

**TREMONTON CITY CORPORATION
CITY COUNCIL MEETING
February 7, 2012**

Members Present:

David Deakin
Diana Doutre (arrived at 6:04 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 February 7, 2012 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 (arrived at 6:04), Holmgren, Reese, and Wood, City Manager Shawn Warnke, Recorder Darlene S. Hess, Fire Chief Steve Batis, Parks and Recreation Director Marc Christensen, Library Director Kim Griffiths, Police Chief David Nance, and Treasurer Sharri Oyler.

Recreation Director Marc Christensen introduced the newly hired Recreation Program Coordinator, Jeff Crowther, to the Council. Program Coordinator Crowther told the Council that he is currently living in Malad, Idaho. Most recently, he worked in St. George in their Recreation Department. He is glad to be in Tremonton. Mayor Fridal and the Council welcomed him to the City. Manager Warnke commented that Mr. Crowther has expertise in planning events and races; a nice skill to have.

Director Christensen and Coordinator Crowther left the meeting.

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

The Council reviewed the February 7, 2012 Agenda with the following items being discussed in more detail:

Warrant Register – Councilmember Wood asked for an itemized statement on the amount spent for attorney fees (\$6,650). Manager Warnke explained that the amount represents the combined aggregate of the City's civil and criminal work. Councilmember Wood expressed amazement at the amount of money the City is paying on legal fees.

Councilmember Doutre asked for an explanation of the \$46,000 paid to Grover Excavation. Manager Warnke explained that it is for the Storm Water Project which was paid out of the RDA Fund.

Reconnection to the City's Water System for a home in Deweyville – This relates to the home Tim Barrus is currently living in and is currently connected with a right to connect. Mr. Barrus feels that the water rights are his and should go with him when he moves. There is some precedence where the water has been taken from the property in the past.

Manager Warnke commented that the City has been trying for two years to file on new rights for the City well in Cedar Ridge. The State Engineer who controls the approval of new water rights has told the City that they need to work with those individuals who have filed protests on the City application: Chesapeake Duck Club and, also, the Bear River Migratory Refuge actually missed the protest but intended to protest. It appears that the issue of the aforementioned entities protesting on new water rights is going to be ongoing. The aforementioned entities will be inclined to file protests on every water right that comes up. The issue is that they have an older priority water right than the City's and at certain times of the year, they are not getting their full water right.

It is anticipated that the City will have to mitigate, meaning turn over water rights, most likely out of the Bear River Canal Company, and give them to the Chesapeake Duck Club and the Bear River Migratory Refuge. Mayor Fridal added that they think the City is stealing their water out of the Bear River by drilling a well on the hill. Manager Warnke stated that an ordinance will be drafted and brought to the Council regarding this issue.

Ordinance No. 12-01 – Councilmember Deakin called the Council's attention to page 3.2, item 3-509. Any citizen can call Recorder Hess and ask for an issue to be placed on the agenda, yet the writing of 3-509 would say that if any of the Councilmembers wanted to place something on the agenda it would take two Councilmembers to do so. He requested that this be reconsidered. Councilmember Reese said he would like to see if there are any legal reasons for such a clause. Councilmember Deakin also stated that item 3-509(1) states that no formal motions or seconds are required to end discussion. Adopting Roberts Rules of Conduct would be another option.

Councilmember Deakin also called attention to the top of the second column on page 3.2. There seems to be something missing. It was decided to table agenda item 6.B. and review it further.

Resolution 12-03 for purchase of Spillman Fire Reporting Module – Fire Chief Batis explained that Box Elder County already uses the Spillman Module for the Police Dispatch Center. It is a separate module for fire which would dispatch the specific equipment designated for each call. The fire departments will split the cost based upon call volume. The initial cost to be paid by Tremonton Fire Department would \$5,000 with \$2,500 coming from Maintenance Operational Upgrades (MOU) money which is provided by the State of Utah. The other \$2,500 would come from the Fire Department Budget. Yearly maintenance fees are split by several entities in the County. It will be Tremonton's turn to pay the maintenance fee of \$1,238 in 2016.

Financial Statements – Councilmember Deakin said that the General Fund is looking good. He noted the Fire Department wages were over budget. Manager Warnke stated that there will be a budget amendment coming as the expense went over the existing budget by \$17,000. Chief Batis said that there is money in other parts of the budget to cover the overage.

Councilmember Deakin commented on the Storm Drain Fund, recognizing that there is a problem within that fund which should correct itself when the increased fees start coming in. Manager Warnke added that the year to date expenses also include costs from finishing up the project on 10th North Storm Drain Basin in this fiscal year.

Councilmember Deakin questioned why the Water Fund is \$180,000 short. Manager Warnke responded that the biggest issues is that the City appropriated \$944,000 from reserves needed for the water tank project construction. The City has expended about \$500,000 for this project and no money has been moved over from its reserves to cover this expense.

RDA #3 (West Liberty) was next addressed by Councilmember Deakin. It is \$51,000 over and is shown as a capital outlay. Manager Warnke explained that this is the storm drain project, coming out of West Liberty Foods' tax increment, which is to be used toward affordable housing projects...

Manager Warnke told the Council that a budget amendment will be presented to the Council on March 6th. There are a few line items which are consistently high throughout the budget: fuel and electricity due to rising costs, and insurance because of higher coverage. There are also a few accounts that need to be adjusted for wages because there are employees who have been out, taking sick leave, and the City has had to bring other resources in to cover their positions.

2. Discussion of attending Utah League of Cities and Towns Midyear Conference in St. George, Utah:

Mayor Fridal mentioned that it is time to consider attendance at the Utah League of Cities and Towns Midyear Conference in St. George. Manager Warnke said that money has been budgeted for education. Rooms have been reserved so the Councilmembers decided to wait to see the agenda before deciding if they want to attend.

3. Discussion on replacing a Planning Commission Board Member:

Councilmember Deakin informed the Council that one member of the Planning Commission, Bryce Bradfield, has accepted a job in Salt Lake City. He is still living in Tremonton but will be commuting from Salt Lake so it is awkward for him to get to the meetings by 5:30 p.m. He plans to move closer to his work at the end of the school year and has asked that he be replaced on the Planning Commission. Councilmember Deakin said that there were three individuals the City Council met with when they were filling

the position that the Council ultimately appointed Diana Doutre to fill, that expressed an interest in being involved in City government. He asked if the Council would consider these individuals for the current position.

The chemistry of the Planning Commission has changed. Troy Forrest, who lived on the south side of town, moved to the north side of town. There are still a couple of Planning Commission Members who live on the south: Rosa Gonzales and Kirt Rees, but there are a few more Commission Members who live on the north side of town. There is only one person of the three suggested individuals who lives on the south side of town.

Councilmember Deakin asked the Council if there are any of those three names that they would prefer not be approached. One lives just north of North Park School and there are already two Planning Commission members from that area. Mayor Fridal said that it might be a good idea to find someone who lives on the south side of town but any of the three would be a good choice. The Council will contact Councilmember Deakin if they think of anyone else.

Councilmember Wood said that he told Jeff Madsen that the City would get a load of gravel to him. Mr. Madsen said he would spread it. Mr. Madsen is also concerned about the front as the City told him it would be a one time thing and the neighbors use that driveway. He thinks that he might need another load of gravel in two or three years. He was told to approach the Council again at that time and they would consider it.

Mayor Fridal stated that he received an e-mail from Matt Zollinger inviting the Council to attend a presentation at the Bear River High School, Thursday, February 9th at 6:00 p.m., concerning pornography and other inappropriate material. The first hour will consist of an open forum of sixteen booths representing internet filtering agencies, professional counseling services, and women's and other organizations established to fight porn. At 7:00 p.m. there will be a presentation in the auditorium by Fight the New Drug.

The meeting adjourned at 6:50 p.m. by consensus of the Council. Treasurer Oyler left the meeting.

CITY COUNCIL MEETING

Mayor Fridal called the February 7, 2012 City Council Meeting to order at 7:00 p.m. The meeting was held in the Tremonton City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Those in attendance were Mayor Fridal, Councilmembers Deakin, Doutre, Holmgren, Reese, and Wood, City Manager Shawn Warnke, Recorder Darlene S. Hess, Fire Chief Steve Batis, Library Director Kim Griffiths, Police Chief David Nance, and Treasurer Sharri Oyler (returned at 7:16 p.m.).

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 Youth City Councilmember Darby Robertson and the Pledge of Allegiance was led by Youth City Council Mayor Landon Fulgham.

2. Introduction of guests.

Mayor Fridal welcomed members of the Youth City Council and members of the Coalition Against Domestic Violence and Abuse (CADVA).

3. Discussion and approval of agenda.

Mayor Fridal asked if there were any changes to the agenda.

Motion by Councilmember Wood to approve the February 7, 2012 agenda with the omission of Agenda Item 7.b. Motion seconded simultaneously by Councilmembers Holmgren and Reese. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

4. Approval of minutes – January 3, 2012.

Mayor Fridal asked if there were any changes or corrections to the minutes.

Motion by Councilmember Doutre to approve the minutes of January 3, 2012. Motion seconded by Councilmember Reese. Vote: Councilmember Deakin – aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

Treasurer Oyler returned to the meeting.

5. Proclamation:

a. Dating Violence Awareness Month – Annette McFarlane

Annette McFarlane said that CADVA (Coalition Against Domestic Violence and Abuse) is a coalition of all of the people who are involved in responding to violence in the County, particularly domestic violence, sexual assault, dating violence, stalking, and child abuse. It is a diverse group which includes law enforcement, judicial, Family Support Center, DCFS, adult probation and parole, and other related groups.

The national average shows that one in every three women will, at some time in their life, experience dating violence. In 2011, 34% of the women who came to the New Hope Crises Center were in a current domestic violence situation. Ms. McFarlane provided statistics on services provided at the Crisis Center. Domestic violence is very prevalent, even in Box Elder County.

Shawna Barfuss stated that she teaches the sixth grade through senior students and

helps in the community with dating violence presentations. She teaches about healthy relationships: trust and respect, communication, stress management, anger management, and being a role model. There is a lot more stalking with technology. During the month of February, she goes into the high schools and talks about “What is Love.” She writes the words “jealousy,” “control,” and “fear,” and explains they are not love. Then they talk about the opposite of those words. Many of the teenagers feel that “if he is jealous, then he loves me,” or, “if he checks up on me a lot he loves me.” Ms. Barfuss said that she feels these classes really help the teenagers to know what the warning signs are.

Jeannie Perry said that she goes into all of the elementary schools and teaches the children about body safety, what healthy relationships look like, and child abuse. A lot of kids, when asked who abuses children, think that it is strangers; but, nine out of ten children who are being abused know the abuser. The children are taught about reporting abuse: physical, verbal, mental, emotional, sexual, and neglect. She also talks with the children about ideas for dealing with stress – ideas that they can take home into their families and teach the family members ways to cope with stress and anger. A lot of children have been really concerned with the Powell case which has been in the news the past week. Another topic that is discussed is bullying prevention.

Ms. McFarlane commented that it is great that this comprehensive program is available which starts in kindergarten and goes all the way through the twelfth grade. The relationship between bullying and dating violence and domestic violence is well documented. Kids who bully turn into perpetrators of dating violence, and then they graduate to domestic violence.

Ms. McFarlane expressed how much Chief Nance is appreciated and the partnership the New Hope Crises Center has with law enforcement in Tremonton. He is a great asset to this community.

Councilmember Deakin asked what the growth in violence in 2010/2011 is attributed to. Ms. McFarlane said she feels it is three things: 1. the Crisis Center does a really good job of letting people know about their services; 2. the population in the County is growing; and 3. we are getting more violent as a society. There are more triggers such as the economic situation. The Powell case, which has been in the news, demonstrates a man that could not stand to not be in control. The reality of domestic and dating violence is that people are willing to not only kill themselves, but they are willing to take out other people. In 2011 there were thirty-three domestic violence deaths in the State of Utah – three of them were in Box Elder County.

Ms. McFarlane read the Proclamation. Councilmember Holmgren asked if there is a place in Tremonton where people can go. Ms. McFarlane stated that there is a therapist, Gaylyn White, who works with people in this end of the County, but the Brigham City Shelter provides services for all of Box Elder County.

Motion by Councilmember Holmgren to proclaim February 2012 as Dating Violence Awareness Month in Tremonton City, Utah. Motion seconded by Councilmember Deakin. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and

Councilmember Wood - aye. Motion approved

Ms. McFarlane stated how much she appreciates Councilmember Doutré being a part of their Board. She is very supportive of the work they do and a great asset to the organization.

6. Request(s) to be on the agenda

a. Tobacco Proposal – Youth City Council

Youth City Council (YCC) Mayor Landon Fulghum introduced the YCC Council Members: YCC Senior Mayor Abby Payne, Brady Stuart, Blake Tolman, Justin Stuart, Samantha Getz, Darby Robertson, Shaylie Wood, Bradon Manning, and YCC City Manager Spencer Borup.

The YCC did a presentation based upon the results of an assessment conducted at the Bear River Hospital Health Fair and at Tremonton City Days regarding community support for an amendment to existing Ordinance 06-03 which states that the Skate Park is tobacco free. The Youth City Council proposed that the existing ordinance be amended to include all Tremonton City parks.

Mayor Fridal suggested that this topic be put on a future agenda. Councilmember Deakin asked Chief Nance what is being done to enforce the Ordinance at the Skate Park. Chief Nance replied that signs are up at the park. As far as the enforcement at the park, Recreation Director Christensen has indicated that he does not care about the enforcement of the bikes at the park. Officers do respond to disorderly types of activities. Councilmember Holmgren asked how enforceable an ordinance would be which made all parks tobacco free. Chief Nance replied that it is as enforceable as anything else, but someone would have to be caught. When a citizen calls saying that someone is using tobacco, an officer will go over and try to deal with it. At first, just the No Smoking signs were put up but without an ordinance that puts some teeth into it no one can be cited. People are still smoking at the parks. City crews still have to clean up plenty of cigarette butt litter.

b. Reconnection to the City's Water System for a home located outside of the City limits – Brian Freshwater.

Brian Freshwater stated that he is a real estate agent in Tremonton and he is working with a bank in regards to a foreclosure of property out in the unincorporated County (north of Deweyville) that currently is being provided Tremonton City water. There is some discrepancy as to whether these are separate rights that will go with the property or whether they stay with the current owner. They are trying to resolve that. The bank asked Mr. Freshwater to come to the City and ask whether these are in fact separate deeded water rights which would leave a piece of property without culinary water. There is already a Tremonton City meter and a Tremonton City connection to the property. Mr. Freshwater asked if Tremonton City would provide water to the new owners of this property. There is a Tremonton City supply line which crosses this piece of

property. That is why the previous owners say they have a separate deeded right to “X” number of gallons of water per month and they say this is deeded to them and not the property.

Councilmember Deakin asked if the current owner of the property has offered to sell the water right. Mr. Freshwater explained that there are three parcels of land involved in this foreclosure. The current owner wants to retain ownership of one of those parcels and they are willing to trade this right to have Tremonton City water for ownership of that parcel. The bank is not necessarily willing to do that. The bank is trying to find out what their rights are and what Tremonton City is willing to do inasmuch as there is already a water connection there.

Councilmember Deakin commented that the City Attorney feels this is a legal matter. Manager Warnke spoke briefly with Attorney Ericson and he is comfortable with the recommendations which were provided to the Council and Mr. Freshwater. Mr. Freshwater went to the County Recorder to look for a recorded easement for the City water line and was unable to find it. That is something the City needs to sort out. The City is willing to look through City documentation to see what can be found.

Manager Warnke informed the Council that the property in question is in unincorporated Box Elder County in an area which is part of the Deweyville Annexation Plan. Mr. Freshwater said that he has spoken with both Tremonton City water and with Deweyville. Tremonton City water says that they have no residents other than this one out in that area. According to Deweyville, everybody north of the main highway is on Tremonton City water.

Councilmember Wood commented that there are three parcels of property and only one water share which is only good for one hook-up. If the bank wants to keep that house going, they better negotiate to get that water right from that owner. Mr. Freshwater replied that the question is whether he owns it. What the bank needs to know is whether Tremonton City will be willing to provide water to an existing home which has an existing meter. The address of the property in question is 11590 North 3400 West, Deweyville. Mr. Freshwater needs to have this information to the bank by February 19, 2012. Manager Warnke stated that the Council will not meet again until February 21st. Mr. Freshwater asked to be put on the agenda for that meeting.

The Council will take this into consideration.

7. New Council Business:

- a. Discussion and consideration of the appointment of two Library Board members: Troy Quinlan replacing Mariah Bradfield and Bob Payne replacing Merilee Tueller

Motion by Councilmember Doutre to appoint Troy Quinlan and Bob Payne to the Library Board. Motion seconded by Councilmember Reese. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- b. Discussion and consideration of adopting Ordinance No. 12-01 amending and adding to Chapter 3-500, Meetings, Procedures and Conduct – Voting of Title 3 of the Revised Ordinances of Tremonton City Corporation.

Agenda Item tabled.

- c. Discussion and consideration of adopting Resolution 12-03 authorizing the City to enter into an agreement with Box Elder County Sheriff's Office and other municipalities in Box Elder County to purchase the Spillman Fire Reporting Module to use as our Dispatch Center.

Motion by Councilmember Reese to adopt Resolution 12-03. Motion seconded by Councilmember Wood. 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 the December Warrant Register

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

- e. Discussion and consideration of approving the December Financial Report

Motion by Councilmember Reese to approve the December 2011 Financial Report. Motion seconded simultaneously by Councilmembers Holmgren and Wood. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

8. Comments:

- a. Administration/City Manager Advice and Consent.

- 1) Information on Resolution No. 11-71 approving a Professional Services Agreement with Morgan County Constable for constable services

Manager Warnke stated that some time ago the Council approved, by Resolution, a Professional Services Agreement with Morgan County Constables. The Constables have lost their appointment through Morgan County purportedly due to a political issue. They are trying to resolve that. When the Staff hears something more and that agreement can be finalized, Manager Warnke will let the Council know.

Councilmember Deakin asked who is serving the notices now. Chief Nance replied that there is no one other than police officers.

b. Council Reports:

Councilmember Holmgren informed the Council that the Business Resource Center in Brigham City has a new Director. His name is Jason Yerka.

Councilmember Deakin reported on Emergency Preparedness. "Ready Your Business" was finished in January and a presentation was given, primarily to the Chamber of Commerce. March 29th, the next event, will be an Emergency Fair. It will be advertised in the water bills. Jeff Johnston will be speaking. He lived through the earthquake in Japan when he was on his mission – the same place where they had the tsunami. They will be encouraging people to prepare by having 72 hour kits. On April 17th, Utah is sponsoring something called The Great Utah Shake Out, an earthquake simulation. The Council may do something during the City Council work session that day.

Names for the Planning Commission appointments will be brought to the Council in two to four weeks. Also, about half of the Planning Commission Members' terms are up. Hopefully they will want to continue on in their positions. Mayor Fridal asked if the Planning Commission is meeting once a month now. Councilmember Deakin said that they are meeting a little more often than that, now. They are starting to review some more policies that Zoning Administrator Bench has prepared. It may be necessary to meet twice a month for a while until that is completed.

9. Public comments: Comments limited to three minutes.

There were no public comments.

10. Adjournment.

Motion by Councilmember Wood 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 7:52 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 _____, 2012.

Darlene S. Hess, Recorder