

**TREMONTON CITY
CITY COUNCIL MEETING**
July 18, 2006

Members Present:

David D. Deakin

Lyle N. Holmgren

Jeff Reese

Stanley Stokes

Max Weese, Mayor

Richard E. Woodworth, City Manager

Darlene S. Hess, Recorder

CITY COUNCIL WORK SESSION

Mayor Weese called the July 18, 2006 Work Session to order at 6:02 p.m. held at 102 South Tremont, Tremonton, Utah in the Tremonton City Council Meeting Room. He excused Councilmember Wood from the meeting. Also in attendance were Steve Bench, Building and Zoning, and David Nance, Tremonton City Police Chief. The Council discussed the following items:

- ▶ Manager Woodworth informed the Council that he has a meeting with UTOPIA next week.
- ▶ Mayor Weese informed the Council that there is a correction to the July 5, 2005 minutes which Recorder Hess discovered after the minutes were sent out in the packets. This has been corrected. Councilmember Deakin also discussed a clerical change in the minutes of the June 20, 2006, page 8.
- ▶ Although the Agreement with Box Elder County for lease of property was deleted on the Amended Agenda for the July 18th Meeting, the Council discussed the issue as follows:
 - 1) The Council wanted to know the book value of the 2.5 acres discussed for lease. Manager Woodworth told the Council that it will be minimal as it is the original purchase price of the property that is considered.
 - 2) Councilmember Deakin told the Council that he would be more comfortable in giving the property away than to lease it for fifty years. There is a concern with a long time lease. Manager Woodworth informed the Council that there has to be some exchange of money. The Agreement can be crafted for the County to own the property after the lease is completed.
 - 3) Councilmember Holmgren asked if the City had accepted a check presented by the County for the lease? He asked if acceptance of the check means the agreement is

approved.

- 4) The exchange of monetary value was discussed. The improvement on the Fair Grounds has brought a lot of value to Tremonton, and the increase of 400 more stalls will bring big time events to Tremonton.
 - 5) The Council discussed putting the property out for bid or allowing the County to purchase the property.
- ▶ The Council discussed a letter which was drafted to Elwood Town. Mayor Weese asked that a copy of the letter be given to the Council in their next packet. The Council also discussed the need to review the fee charged for building inspections per agreements with other entities.
 - ▶ The Fair Parade Rules were discussed. With the tossing candy from floats, there is a chance that children could be run over when they run out into the street to get the candy. Chief Nance agrees with not allowing candy to be thrown due to the safety issue.

Councilmember Reese told the Council that the rules may be too strict. Only allowing the parade participants to perform for thirty seconds in four locations will take away from the parade. This includes the bands also. The Posse cannot perform in this amount of time; therefore, groups may not want to participate in the parade. New this year is an entrance cost and a cleanup fee which is high - especially when Tremonton City does the cleanup.

The Council decided to ask the parade director to come to speak to the City Council so they can share their concerns as it is being rumored that it is Tremonton City's ordinances which establishes the rules.

- ▶ Manager Woodworth informed the Council that the Fire Department has requested an ambulance write-off in the amount of \$223.58. This is the balance after the insurance paid their share. This individual donates a lot to the City Fire Department.

Meeting adjourned at 6:52 p.m.

CITY COUNCIL MEETING

Mayor Weese called the Tremonton City Council Meeting to order at 7:00 p.m. which was held at 102 South Tremont, Tremonton, Utah in the City Council Room. Mayor Weese welcomed everyone to the meeting and excused Councilmember Wood.

1. Opening Ceremony

Mayor Weese informed the audience that due to the fact that no one had requested participation for the opening ceremony, the Council will perform the function.

The prayer was given by Mayor Weese and the Pledge of Allegiance led by Councilmember Deakin.

2. Approval of agenda

Motion by Councilmember Reese to approve the July 18, 2006 agenda. Second by Councilmember Deakin. Motion unanimously approved.

3. Approval of minutes - June 20, 2006 and July 5, 2006

Motion by Councilmember Holmgren to approve the minutes of June 20, 2006 and July 5, 2006 with two corrections (June 20, 2006: Councilmember Deakin report - 2000 West changed to 1600 South and July 5, 2006: Page 4, item 4, Councilmember Deakin opposed the motion to solicit a conventional loan for the 2000 West Project). Second by Councilmember Stokes. Motion unanimously approved.

4. Introduction of guests

Mayor Weese welcomed a Boy Scout from Troop 139 and asked him to stand, introduce himself, and pledge to becoming an Eagle Scout.

5. Common Consent

Motion by Councilmember Stokes to approve the monthly expenditures as indicated on the June Warrant Register. Second by Councilmember Reese. Motion unanimously approved.

6. Planning Commission recommendation(s):

a. Elwood Town Annexation Plan

Mayor Weese informed the Council about an issue the City has with Elwood Town's Annexation Plan. He asked Recorder Hess to explain the situation.

- 1) Recorder Hess told the Council that Mayor Hardy came to her office to look at Tremonton's Annexation Plan prior to Elwood's Planning Commission having a public meeting. At that time, he was informed that the area north

of 10400 along the Malad River bottoms was within Tremonton's Annexation Plan.

- 2) State Code requires notification of affected entities at least fourteen days prior to a planning commission holding a public meeting on their Annexation Plan.

Tremonton City Council/Planning Commission was never noticed of this meeting.

- 3) Per Utah Code, the Planning Commission is to then hold a public hearing on the proposed Annexation Policy Plan. They are to provide reasonable public notice, including notice to each affected entity of the public hearing required under Subsection (2)(a)(vi) at least 14 days before the date of the hearing.

The Tremonton City Planning Commission was notified on June 20, 2006 with a letter written on June 19th of Elwood's public hearing on June 27th. This is a clear infraction of Utah Code notification requirement of fourteen days.

- 4) On June 20, 2006, members of the Tremonton City Council sent a registered letter to Elwood Town Planning Commission thanking them for the recent notification outlining their intentions to modify their Annexation Policy Plan and formally protesting an area north of 10400 North of the Malad River bottoms being included in Elwood's Annexation Policy Plan as it had been included in Tremonton's Annexation Plan since November 2002. This letter was received by Elwood's Town Clerk on June 22, 2006.

Due to the infraction of State Code on notification requirements, Tremonton City Council challenges Elwood Town's Annexation Policy Plan.

- b. Consider approval of Ordinance 06-07 to amend Chapter 22 Density Bonus of the Tremonton City Zoning Code.

Mayor Weese told the audience that the Planning Commission has already held a public hearing on this issue. Mayor Weese asked Gerald Smith, Chair of the Tremonton City Planning Commission, to explain this item.

Mr. Smith told the Council that the Planning Commission had worked through the density bonus issue. It is still possible to get another home set on a lot; however, the developer has to do more landscaping (trees, lawn) and put in sidewalks which has to be in place prior to occupancy. A point system is now set requiring a brick facade and garage.

Motion by Councilmember Reese to approve Ordinance 06-07 to amend Chapter 22 Density Bonus of the Tremonton City Zoning Code and to accept the public hearing held by the Planning Commission. Second simultaneously made by Councilmembers Holmgren and Deakin. Vote: Councilmember Holmgren - aye, Councilmember Stokes - aye, Councilmember Reese - aye, Councilmember Deakin - aye. Motion unanimously approved.

- c. Consider approval of final plat of the Steven K. Jensen three lot minor subdivision.

Mayor Weese told the audience that Mr. Jensen's property will be subdivided into three lots so that his daughters can build a home on each side of his house.

Motion by Councilmember Holmgren to approve the final plat of the Steven K. Jensen three lot minor subdivision. Second by Councilmember Stokes. Motion unanimously approved.

7. Comments:

- a. Administration/City Manager Advise and Consent

- 1) Manager Woodworth informed the audience that there was a question on the ACH IntelliPay End-User Agreement for change back items. This is a customer dispute not a return/non sufficient item charge.
- 2) Manager Woodworth reviewed the Fair Parade Rules which were sent out in the Council Packets. There is a misunderstanding that the rules set are the City Ordinance. This was brought to the Council's attention by Councilmember Reese. After further discussion, the Council decided to have the Fair Parade Chairman come to meet with the Council to discuss the rules.
- 3) License requirements for Limousine Business

The Council reviewed the Business License Ordinance and discussed the request by a Limousine Business owner out of Perry to not charge a license fee for his business or reciprocate for another city's business license.

Motion by Councilmember Reese to abide by the Tremonton City current Business License Ordinance as currently written. Second by Councilmember Holmgren. Motion unanimously approved.

Manager Woodworth distributed a letter written to Paul Morris, Executive Director of UTOPIA, informing him that UTOPIA's application for a Rural Development, Utilities

Program, Broadband Loan in the amount of \$66,166,000 has been approved. The funds must be used to construct a fiber-to-the-home broadband network in six communities in the State of Utah.

b. Council Reports

Councilmember Stokes reported that he had attended a Tourism Council Meeting earlier today. The room tax for Box Elder County is up by 20% which means there are more people visiting our county. A lot of people are coming to visit the Bird Refuge. The Tourism Council feels very good about this increase. Logan has decreased.

Councilmember Reese reported that the Beautification Committee met and there is one new sign on the east side of town and also one on the west side of town. This Committee is doing well.

Councilmember Deakin reported that he took the opportunity to check out the various sites (hospital and Intertape) during the Emergency and Disaster Drill on July 15th. Councilmember Deakin complimented participants who took part in the drill. Councilmember Deakin told the Council that the CERT Program participants were impressive. It was a very good drill. Councilmember Deakin, also, told the Council that he was impressed with the way Director Rhett Ogden handled the issue with the Skate Park Construction Company.

8. Public Comments

Recreation Director Rhett Ogden reminded the Council of Tremonton City Days coming up July 22. He told the Council that everything is in place and ready to go. Director Ogden invited the Council to participate through announcing winners of the various contests. Director Ogden, also, informed the Council that he needed volunteers to work in the Information Booth from noon through three on Saturday.

Alan James asked the Council what was going on with the Marc Allred pond. As far as he could see, nothing is happening. Mr. James told the Council that Mr. Allred informed him that he is waiting for a letter from the City before anything else is done.

Manager Woodworth informed Mr. James that Tremonton City has not accepted the dedication of the retention pond. Until that time, Mr. Allred is responsible for the pond. The City will be inspecting the pond in the near future. Manager Woodworth reviewed the various actions taken by the City on the pond. The City has to do what is most cost effective for the City.

Mr. James asked about a dedication of a roadway in this area. Manager Woodworth

told him that there is not a dedicated road; however, he will check into the matter further.

Mayor Weese informed Mr. James that the City will check into the issue. When Mr. Allred completes the area as it is suppose to be done, the City will accept the dedication of the pond.

Sandra Smith told the Council that there is water along 660 West on the east side of the road in the gutter that is stagnant and smells. Moss is growing there and children are playing in the water. Mayor Weese told Ms. Smith that the City will probably need to get an engineer to tell us how much it will cost to get the water to drain.

Linda James told the Council that they have lived in their home for four years. When they moved in, they were told that this area would be a nice place to live. With the West Nile Virus coming into Utah, this pond is become a big health issue. She informed the Council that her husband had taken pictures of ponds in other areas. Mr. James showed pictures of ponds in Mesa, Logan and Layton which are nice looking retention ponds. He told the Council that the Allred pond is an eye sore. Mrs. James told the Council that she wished Steve Bench were here tonight as Marc Allred has been working with him on getting the area completed as to specifications. She reminded the Council that residents in this area told the Council that they are willing to maintain the area.

Ron Hawkins told the Council that the pond was a health issue as well as a safety problem. The residents of this area cannot wait much long for things to be resolved. He wanted to echo what Mrs. James had said about the residents maintaining the area, and asked about sidewalks being installed. Manager Woodworth told Mr. Hawkins that the City could get Scouts to do the sidewalks as an Eagle Project.

Dusty (Hootie) Roche informed the Council that his home owner's insurance will not cover the water damage caused by the water main break at the Lish residence. They have waited a long time for the City's insurance carrier to contact them about the issue. Mr. Roche told the Council that he had to replace 38 square feet of carpet in his home as a sewer line was hit during the repair of the water main. Manager Woodworth asked Mr. Roche to submit an invoice to the City. Manager Woodworth also told Mr. Roche that he would contact the Director of the Trust Insurance tomorrow on the issue.

9. Adjournment

Motion by Councilmember Deakin to adjourn the meeting. Second by Councilmember Reese. Motion unanimously approved. Meeting adjourned at 7:48 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 of the City Council meeting held on the above referenced date.

Dated this _____ day of _____, 2006.

Darlene S. Hess, RECORDER