

**TREMONTON CITY CORPORATION  
CITY COUNCIL MEETING  
June 7, 2011**

Members Present:

David Deakin  
Diana Doutre  
Lyle Holmgren (excused from Workshop)  
Jeff Reese  
Byron Wood (excused from Workshop)  
Roger Fridal, Mayor  
Shawn Warnke, City Manager  
Darlene S. Hess, Recorder

**CITY COUNCIL WORKSHOP**

Mayor Fridal called the June 7, 2011 City Council Workshop to order at 6:01 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, and Reese, City Manager Shawn Warnke, Recorder Darlene S. Hess, Public Works Director Paul Fulgham, Police Chief David Nance, and Treasurer Sharri Oyler. Councilmember's Wood and Holmgren were excused from the Workshop.

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

The Council reviewed the June 7, 2011 Agenda with the following items being discussed in more detail:

- **Minutes** - Mayor Fridal commended Norene Rawlings for the job she does on the minutes. The Council agreed. Councilmember Doutre stated that she has done minutes before and it is a hard job. Councilmember Reese said he also appreciates the Sales Tax Reports.
  
- **Public Hearing regarding adoption of the Tremonton City Annual Implementation Budget** – Manager Warnke commented that one of the items that wasn't finalized before preparing the Budget was the price for land for additional parking for the Senior Center. The owners of the adjoining property are willing to sell the property for \$35,000 per acre. At that price, the cost for Option 1, which has 105 parking stalls, would be \$21,300, and Option 2, with 94 parking stalls, would cost \$18,300. That isn't included in the budget, but Manager Warnke suggested that the Council consider it. The revenue would come from calling on a notes payable from Bear River Area Government (BRAG). The notes payable is for property which Tremonton City sold to BRAG for the purchase of the Crown Homes project.

Councilmember Doutre asked if the Senior Center needs the larger number of parking spaces. Manager Warnke replied that there is such a small difference between the cost of the two options that he would recommend that the City purchase the larger amount of land to accommodate Option 1. Councilmember Doutre then expressed concern that it would cost quite a bit to blacktop it. Manager Warnke said that City Engineer Breinholt roughly estimated that the cost to blacktop it would be in the \$80K range. Manager Warnke suggested that the City apply for a CDBG (Community Development Block Grant) Grant to pay for the blacktop. Seniors are presumed to be low to moderate income, so this project would be eligible for the grant. Brian Carvier, from BRAG, indicated that this project would be competitive because of the number of seniors the Tremonton Senior Center serves and because they serve multiple communities. However, with the federal deficit, CDBG Grants have been cut by 16%. Tremonton received \$100K to purchase the Senior Center, so they are favorable to senior citizens and senior related projects.

Manager Warnke informed the Council that the designs of the parking lot options are reflective of what is anticipated might be some changes in the City's Development Code for parking lots.

Councilmember Doutre asked if the current owners of the property would need another access to their property over the ditch. Director Fulgham responded that he was sure that would be needed. The City will not want them to access their fields through the parking lot. It has not been discussed, but they may want Tremonton to put in the culvert. Manager Warnke stated that the layout could change slightly when constructed.

Tonight will not be the approval of the acquisition of the property. That will come at a later date. Tonight will just be approving the budget for it. Manager Warnke recommended budgeting \$25,000 as revenue and expense for purchase of property in the Non-Departmental budget.

Mayor Fridal asked about the large increase in the Treasurer's budget, for example, where salary actuals have increase over the past few years from \$19,000 to \$21,000 and so far this year it is \$32,000, and the total budget is increasing from \$31,000 to \$50,000. Manager Warnke explained that there were employee costs and salaries in Non-Departmental which were all placed within the Department where the employee primarily is. The benefits also increase quite a bit. Part of that, this year, was based upon an unemployment claim which the City was paying.

- **Ambulance write offs for bad debt** – Treasurer Oyler explained that these are for debts that have been sent to collections for at least a year and have been uncollectable. Prior to that, Treasurer Oyler tried to collect on them for six months to a year. Most of them are for patients who live out-of-state. The

Council has received comments of appreciation for the way the Fire Department and Ambulance crews do their jobs. They are professionals.

Councilmember Deakin asked Treasurer Oyler if she is seeing more and more delinquent accounts with the poor economy. Treasurer Oyler responded that the City has averaged write offs in the amount of about \$35,000 per year. There do seem to be more, now, that aren't paying their bills, but they aren't to the point of being written off, yet.

- **Appointments** – Councilmember Reese asked if the Planning Commission appointees have been asked if they will serve another term. Recorder Hess replied that they have been contacted.
- **Resolution 11-30 adopting a Canine Off-Duty Care and Maintenance Agreement** - Chief Nance explained that the Canine Officer has been paid one hour per day at minimum wage to care for the police dog. The City Attorney recommended that the City enter into this agreement to be in compliance with case law. Now the Canine Officer will receive one-half hour per day at his regular rate to care for the animal. There is also some back pay that will be due to make up the difference. Manager Warnke said that the City Attorney has found that there have been cases where an officer has been owed back pay. Case law recommends that municipalities enter into this type of an agreement, and the one-half hour is based, in part, on some of the rulings. This change will amount to \$1,600 in back pay and an increase of \$23.00 per pay period.
- **Resolution 11-31 for an Inter-Fund Loan between RDA and the City for technical assistance** – Manager Warnke stated that this is a continuation of a loan which is already in place. No funds were drawn upon during the previous year. The idea is to make funds available to provide technical assistance to do preliminary work and complete the study should the RDA be fortunate enough to have a business who wished to locate in the Tremonton area. By budgeting the funds, it allows the RDA to be responsive should an opportunity arise. The funds would be loaned from the Water Fund.
- **Letter to be sent to UDOT regarding the abandonment of a road** – Director Fulgham explained that Jeff Madsen, who lives beside I-15 just off Iowa String, called the City requesting that the City take care of his road. The County had told him that the City has been receiving Class C Road funds for that road ever since it was annexed into the City. The road is actually part of the UDOT frontage road.

The road has never been deeded to the City. It is a gravel road which just goes back into Mr. Madsen's farm. The road needs some repairs, but Mr. Madsen doesn't want to do the repairs because he doesn't own the road. He would like it re-graded and the pot holes filled. The hope is that UDOT will give up the road so that Tremonton can vacate it and give it to Mr. Madsen. If UDOT keeps it, every access into Mr. Madsen's property is within UDOT's right-of-way.

UDOT's policy is that, if a road is an access frontage road within the City limits the road belongs to the City. As Director Fulgham views it, if a road isn't deeded to the City it can't belong to the City. Tremonton City has never collected Class C Road money for this road as it is UDOT property. The road doesn't even show up on the deeds except as part of a UDOT right-of-way which goes all the way from St. George up to the Idaho Border.

Manager Warnke clarified that the policy Director Fulgham referred to was a resolution that was adopted by the State Road Commission which transferred the responsibility for the maintenance on the referenced road to Tremonton City, Box Elder County, and to the Town of Elwood with each entity being assigned a different segment. The resolution they adopted states that Tremonton has to get the approval of the State Road Commission and the Federal Highway Administration to vacate the road. This letter is requesting that UDOT either make that inquiry for the City or tell the Staff how to make that inquiry.

- **Providing Tier 2 Employees with a Benefit Protection Contract** – Manager Warnke explained that the State Legislature has been addressing the Utah Retirement System (URS) for Public Employees and they made quite a few changes. One of the changes they made is creating Tier 1 and Tier 2 Employees. In making these changes, they tried to make the existing employees harmless. Those employees became Tier 1. Most of the changes in the State Law to the Retirement System affect Tier 2 Employees, which are employees which will be hired after July 1, 2011. One of the benefits that Tier 1 Employees have is that, if they go on long term disability, they will continue to accrue their retirement credit. The City does not have to pay for those contributions while a Tier 1 employee is on long term disability. Tier 2 Employees don't have that same benefit.

The decision has to be made by the Council and passed on to URS if the City wants to pick up that benefit for Tier 2 Employees. There is liability in that the contribution percentage for public employees right now is almost 13% of their salary. For Public Safety, it is almost 19%. It is possible, if an individual goes on long term disability, that the City could have that liability for some time.

An argument in favor of providing Tier 2 employees with this benefit is that it is always nice when employees have similar benefits, though benefits are never equal.

Manager Warnke's recommendation would be not to fund this benefit for Tier 2 employees, only because it is a big liability for the City that is unknown and could go on for years and years.

Inasmuch as the Council was talking about benefits, Treasurer Oyler said that she has an employee who works thirty-five hours per week. The person she replaced

was full time. Ms. Oyler said she understands that the full time benefits, with the cost of insurance, is just too costly right now, but another option, which might help to keep her employed with the City, would be to offer her the retirement, sick leave and vacation. It is hard for her when she is sick a day because she needs her regular pay and it is hard to make that time up within the pay period. If the City could offer her retirement, it would cost the City \$103 per pay period. The employee is married and her husband has insurance, so she wouldn't need that. Ms. Oyler stated that she would like to get her on the retirement before it changes and then get her some sick leave and vacation.

Councilmember Doutre reminded everyone that if this practice is done once, it will have to be done with future employees. Treasurer Oyler stated that she is the only one who works 35 hours per week. She is almost full time and would prefer to be full time. Director Fulgham added that the City trains people and then they leave for better jobs. Part time people have no incentive to stay.

Manager Warnke suggested that it would be better to make her full time. There is not an organizational need to make that position full time, but there are times when it would be helpful. He said that he tries to make his decisions on what are best for the organization and the organizational goals. Various positions have been dropped to part time in order to save on some of the benefits. Increasing her position to full time would cost the City somewhere between \$13K and \$14K per year.

Councilmember Doutre asked how many part time people the City has. Manager Warnke said there are four part time people just within the office. Councilmember Doutre expressed the opinion that it would be better to make her full time rather than set a precedent for part time employees. Manager Warnke said that the City took a calculated approach to try to reduce the benefits. Still, one hates to lose good employees. If the Council wants to change this employee to full time, the budget would need to be increased.

The meeting adjourned at 6:53 p.m. by consensus of the Council.

## **CITY COUNCIL MEETING**

Mayor Fridal called the June 7, 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, Public Works Director Paul Fulgham, Senior Center Director Marion Layne, Police Chief David Nance, Treasurer Sharri Oyler, and Emergency Management Coordinator Jim Hess.

1. Opening Ceremony.

Mayor Fridal informed the audience that he had received no written or oral request to participate in the Opening Ceremony. He asked anyone who may be offended by listening to a prayer to step out into the lobby for this portion of the meeting. The prayer was offered by Public Works Director Fulgham and the Pledge of Allegiance was led by Treasurer Oyler.

2. Discussion and approval of agenda.

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

**Motion by Councilmember Reese to approve the June 7, 2011 agenda.** Motion seconded by Councilmember Doutre. Vote: Councilmember Deakin, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

3. Approval of minutes – May 3, 2011 and May 17, 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 May 3, 2011 and May 17, 2011.** Motion seconded by Councilmember Reese. 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 in attendance.

5. Public Hearing

A Public Hearing was called to order at 7:05 p.m. to consider adopting the 2010-2011 Budget. There were 7 people in attendance.

- a. To consider adopting the budget entitled "The Tremonton City Annual Implementation Budget 2011-2012 (General Fund, Capital Fund, Enterprise Fund(s), Special Funds, and Special Improvement District #1)", for the period commencing July 1, 2011 and ending June 30, 2012

There were no public comments. Mayor Fridal closed the Public Hearing at 7:06 p.m.

6. Department Head and Staff Reports:

- a. Emergency Preparedness – Jim Hess

Emergency Preparedness Coordinator, Jim Hess presented a Power Point presentation on what is going on with Emergency Management in Tremonton

City. Some time ago, the City adopted the National Incident Management System (NIMS). Some of the milestones Tremonton City has reached were discussed. FEMA has outlined a lot of classes which are required for municipalities to participate in. It is their way of driving communities to be able to communicate with the same terminology with different agencies during a major incident.

Various ICS (Incident Command System) classes have been presented within the City this spring: 5 City employees completed the IS100 Class, and 12 City employees and 2 citizens completed the IS300 class. There are different levels of training which are required by city employees depending upon their roles and responsibilities. Mr. Hess reported on the various classes and the high percentage of employees (as required by FEMA) who have completed the courses.

Mr. Hess is also involved in teaching Community Emergency Preparedness Classes. Tremonton City is only as prepared as its least prepared citizen. The City will have to take care of those citizens who have not prepared themselves for a possible disaster. At a minimum, citizens are encouraged to get a 72 hour kit and make a plan.

Coordination is also being done with various religious organizations. The LDS Church in the Tremonton area is actually establishing emergency plans within their own congregations. Mr. Hess has met with all three of the LDS Stakes within Tremonton, as well as several of the wards, talking about what they can do in these plans.

There are two municipalities within Northern Utah who have some resources: Garland and Tremonton City. Mr. Hess is working with the smaller surrounding communities, as well as the unincorporated County area, that have very little resources to determine what can be done to help them become prepared. If they are unprepared, they are going to come to Tremonton where resources are available. If the preparedness is spread out, it will lessen the burden on Tremonton.

Every September, Mr. Hess is required by FEMA to report on what is being done in training, exercises, communications, mutual aid agreements, and meeting all of the components of being NIMS compliant. Being NIMS compliant allows a municipality to apply for federal grants. Also, if a community is not NIMS compliant, FEMA will also withhold funds after a disaster. This is FEMA's way of driving communities to become prepared.

Tremonton City has participated in two exercises in the last fiscal year. The first one, which only involved Tremonton City, was a small Hazmat Exercise which was done on 1200 South near Iowa String. An Anhydrous Ammonia leak was simulated that affected just the driver, and the ability to set up a unified command between the Police Department and the Fire Department. These two agencies worked together to try to resolve the issue. Bear River Hospital also participated.

The biggest exercise was a simulated 6.0 earthquake and explosion exercise at Bear River High School. Subsequent to the earthquake, an explosion was created in the chemistry lab. In addition to testing the ability of Tremonton and Garland fire/EMS and law enforcement to work together, it also tested the high school's plan. Does their accountability plan work? Does their notification work? There was a large group of people who participated. In addition to those mentioned earlier, the Box Elder Sherriff's Office and Medical Examiners participated. There were six simulated fatalities. Bear River High School staff and students and Bear River Valley Hospital also participated. Fifty-one students were transported from the high school to the hospital for this exercise. It tested the hospital's mass casualty plan. Twenty-two members of the Tremonton and Garland CERT (Community Emergency Response Team) teams were tested as well as the ARES (Amateur Radio) group. There were actually some communications problems, so the ham radio operators provided the communication with the hospital. Both Roberts & Taylor Mortuary and Rudd Funeral Homes participated, they came and picked up the fatalities, and the Bureau of EMS allowed their Strike Team to be called in. Roughly 300 people were involved. A lot of things were learned: things that were done well and communications issues that need to be addressed. The Action Report will come out around the first of next month. This will allow each Department Head the ability to see where they need to improve.

This past year, 38 individuals were trained in the CERT Program. There is enough interest now that the training will probably be changed from two classes of 20 per year to three classes. Once people are trained, one of the biggest problems has been keeping people active. Because there is only so much Mr. Hess can do in the 20 hours he works each week, he is going to restructure the organization, splitting the City in two down Main Street, creating a North Division and a South Division. An individual will be assigned in each of those areas to take on the responsibility of the continued training for all of the people within their division.

The City will be split up in to blocks based upon population, and those blocks will have people who are responsible for training the block. The North and South Divisions will do training with all of the blocks within their Division. There will also be one training a year with the entire CERT team. Red Cross is willing to come and do some training. There are some exciting training opportunities once it is organized.

There are members of the City's CERT Team who live outside the City limits. There are members from Deweyville, Elwood, Bothwell, Thatcher, the unincorporated area south of Tremonton referred to as the Third Ward Area, Howell, Snowville, and Fielding. These are people who are still willing to come in and assist Tremonton should their help be needed. It will be organized so that they receive some type of training opportunity four times a year.

The City's current Emergency Operations Plan is not FEMA compliant. One of Mr. Hess' responsibilities will be to update that plan so it is compliant with FEMA regulations. Re-writing of the Plan is in process right now. The Pandemic portion of the plan is complete and it describes how the City might modify business should an outbreak ever occur. It is an appendix to the City Emergency Operations Plan.

One of the biggest areas for improvement within Tremonton is the Emergency Operations Center. A couple of EOC (Emergency Operations Center) type trainings have been attempted but, due to scheduling and other conflicts, were not completed. This will require the use of experts to come and provide training so the City understands what the role and responsibility of the Emergency Operations Center is and what needs to be done to take care of the required responsibilities. It will need to be determined when is the best time of the day to hold these classes.

Once the Staff starts to understand their roles and responsibilities, an actual facility will need to be selected for the Emergency Operations Center. Former City Manager Rich Woodworth suggested setting up the City Council Chambers with multiple internet connections and phone lines. Mr. Woodworth indicated that UTOPIA had offered the City unlisted numbers for this purpose. Many Cities have unlisted numbers so that, in an emergency, they don't have their citizens trying to call in on those lines. They are set up to allow communication directly with the incident commanders and other EOC's. The two places which have been designated are the City Council Chambers, and, should the Council Chambers be unavailable, the meeting room at the Public Works Building.

It costs money to run internet connections, bring in desks, and be able to manage for a few hours to a few days during an incident within the City. As the roles and responsibilities of an EOC are better understood, Tremonton will be able to know better how to set up the structure. Then in future budgets, the Council can consider putting some money into setting things up.

b. Police Department – Police Chief David Nance

Chief Nance provided the Council with a packet containing graphs which illustrate the types of police activity within Tremonton City.

2010 Box Elder Narcotics Strike Force States - The types of cases the Strike Force handles are more detailed. They involve quite a few hours of foot work, interviews, surveillance, collecting information, and making buys. They usually make three or four buys from an individual before they arrest them. It takes a considerable amount of time to put a case together. Generally speaking, the arrests are going to be felony arrests and there are usually multiple charges associated with the arrests.

The Strike Force does community presentations to help community businesses and groups understand how to recognize drug problems, what to do if they suspect drug issues, and how they can work with the Strike Force. Tremonton City Police funnels quite a few cases through the Narcotics Strike Force.

The Tremonton Police Department Stat's for the period from July 2010 to present were reviewed. There have been 739 traffic warnings, 501 traffic citations, 4100 incidents, and 417 arrests. The Arrests include Non-UCR arrests, which include child abuse, drug offenses, DUI, FTA's, alcohol offenses, sex offenses, etc. This amounts to about 41 arrests per officer during the year. Responses to residential alarms are increasing to the point that the Chief is considering implementing a penalty to people if their alarms keep going off unnecessarily. Tremonton still has a pretty high number of domestic problems. There have been 88 incidents since July 2010. DUI's have increased with the transient base which has come in to work on the gas pipe-line.

Arrests per Officer for UCR Offenses have declined considerably over the past five years. The trend correlates with the Crimes per 1000 Population statistics. For quite a few years, Tremonton was the highest in the County as far as arrests per Officer and also Crimes per 1000 Population. Considering that Tremonton has 10 officers, Brigham City has 25, and Box Elder County has 27, the number of arrests per Tremonton officer is high.

Tremonton is a little behind the County and Garland in the Number of Officers per 1000 Population. Brigham City is even lower. They haven't had an increase in officers for about 15 or 20 years. They are starting to see their crimes pick up, too, and they are having a hard time keeping up with it. If Tremonton were to reduce the Police Force by one officer, they would be the lowest in the Number of Officers per 1000 Population category.

7. New Council Business:

- a. Discussion and consideration of approving Resolution 11-29 adopting the budget entitled "The Tremonton City Annual Implementation Budget 2011-2012 (General Fund, Capital Fund, Enterprise Fund(s), Special Funds, and Special Improvement District #1)", for the period commencing July 1, 2011 and ending June 30, 2012

Manager Warnke explained that the Budget presented is the Budget as discussed at the last Budget Workshop. There are two things discussed this evening which are not in the budget. If the Council would like to include them it would need to be added to the budget.

The first is setting aside fund for the purchase of additional land for parking at the Senior Center. It has been identified that there are times when there is just not sufficient parking at the Senior Center. There are two proposals. The cost would roughly be \$18,400 for the one which would add 94 parking stalls and \$21,000 for the 105 parking stalls option. The money for the acquisition would come from collection on a notes payable which BRAG owes to the City for land Tremonton sold to them.

The other item to consider is an employee in Treasurer Oyler's Department who is desirous to move to full time, or at least receive some benefits. Currently the City's policy is that anyone working under 40 hours per week does not receive benefits. This is a tough issue because the City has some great employees and making these types of decisions are difficult, but every time the first of the year comes around the Council talks about how the City is going to make the budget work. Among the increased costs are retirement and health insurance.

In order to reduce costs, one full time employee was replaced with two part time employees. One in the Police Department and one in the Recorder's Office. A full time position in the Treasurer's Office was replaced with a part time employee. Originally that position was a part time position. It was changed to a full time position when that employee was given the responsibility of taking City Council minutes under the supervision of the City Recorder. When that individual left, taking minutes was moved to another employee in the Recorder's Office. That employee is now working 30 to 35 hours per week. This year a full time employee at the Senior Center left and was replaced with a part time employee.

It is not unusually the cities have re-evaluated their staffing structure and when to give benefits to employees. A city should always consider the organizational needs of the city and not, necessarily, focus on the individual. That is sometimes hard to do. In that light, when you think about employee compensation issues, the best thing to do is look at the broadest picture you can. The City has some outstanding employees. We want to keep every one we can, and we want to compensate them fairly. Still, the Council needs to prioritize the benefits and the compensation and where the City's money is budgeted.

It is estimated to cost about \$14,000 per year to move this employee to full time. To give all of the City employees a merit raise of 1% amounted to somewhere in the neighborhood of \$18,000. There are also some bigger issues. We don't just look at one employee in one department. We look across the City and look at all the staffing needs and make decisions based upon doing what is best for the organization. Treasurer Oyler's point of keeping good employees is an organizational need and the Council needs to balance that as the City doesn't want a lot of turn over.

Manager Warnke said his recommendation would be that the Council look at the staffing needs of the City as a whole rather than make a quick decision.

Councilmember Doutre asked Senior Center Director Layne if she felt she needs parking for 105 people. Director Layne said that she does because she is continually getting more people coming to the Senior Center, not less. Councilmember Doutre asked if they all come at the same time. Director Layne said that they do on certain days of the week. Councilmember Wood stated that, for the price differential, the bigger lot is the way to go. In response to Councilmember Doutre's concern over the cost of the black top, Councilmember Wood and Director Fulgham indicated that the area would not need to be blacktopped right away. The potential of getting a grant for the blacktop was also

mentioned.

**Motion by Councilmember Reese to adopt Resolution 11-29 adopting the Budget, including the authorization to add funding for the purchase of land for 105 parking stalls with the caveat that the Council may be able to look further at the price, and tabling the employee issue until the Council is able to get more information.** Motion seconded by Councilmember Wood. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- b. Discussion and consideration of ambulance write off's for non collectable accounts as bad debt

Director Layne asked if, when a debt is written off, the City sends the debtor a notice that they have to count those unpaid funds as income. She was told that the Tremonton does not do that. Most of those who don't pay are out of state and/or don't have good addresses.

**Motion by Councilmember Holmgren to approve writing off the non-collectable ambulance accounts and charge them as bad debts.** Motion seconded by Councilmember Reese. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- c. Consideration of approving Tremonton City Appointments

It is part of the process to make or renew appointments each year. There are Planning Commission appointments as well as a few Staff positions. All of those whose terms are up for re-appointment have been talked to and they are willing to continue serving in their currently appointed positions.

**Motion by Councilmember Reese, after reviewing the appointments, to approve the ones as stated on the Appointment List.** 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 and consideration of approving Resolution 11-30 adopting a Canine Off-Duty Care and Maintenance Agreement

Chief Nance stated that an Agreement has been prepared to assure that the K-9 Officer can be paid for off-duty care of the animal in such a way that it is in compliance with the FLSA (Fair Labor Standards Act).

**Motion by Councilmember Wood to adopt Resolution 11-30.** 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 adopting a Resolution No. 11-31 for an Inter-Fund Loan between the Tremonton City Redevelopment Agency and Tremonton City for a technical assistance

Manager Warnke stated that this is just continuation of a loan which the Council authorized in the September 2010 timeframe. The Budget just approved included this loan as part of loan as part of the budget. The money would be a loan from the Water Fund to the RDA for technical assistance. If there was ever a proposal to develop land within an existing Project Areas or to create a new Project Area the RDA would require technical assistance from a consultant who specializes in structuring these Project Areas. Including this in the Budget allows the RDA to be more reactive and gives the ability to respond quickly when a need arises.

**Motion by Councilmember Deakin to adopt Resolution No. 11-31.** Motion seconded by Councilmember Wood. 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 a letter to be sent to UDOT requesting assistance in receiving approval from the State Road Commission and the Federal Highway Administration to abandon a road which is located off Iowa String paralleling the south side of I-15

Director Fulgham explained that this situation arose when a City resident called requesting that a road be fixed that the City had always looked at as a driveway to their property. Upon investigation, it was discovered that it is a roadway. It has never been deeded to the City, but the State passed a resolution back in the '70's stating that any of their freeway access right-of-way frontage roads are to be maintained by the municipalities and counties which they reside in. This letter is requesting that the State allow Tremonton City to vacate that property so that the City is not responsible for maintaining a piece of property for which the City has never collected any revenue for maintenance.

Manager Warnke added that the State's resolution states that, if a City or County wishes to abandon these roads as public roads, the prior approval of the State Road Commission and Federal Highway Administration is required. This letter seeks that approval.

Director Fulgham questioned whether the City would need to have the property surveyed in order to abandon it as it has never been broken out as a separate piece of property. Manager Warnke stated that the City's Surplus Property Ordinance allows the City to require the person receiving the property to bear the costs of doing the survey work.

**Motion by Councilmember Deakin to send the letter to UDOT.** Motion seconded by Councilmember Doutre. Vote: Councilmember Deakin - aye,

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

- g. Discussion and consideration of electing whether the City will provide Tier 2 Employees with a Benefit Protection Contract (that is pay an employee's contribution rate to the Utah Retirement System while a Tier 2 employee is on Long Term Disability)

Manager Warnke explained that the State Legislature has made changes to the Utah Retirement System, creating two tiers of employees, Tier 1 and Tier 2. Tier 1 is existing employees. When they made the changes, they tried to make the existing employees harmless. One of the benefits existing employees have is, if they go on long term disability, the Utah Retirement System will give them the applicable years of service credit, for the time they time they are on long term disability, towards their retirement. The City doesn't pay the employment contribution when the Tier 1 employee is on long term disability.

Tier 2 employees are employees that are hired after July 1, 2011. The State Retirement System won't cover that benefit for Tier 2 employees. An election has to be made by the Council if they want to pick up that benefit for Tier 2 employees. No one knows how long an employee will be on Long Term Disability. It could be months; it could be years that a City would be responsible for that benefit. The State obviously doesn't think that it is a sustainable benefit. The retirement contribution rate which is attributable to a public employee is 12.74%, and the contribution rate for a public safety employee is 18.73% of an employee's wage. The City Council could adopt the Benefit Protection Contract and then take it away later.

Councilmember Deakin added that it had been discussed during the Work Session that this may be too much exposure for the City.

Manager Warnke said that the State Retirement is also cutting back the amount of Retirement which they will be paying out for Tier 2 employees. Some City's are talking about funding the difference so that all employees will be equal in retirement benefit.

Councilmember Doutre asked if a police officer were hurt in the line of duty, and it was a long term disability, how they would be covered. Manager Warnke said he wasn't certain, but his understanding is that there are some in the line of duty benefits. He said he would look into it. Councilmember Reese stated that the trend is toward doing away with retirements and other benefits. He feels it is "too loose a cannon" to approve.

**Motion by Councilmember Wood to not approve the Benefit Protection Contract for Tier 2 employees.** Motion seconded by Councilmember Reese. Vote: Councilmember Deakin - aye, Councilmember Doutre - nay, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved

Councilmember Deakin asked to be excused and left the meeting at 8:16 p.m.

8. Comments:

a. Administration/City Manager Advice and Consent.

There were no Advice and Consent items.

b. Council Reports:

**Councilmember Holmgren** thanked Director Fulgham and his crew for cultivating the triangular piece at Tremont Street and 600 North and putting the weed barrier fabric and compost down. The Library Park planting areas also look better.

**Councilmember Doutre** said she spent some time with the Library at the kick off for their Summer Reading. She was there about 5 hours on Friday and it was very, very successful and well attended.

**Councilmember Wood** thanked Chief Nance for his report. It was very informative. All the City employees do a great job. Councilmember Doutre added that Emergency Management Coordinator Jim Hess also did a great job.

**Mayor Fridal** said that the Council does appreciate the employees. Tremonton is a great city. It is an opportunity to be able to serve and, hopefully, make life in Tremonton better.

9. Public comments: Comments limited to three minutes.

There were no public comments.

10. Adjournment.

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

The meeting adjourned at 8:19 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