Council Workshop to order at 6:00 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 (arrived at 6:05 p.m.), Holmgren, Reese, and Wood, City Manager Shawn Warnke, Recorder Darlene S. Hess, Police Sergeant Kevin Allred, Fire Chief Steve Batis (arrived at 6:31 p.m.), Public Works Director Paul Fulgham, Library Director Kim Griffiths, Police Chief David Nance (arrived at 6:46 p.m.), and Treasurer Sharri Oyler (arrived at 6:12 p.m.).

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

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

- Home Based Business – Recorder Hess informed the Council that Peggy Schultz has a home based business doing Pampered Chef. Ms. Schultz was contacted and told that a home base business has to have a Conditional Use Home Occupation Permit which costs \$20. If they don't gross \$600 or more per year, that is all that is required. If they gross \$600 or more per year, a business license is also required. Ms. Schultz doesn't feel she should be charged both. The City Code states that a Conditional Use Home Occupation Permit is required for all home businesses. Councilmember Doutre asked if the charge is \$60 per year and was told that the Conditional Use fee of \$20 is a one time fee. Ms. Schultz was under the impression that she has to pay \$60 every year and felt she was being double taxed. Mayor Fridal pointed out that she is being treated the same as any other home based business.
- Fats, Oils and Grease Brochure – Director Fulgham explained that Public Works would like to start sending out an annual mailer to all City customers to educate people about what they should not be putting down their drains and how to use their garbage disposals. The brochure will likely be made available to Garland

City if they want to send it out. There are certain areas in Tremonton that really have problems with grease. The next step will be to educate the restaurants. The Council agreed that it would be money well spent. Manager Warnke said that Utah Local Governments Trust, the City's insurance provider, commented on how well the City's lines are maintained. Director Fulgham responded that all lines are cleaned once a year.

- Warranty Register – Director Fulgham explained that the checks to Golden Spike Electric and Golden Spike Automation are for the well, the Salsnes filter and for a backup generator. The generator is large enough to run two one hundred horsepower pumps. The goal is to look at connecting the City Offices to the generator to provide power during an emergency.
- Resolution No. 11-17 Street Lighting Agreement – Director Fulgham told the Council that there was an oversight at the time the other Street Lighting Agreements were presented to the Council for approval. All of the locations were discussed, but two of the agreements were not included. This is just to ratify what was done. All of the lights have been installed.
- Resolution No. 11-18 Lawn Care Service Agreement – Manager Warnke explained that Custom Application has been providing the lawn care service for the City for the past four years. It is now time to renew the contract. The service provided has been mostly satisfactory. There have been a few issues which have been worked out and included in the new contract. There is quite a cost increase over the previous contract. Part of that is due to an increase in some of the services the City is asking them to provide such as dethatching, edging and fertilizing more frequently, as well as the addition of about five to six acres. The City is still getting a good value. When the City went out to bid four years ago, some of the bids were in the neighborhood of \$100,000. The staff has looked at doing the lawn care in-house, but the cost would have been in the neighborhood of \$200,000 with \$70,000 in annual operating costs. This would be a four year contract.
- Resolution No. 11-19 creating a Satellite Tremonton Library Branch – Library Director Griffiths explained that they are trying to get the Senior Center hooked up with the Library E-Rates so they can save some money on their computer usage and phone systems. Utah Education Network (UEN) subsidizes the Library for 70% of their cost for phone and internet. It is the desire of the Library Board to provide more service for the area seniors. Some books will be kept at the Senior Center and books will be provided to the shut-ins through Meals-On-Wheels. The Senior Center will also allow their computer lab to be used, after the Senior Center regular hours, to help improve computer skills for those who are job hunting right now.

Councilmember Doutré stated that there has been some discussion on how much to charge for library cards. If Meals-On-Wheels distributes books, they could be

going to those outside of the City limits. Councilmember Deakin stated that the City budgets about \$400,000 each year for library services. A little over half of those using the Library live outside of the City limits. That is about \$200,000 worth of services that the residents of Tremonton are paying for those living outside of the area. It is a little bit of a concern if those seniors don't have to pay for a card and are having books delivered to their door, when they aren't paying taxes to Tremonton.

Councilmember Holmgren commented that a lot of these people will come to Tremonton to shop. Recognizing that half of the sales tax goes back to the purchaser's community, Councilmember Holmgren requested that the Council still keep that in mind. Councilmember Wood said the County refunds money to the City every year for the Senior Center services. The City needs to contact the County to see if they will help with the cost. Councilmember Deakin added that the other communities should help, as well. He said he applauds the idea, but feels it should be for the Tremonton City residents. He is uncomfortable with the idea that this is another service Tremonton is providing to the valley at the tax payer's expense.

Councilmember Holmgren asked if the City could do an interlocal agreement with the other communities for some of these services like they do for fire or animal control. Manager Warnke replied that the Federal funding the City receives limits what the City can do. State and Federal funding for senior services amounts to about \$130,000 per year. In order to receive this funding, seniors cannot be turned away nor can they be required to pay for services. Councilmember Wood reiterated that the City needs to go to the County to see if they will increase their contribution.

Manager Warnke commented that the City has already established that they are in the business of being a Senior Center provider. Councilmember Doure replied that this is a new service and that is a good time to say that the service will be available if the customer has a library card.

Manager Warnke informed the Council that they will need to make a decision this evening on whether or not they want to put in a satellite library at the Senior Center and take advantage of the E-Rate discount because there is a deadline in order to be eligible. The City would save about \$800 to \$1,000 per year with the E-Rate. There are also opportunities to receive computers and grants. Charging the out of town seniors would not be a huge money maker. This may be one of those situations where the money saved on internet costs would compensate for any money lost by not requiring out of town seniors to have library cards.

- Resolution No. 11-20 Real Estate Purchase Agreement – Director Fulgham said the City has an opportunity to purchase property for the purpose of constructing a new one million gallon concrete reservoir. The cost of the property is \$15,000 for 1.469 Acres plus closing and title cost and one additional water connection from

the Cedar Ridge Well. Cedar Ridge will have to provide Tremonton with the water rights and will pay the costs for hooking the water up to their property.

- Draft Ordinance Imposing a Transient Room Tax (TRT) – Manager Warnke explained that this is a draft ordinance. The City Attorney hasn't reviewed it. It is presented for the purpose of making the Council aware of what the Ordinance would look like.
- Bid for Disposal of Patrol Car T34 – Sergeant Allred informed the Council that bids for the 2006 Ford Crown Victoria were opened today. There were four bids but one wasn't accepted because it wasn't submitted in time. The high bid was \$1,500.
- Consider declaring a Recreation Vehicle as surplus – This is a 1991 Ford Pick-up with 110,531 miles. It isn't worth the money it would take to repair it.
- Resolution No. 11-21, Consolidated Fees and Fines Schedule – Manager Warnke stated that this is the ongoing Resolution that the Staff has been working on. These changes are not going to generate a lot of money at this time. If there was a lot of building and construction going on, it would have the potential to do that as it includes higher connection fees and building and development fees. Most of the citizens are not going to realize the effect of what is in this Fee Schedule. The Fee Schedule has already been amended to include the increase in garbage collection fees. The biggest issue that needs to be discussed by the Council is how the City treats a situation where the Tremonton Fire Department is called out to other cities in an emergency, not as the primary responder, but as the secondary responder. The Resolution, as written, envisions that Tremonton would try to recoup those costs and would require a \$900 ready response fee for fire protection. Tremonton City has been on both the receiving end and the giving end on this issue over time. Most recently Tremonton received some SWAT help from Brigham City. In the future, Tremonton will be paying about \$500 to have that service readily available. The City also received some HazMat services recently that weren't charged for. This isn't a big issue at this time due to the infrequency in calls the City is asked to respond to.

Councilmember Wood mentioned that the charge is going from \$58.76 to \$78.35 per square foot on the valuation of a new home but earlier it was said that the total additional charge for a 1,500 square foot home would only be \$435. He asked how that is calculated. Manager Warnke said he would try to determine that between now and the policy session.

The meeting adjourned at 6:51 p.m. by consensus of the Council.

### **CITY COUNCIL MEETING**

Mayor Fridal called the March 15, 2011 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, Recreation Director Marc Christensen, Public Works Director Paul Fulgham, Library Director Kim Griffiths, Senior Center Director Marion Layne, Police Chief David Nance, and Treasurer Sharri Oyler.

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 Holmgren and the Pledge of Allegiance was led by Recorder Hess.

2. Discussion and approval of agenda.

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

**Motion made simultaneously by Councilmembers Holmgren and Wood to approve the March 15, 2011 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 – February 15, 2011 and February 22, 2011.

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

**Motion by Councilmember Reese to approve the minutes of February 15, 2011 and February 22, 2011.** Motion seconded by Councilmember Holmgren. Vote: Councilmember Deakin – aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

4. Introduction of guests.

Mayor Fridal welcomed all those present, including Rick Kent, three Boy Scouts and one leader from Troup 133, two Boy Scouts and one leader from Troup 140, and eight Boy Scouts and one leader from Troup 332. Mayor Fridal encouraged all of the Boy Scouts to become Eagle Scouts. Councilmember Wood commended the leaders for all they do to help these young men.

5. Presentation:

a. Boys and Girls Club – Jenny Schulze

Ms. Schulze introduced Jennelle Jeffries who accompanied her. Ms. Schulze thanked the City Council for their continued support of the Boys & Girls Club.

This year the club served 308 members in the Tremonton Area through the organization's Summer and After School Programs. Participation is growing this year. Students are being picked up from Garland Elementary and North Park Elementary and transported to McKinley Elementary so they can participate. This year they are trying to focus more on the teen programming, but at this time the Boys & Girls Club does not have a site where they can serve the local teens.

This summer a summer camp is planned at the Fair Grounds for that "tween" age (6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> grades) where they can participate in not only Club programs, but also, 4H, Girls Scout, and Boy Scout programs.

The focus in 2011 will be on the working class families in Box Elder County. It is anticipated that it will be a difficult year due to the economy and rising prices. It will be emphasized that it is not okay for kids to be left home alone.

Various issues will be addressed through some of the Club programs. One thing that is being seen is grandparents raising their grandchildren, so a grandparent support program will be started. In Brigham City, a pilot mentoring program has been started that hooks up high school juniors and seniors with community business owners who help those kids go on to college. Hopefully this program can be brought to the Tremonton area by next fall.

Ms. Jeffries said that the first event in the Tremonton area is scheduled. It is called "Luau & Luck," and will be a bingo night with a luau theme. It will be held at the County Fair Grounds on Friday, April 29<sup>th</sup> from 6:30 p.m. to 8:30 p.m. The Council is invited to attend.

Councilmember Dautre reported that Principal Chadaz mentioned, at one of the Boys & Girls Club meetings, that seventeen kids moved into the McKinley School area in a two week period. They moved in with existing families. Ms. Schulze stated that, later that day, Principal Kline told her that fifteen new kids had been enrolled into Harris Middle School in the same period of time. As people lose their jobs we may see more people moving in with families.

6. Request(s) to be on the agenda:

- a. Home Base Conditional Permit/Business License – Peggy Schultze.

This agenda item was skipped as Ms. Schultze was not present.

7. Department Head(s) Reports:

- a. Fats, Oils and Grease (FOG) Brochure – Public Works Director Paul Fulgham

Director Fulgham explained that disposal of fats, oils and grease is not only a problem with the City's industries. It is also a problem with households. Oils become solidified when they are introduced to water. Sometimes it solidifies into the consistency of Styrofoam. This can cause plugs in the homeowner's line, but it also causes plugs within the sewer mains and this becomes a financial burden to the City.

What is being proposed is to send an educational flyer to City residents which will explain the proper methods for disposal of fats, oils, and grease. It will also explain the proper usage of garbage disposals because certain ground foods will make a mask which helps block the fats, oils and grease. The mailing cost will be around \$550 instead of the earlier estimate of \$750 as the flyers will be mailed along with the utility bills. Director Fulgham said he hopes this will alleviate some of the liability exposure as well as reduce the cleaning costs the City has experienced in the past. It is proposed that this will be an annual mailing.

**Motion by Councilmember Deakin to approve the mailing of the FOG Brochure.** 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. Common Consent - Consent Agenda.

- a. Consideration of approving the January, 2011 Financial Statement.

**Motion by Councilmember Doutre to approve the January 2011 Financial Statement.** Motion seconded by Councilmember Wood. Vote: Councilmember Deakin - aye, Councilmember Doutre, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- b. Consideration of approving the February 2011 Warrant Register.

**Motion by Councilmember Reese to approve the February 2011 Warrant Register.** Motion seconded simultaneously by Councilmembers Doutre and Holmgren. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- c. Approval of Resolution No. 11-17 ratifying Street Lighting Agreements between Tremonton City and PACIFICORP doing business as Rocky Mountain Power at 50 West 200 South and 3150 West 1000 North, Tremonton, Utah

Director Fulgham explained that a listing of new street lights that were scheduled for installation, along with the corresponding Street Lighting Agreements, was presented at a previous meeting. At that time, the Street Lighting Agreements for two of the locations, 50 West 200 South and 3150 West 1000 North, were not available. It was necessary for the Mayor to sign these two agreements so the lights could be installed. This Resolution is to ratify the signing of those agreements.

**Motion by Councilmember Wood to adopt Resolution No. 11-17.** Motion seconded by Councilmember Reese. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

9. New Council Business:

- a. Discussion and consideration of approving Resolution No. 11-18 extending a Lawn Care Service Agreement between Tremonton City, A Utah Municipal Corporation, and Custom Application Service, LLC

Recreation Director Christensen stated that that this Resolution authorizes the extension of the Lawn Care Service Agreement with Custom Application Service, LLC. They have been performing the City lawn care service for almost eight years. Five additional properties are being added to this Agreement. A few additional services have also been added: dethatching the lawn, edging certain high visibility sidewalks weekly instead of every other week, additional weeding at the Civic Center and Library flower beds, establishing a weed-free City for all City properties, and a billbug killer application. Also figured into the agreement is the increased cost of fuel and fertilizer products. The contract price is \$79,800 per year for a four year period.

Councilmember Holmgren asked if the price would be held for four years. Rick Kent replied that Custom Application Service feels they can maintain that price for the four year period.

**Motion by Councilmember Deakin to adopt Resolution No. 11-18 extending the lawn care agreement for another four years.** 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 approving Resolution No. 11-19 more formally creating a Satellite Tremonton Library Branch

Councilmember Wood asked Senior Center Director Layne how many meals are being delivered in the County. Director Layne replied that they deliver about forty in the County. Councilmember Wood asked how much was being charged for the meals. Director Layne told him that, according to the Older Americans Act, she can't charge at all, but the suggested donation is \$2.50. The seniors in the Tremonton area are the highest donating seniors in the State. Ninety-seven percent of local seniors donate, which pays back over \$50,000 to the program. They pay \$2.50 per meal, but it costs \$6.08 to provide and deliver that meal. The program is subsidized by State and Federal funds. The Bear River Area Government (BRAG) Advisory Board sets the price that can be charged for the meals. Meals provided to those under sixty years of age can be raised to what it costs to produce the meal. However, if the Senior Center sets a fixed price for the seniors' meals, they will lose their federal funding.

Director Layne reported that, in searching the internet, she found that a lot of the grants require a 501(c)(3) or a library status. Those grants are for things like computers, desks and exercise equipment. None of these types of grants can be applied for because the Senior Center is neither a library nor a 501(c)(3).

Library Director Griffiths told the Council that the Library has a program which is

subsidized by the Federal Government. It is called an E-Rate. This program pays for 70% of the Library's internet, wireless, and telecommunications costs. The bill for these services is sent to Utah Education Network (UEN). UEN pays the 70% and then sends a bill to the Library for the final amount.

Since the Senior Center has a computer lab, Directors Layne and Griffiths thought it would be beneficial for the Senior Center to team up with the Library. Computer classes could be offered to the community, after the Senior Center hours, to help those who have lost their jobs get back into the work force. This would be hard to do at the Library as their computers are always in use, but if the Senior Center computer lab could be used in the evenings, these classes could be offered.

It would also be nice to be able to offer library services to the Seniors. In order for the Senior Center to get the E-Rate, a satellite library would need to be set up in their building. There are shelves in the building where books can be cataloged and placed. It would basically be a senior branch. In order to take advantage of the E-Rate for this year the application needs to be sent in by the end of March.

Councilmember Dautre asked Director Layne how many computers there are at the Senior Center. Director Layne replied that there are six that are running and two laptop computers. There is room for three more computers. The computers are about eight years old, but they work. The Senior Center holds computer classes on them twice a week.

Councilmember Holmgren said that this is a really good thing. He asked how library cards would be handled for those living outside of Tremonton City limits. Director Layne replied that if the satellite library functions out of the Senior Center a fee cannot be set. The Older Americans Act will not allow her to set a fee. Everything has to be a voluntary donation. The Council agreed that it would be a good program and the savings from UEN and the grants would compensate for the \$800 or so a year that would be lost by not charging for library cards.

**Motion by Councilmember Reese to approve Resolution No 11-19.** Motion seconded by Councilmember Wood. Vote: Councilmember Deakin - aye, Councilmember Dautre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

Councilmember Deakin asked about not being able to set fees and whether services are open to anyone, even someone driving through town. Director Layne responded that it would apply to anyone who is sixty or over. It has to be a donation. If someone sixty or over hasn't made a reservation but they come to eat between noon and 1:00 p.m., they have to be fed even if the staff has to make tuna sandwiches for them

- c. Discussion and Consideration of approving Resolution No. 11-20 approving a real estate purchase agreement between Cedar Ridge Water Company/McAldon Thompson and Tremonton City Corporation

Director Fulgham said that recently there have been discussions about the need to

get a new water tank, and the Council directed him to look for property. Mr. McAldon Thompson has been approached about the City purchasing a 1.459 acre piece of property he owns. This property is adjacent to City property where the current million gallons and the 250,000 gallon reservoir sit. A settlement has been negotiated to purchase the property. This Resolution would give Mayor Fridal authorization to sign the real estate purchase agreement.

Cedar Ridge Water Company is involved in the agreement because Tremonton City will provide a water connection to Mr. Thompson out of the new well the City purchased from Cedar Ridge last year. The water will have to be conveyed through existing Cedar Ridge Water Company lines. For this reason, Cedar Ridge Water Company representatives will also be signing the agreement signifying that they will allow McAldon Thompson to add one water connection when he is ready to subdivide his property, and that they will allow him to use the Cedar Ridge Water Company lines to convey that water from the Tremonton City well.

The agreement requires Mr. Thompson to provide Tremonton City with the water rights, and he has to pay all the fees required by Cedar Ridge for him to get that connection to his property. He will be part of the Cedar Ridge Water Company and pay their rate to Tremonton City for his water use out of that well.

**Motion by Councilmember Wood to approve Resolution No. 11-20.** Motion seconded by Councilmember Deakin. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- d. Discussion of a draft Ordinance (No. 11-DRAFT) of Tremonton City Corporation imposing a transient room tax, modifying Title 6 Finance and Taxation by relocating municipal impact fees from Chapter 6-600 in the Revised Ordinances of Tremonton City Corporation to Chapter 6-900 and modifying Chapter 6-600 for Imposing a Transient Room Tax

Manager Warnke explained that this is just a draft ordinance prepared for the Council's discussion. The Ordinance proposes a tax which the City would impose on transient rooms. Transient rooms are defined as any lodging for a period of less than thirty days. There are several motel establishments in Tremonton. They already have a 4.25% transient room tax (TRT) imposed by Box Elder County. The State allows for cities to add a municipal room tax of 1%. There are services that people coming into the City receive: most notably is ambulance service. Recently the staff looked at ambulance services which were provided and write-offs that occurred. Out of state people represent 10% of the City's total billing. The City ends up writing off about 46% of that amount which equals about \$32,000 the City writes off per year. It is really hard to collect in these situations. The City also provides police and law enforcement services. Police Chief Nance estimates that 50% of the issues the Police Department deals with are from people who live outside of the surrounding area. Of that 50%, about 20% is related to people who live out of state and are just passing through. Out of state people also benefit from City roads. About \$1M of the City's budget is attributed to law enforcement services.

Manager Warnke proposed that the City consider imposing this transient room tax (TRT). He would like to put the Ordinance on the next agenda. The City is not required to hold a public hearing, but one will be held and advertised. Also, the businesses which might be affected by the transient room tax, including RV Parks, will be invited to attend. Manager Warnke said that his understanding is that it is a tax and the businesses will just pass it on to the end user. The City can collect the TRT tax, but most municipalities contract with the Tax Commission to collect the tax for them. There is a small fee involved (1.5%) for that service.

Councilmember Wood said that the only problem he has is the wording related to condominiums and resort homes. He would like that wording excluded. Councilmember Wood complemented Chief Nance on the nice letter written by an out of state visitor regarding one of the City police officers. Chief Nance explained that there was a group on motorcycles passing through town, and they parked at one of the motels for the night. A U-Hall type truck backed into one of the motorcycles and the officer helped the motorcycle owner find a location where he could get his motorcycle repaired. It was nice of them to send a letter and give the officer a pat on the back.

Councilmember Deakin said that he felt a good argument has been made about charging a tax to people passing through. He told Manager Warnke that he had put the argument together logically and he understands and supports that. The residents of Tremonton have been paying for all of these services in the past. Councilmember Deakin suggested, in order to make the tax a little more palatable for the owners of those properties, that it be made clear that the residents have been subsidizing these travelers and now the City is going to tax the travelers. Instead of the City gaining additional revenue Councilmember Deakin suggested that the Council find a way to allocate that money to lower the burden of the citizens of Tremonton.

- e. Discussion and consideration of approving a bid for the disposal of Patrol Car T34 a 2006 Ford Crown Victoria (VIN # 2FAFP71W26X162682 mileage 96,231)

Chief Nance reminded the Council that a request was made to the Council a few weeks ago to dispose of this vehicle which has over 96,000 miles and a bad transmission. It was put out to bid and the bid opening was held today. There were three legitimate bids ranging from about \$500 to \$1,500. Chief Nance requested that the Council approve acceptance of the high bid.

**Motion by Councilmember Reese to accept the high bid of \$1,500.** 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 to surplus a Recreation Vehicle, 1991 Ford Pick-up, (VIN #1FTDF15N3MPA27359 with 110,631mileage)

Director Christensen stated that the Recreation Department has a 1991 Ford pick-up which has been sitting in storage for the past two years. He recommended that the vehicle be surplus.

**Motion by Councilmember Holmgren to surplus the 1991 Ford pick-up.** Motion seconded by Councilmember Reese. Vote: Councilmember Deakin - aye, Councilmember Dautre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

10. Unfinished Business:

- a. Discussion and consideration of approving Resolution No. 11-21 reaffirming, amending and enacting new fees and fines in a schedule entitled Tremonton City Consolidated Fees and Fines Schedule and Provision of the Collection of the Fees

Manager Warnke said that this is the Resolution which the Council has considered over multiple meetings. It sets the fees that the City would charge for services as well as fines that the Court charges. There are several changes to the Fee Schedule. Most of them won't be noticed by the citizens. Most of the fees included are building related fees which would affect new development. Included are fees that the City has been charging but were never placed on the Fee Schedule until now. One of the items which the Council needs to discuss is what the City should charge when the Fire Department responds to fires outside of the City limits. Tremonton contractually serves as the primary service provider in certain areas of Box Elder County and for Elwood City. There are times when other cities who have their own primary response will ask for assistance from Tremonton. The Council may want to discuss how to handle these situations.

Director Fulgham provided an answer to a question Councilmember Wood had asked in the Work Session regarding how Building Permit Fees are calculated. The charge for a Building Permit is based upon the value of the home. The charge is one percent of the value. The increased figure on the Fee Schedule represents a \$20 increase in the value per square foot of the home. Councilmember Wood commented that it seems like a pretty big increase, but it has been a number of years since these fees were raised. The increase in the value per square foot brings the value more in line with what it costs to build a home.

Councilmember Deakin commented that he likes the concept of charging fees when applicable, but is not comfortable with putting an additional burden on the people, particularly with the economy and the loss of jobs in the area. He said he could support the fee increases if the Council could make some adjustments on the tax base. Councilmember Deakin commented that he does believe that Tremonton is lower on their fees than most of the surrounding cities, but the City property tax is also higher than most of the surrounding cities. Anyone can look on the Utah State Tax Commission web site and see information on property taxes. There are 245 municipalities in the State. If it were broken down to just ten cities, one city would charge more than Tremonton and the other eight would charge less. There are five municipalities within the State which have gone entirely away from property tax and have gone exclusively to a fee based structure, so, it is possible. Moab and Marriott-Slaterville are two of them.

Councilmember Wood commented that he didn't think Tremonton would be seeing any building in the next couple of years but that user fees are the best fees

to have. He agreed that property tax is a bad tax. At the same time, he said he didn't know how Tremonton could adjust the property tax as we go forward. The County should be adjusting the property valuations down now that home prices have come down. If the County will re-evaluate the assessment, that should adjust the property tax somewhat.

Councilmember Wood said that he had another problem with the Fee Schedule. He referred the Council to page 32 where it talks about a dust and debris fine. There is still quite a bit of ground within the City which is farmed. The farmers will be working that ground and they provide quite a bit of dust. Manager Warnke said that this wording could be changed. The reason it appears in the construction specs is to penalize those who, during the construction process, don't wet the ground before excavating. Since it is already in the Ordinance, the Staff thought it should be included in the Fine Schedule. It was decided to add some clarifying language to make clear that the fine is related to construction.

Manager Warnke commented that the way the Resolution is written, if the Fire Department responded outside of the Cities incorporated limits and the boundaries which have been contracted with other entities, that Tremonton would try to collect a fee. This is not a big issue at this point. That is, the City is not being called to some of these other cities to help. If it did become an issue, it could be revisited at that point.

Councilmembers Reese and Holmgren both said that they couldn't support an increase in building fees right now. Councilmember Holmgren added that it is just the wrong time to raise rates. He acknowledged that the City needs revenue and that things are tight, but he was concerned about imposing any increases at this time.

Councilmember Deakin asked if it would be possible to put a dollar estimate on what this tax would be and then taper back the property tax slightly, or even switch from a tax base to a fee base system.

**Motion by Councilmember Reese to table Resolution No 11-21 to allow more discussion.** Motion seconded by Councilmember Wood. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

11. Comments:

a. Administration/City Manager Advice and Consent.

- 1) Manager Warnke informed the Council that, in lieu of a budget meeting, a field trip has been scheduled for next week, Tuesday, March 22<sup>nd</sup> at 6:00 p.m. The Council will be looking at some of the new Public Work projects. The Council will meet at the Public Works facility and then travel off-site.

Council Reports: - There were no Council reports.

12. Public comments: Comments limited to three minutes.

There were no comments from the public.

13. Adjournment.

**Motion by Councilmember Doutre 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 8:05 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.

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Darlene S. Hess, Recorder