

**TREMONTON CITY CORPORATION
CITY COUNCIL MEETING
June 3, 2014**

Members Present:

Diana Doutre
Lyle Holmgren
Jeff Reese
Bret Rohde
Roger Fridal, Mayor
Shawn Warnke, City Manager
Darlene S. Hess, Recorder

CITY COUNCIL WORKSHOP

Mayor Fridal called the June 3, 2014 City Council Workshop to order at 6:03 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 Doutre, Holmgren, Reese, and Rohde, City Manager Shawn Warnke, Recorder Darlene S. Hess, Zoning Administrator Steve Bench, Police Sergeant Todd Hunsaker representing Chief David Nance, and Treasurer Sharri Oyler. Councilmember Wood was excused.

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

The Council reviewed the June 3, 2014 Agenda with the following items being discussed in more detail:

Uncollectable Ambulance Debt - Treasurer Oyler informed the Council that the list provided is the uncollectable ambulance debts which are presented to the Council once a year for approval to be written off the City books. When the list is presented to the Council, Treasurer Oyler said she has already done everything she can to collect the debt. Treasurer Oyler explained that the total amount of uncollectable debt is higher this year because there was a family that was involved in an accident with a semi and that bill amounted to \$12,000. Most of those on the uncollectable list live out of state.

Senior Center C.D.B.G. Parking Lot Expansion Project - Rupp Trucking was the low bidder.

Resolution No. 14-28 – Revised Wall Mural Agreement – Manager Warnke explained that this revision to The Wall Mural Agreement changes the timing for completion and the terms so that the City pays half of the compensation up front and the second half once the murals are completed.

When the Mural Agreement was approved originally, the Council emphasized that the priority of the murals was the one on Main Street; however, the Staff has had difficulty

obtaining the necessary easements from the adjoining property owners. The property owners say they are willing to sign the Easement Agreement, but one of the owners is in the hospital which prevents getting to a Notary to complete the execution of the Easement Agreement. The other partner is wrapping up the end of a school year. It is anticipated that it will be signed in the relatively near future.

Manager Warnke showed a preliminary sketch that the artist, Jason Nessen, prepared to show what might be placed on the Cook Shack building at North Park. The Council indicated they liked the sketch with a few modifications.

Resolution No. 14-29 – Development Agreement with Tremonton Auto, LLC – Administrator Bench stated that UDOT isn't ready to have curb, gutter, and sidewalk installed. The City exacted that money from the developer and it will be put into the General Fund for the future development of this frontage when the time comes for its development. This Development Agreement references what will be done with that money.

Resolution No. 14-30 – Amending Section XVI of the Personnel Policy and Procedure Manual – Manager Warnke informed the Council that there are three general changes:

- Workers Compensation Section – part of the re-draft of this section incorporates some best practice language from a template policy provided by the Utah Local Governments Trust .that Utah League of Cities and Towns has recommended as best practices policies.

One significant change is related to Workers Compensation policy is that in the past, the City was making up the difference between Workers Compensation pay and the injured employee's typical wage paid by the City. The best practice approach is that the City not do that. The City has had high Workers Compensation claims in the recent past. Part of what impacts the City's premiums going forward is the amount of days that someone remains on Workers Compensation leave. If an injured employee is receiving full pay, there is no real incentive for them to come back to work quickly. The policy objective is to get employees back into the organization as quickly as possible.

- URS Past Contributions – For whatever reason, there have been circumstances where an employee wasn't enrolled in URS when they should have been. In the past URS rules mandated that the City had to pay the back contributions or negotiate with the City's employees. The URS Policy has changed. They now recognize a statute of limitations for past contributions that are in excess of three years.

The proposed City Policy contains some flexibility. For past employees no longer employed with the City it is being proposed that the City take advantage of the

full statute of limitations. In that case, if the past contributions are older than three years, the City would inform the claimant or URS that the City's policy is to not pay back contributions.

Where the past contributions for current employees are over three years old, the Policy as drafted states that the City would partially exercise the statute of limitations and not pay any of the interest associated with past contributions but could consider paying the original contribution amount.

Manager Warnke noted that benefits are not equal within the City organization. For example, an employee who has been with the City for a longer period of time receives a graduated annual leave. So, there is a little bit of difference in how the City treats a past employee vs. a current employee. That said, the Policy does allow for the City Council to consider exercising the full statute of limitations, for past URS contributions to current employees based upon the amount and the economic conditions at the time.

- Insurance Clarification – the City policy does not actually state that the City pays the insurance premiums for full time employee's lawfully married spouse or dependent children, though that has been the case.

Ordinance No. 14-09 – Zoning Map Change – Administrator Bench stated that the Planning Commission held a Public Hearing on this proposed zone change from R1-20 to RR-1. This is a situation where the Jensen parcel is surrounded by other zoning which allows animals. The Jensens were zoned to have animals, but what they weren't zoned for was to have a license to raise Australian Shepherd dogs.

Councilmember Dautre asked if, with one acre, the Jensens could have trouble with their neighbors with an animal license. Administrator Bench responded that the Jensens provided a large mailer and the Planning Commission sent out fifty to their neighbors. No one came to the Public Hearing.

Mayor Fridal announced that there is a Boys and Girls Club fundraiser/auction on June 20th. With the City's contribution to the Boys and Girls Club, they have made it so the Council can have a table at the event. There is room for eight people at this table. Mayor Fridal asked the Council if anyone would like to attend. Mayor Fridal said that he and his wife have attended the last few years. Last year they did a Gatsby party. This year it is an Oz party. There will be entertainment and an auction.

Wall Mural for North Park Cook Shack (continued) - Manager Warnke stated that the sketch Jason Nessen provided for the Cook Shack at North Park is his first effort. Manager Warnke said that he suggested to Mr. Nessen that another look be given to the man bent over located under the Cook Shack window. It is hard to determine what the man is doing. It should be something more obvious. Manager Warnke also suggested to Mr. Nessen that something more than sports be included in this mural. Mayor Fridal

suggested a fireworks display because for many years, North Park is where the City's firework display was held.

Tentative Budget for Fiscal Year 2015 – Manager Warnke stated that all that needs to be done between the Tentative and Final Budgets is to add some carry over projects: Water is one, Wall Murals is potentially another, and there are a few other fairly insignificant carry overs.

UTOPIA/Macquarie Meeting - Mayor Fridal said that he is a little concerned about tomorrow evenings UTOPIA/Macquarie informational presentation for the public. The only way this presentation can work successfully is if it is kept 100% under control. Mayor Fridal will welcome those in attendance, and then turn the time over to Duncan Ramage and Mike Lee. Mayor Fridal said that he doesn't want there to be any grandstanding with people complaining about past UTOPIA issues. If the presentation gets out of control, it will not be tolerated. He will close the presentation. To eliminate that problem, Mayor Fridal would like to accept only written questions. He would like the City Council to take paper and pencils down each aisle and make them available to people so they can write their questions. The written questions will then be taken to the front to be answered.

Mayor Fridal stated that he is going to make it clear that this is an information presentation and that not only will the public be learning, but the Council will be learning, as well. If there are people who are not willing to live by the rules that are set, they will be escorted out of the presentation. The presentation needs to be made as positive as possible and if people have some complaints, another meeting will be held to hear those complaints after they have learned about the Macquarie proposal.

Mayor Fridal said that Brigham City held an additional meeting where the citizens could bring their utility bills and talk to people from the City, Macquarie, UTOPIA and Veracity to get their specific questions answered. Mayor Fridal stressed again that the presentation tomorrow night will be for information only with no public comment except written questions. Councilmember Reese feels that people need to understand that if Tremonton doesn't go with Macquarie, the City will still have to pay. Councilmember Holmgren added that the least desirable situation would be for UTOPIA to go dark and then have the City be faced with probable litigation.

Councilmember Rohde said that it is also important that people understand about the \$1.1B to \$1.5B that can be earned on up-sell and what that means to Tremonton. People need to understand that is \$25M to \$30M over that period of time that can be put back into the City and what the City can do with that amount of money.

Splash Pad – The Council discussed the possibility of slicker conditions of the Splash Pad. Mayor Fridal stated that it was pressure washed early Monday morning. A “No Running” sign has also been placed on the premises. Mayor Fridal said he went over to

watch the kids on Saturday and there is not an issue. It may have been a little slicker at that time.

Chicken Ordinance – Mayor Fridal said his opinion is that he doesn't have a problem at all with people registering that they have chickens, but he does have a problem with the City charging people a fee for having chickens. These people are doing it to help provide for their family. A limit could be put on the number of chickens a household can have. Councilmember Rohde said that he is most frustrated about those people who didn't come and express their concerns at the public hearing.

The meeting adjourned at 6:52 p.m. by consensus of the Council.

CITY COUNCIL MEETING

Mayor Fridal called the June 3, 2014 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 Doutre, Holmgren, Reese, and Rohde, City Manager Shawn Warnke, Recorder Darlene S. Hess, Zoning Administrator Steve Bench, Senior Center Director Marion Layne, Police Sergeant Todd Hunsaker representing Chief David Nance, and Treasurer Sharri Oyler. Councilmember Wood was excused.

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 Councilmember Doutre.

Mayor Fridal commented that he saluted the flag during the Pledge of Allegiance because, in 2010 or 2011, it was passed that those who served in the military and were honorably discharged, could choose to salute the flag whether they are in uniform or not.

2. **Introduction of guests:**

Mayor Fridal welcomed all those present.

3. **Approval of Agenda:**

Motion by Councilmember Holmgren to approve the agenda of June 3, 2014. Motion seconded by Councilmember Doutre. Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Rohde - aye. Motion approved.

4. Public comments: Comments limited to three minutes:

Bob Belew commented that he is the 4-H Director and leader for kids at the Fair and he teaches them about chickens and pigeons. Mr. Belew said he read the article in the paper about the license for chickens and he didn't like what he read. He does not have 4-H kids that live within the City limits because there has been an Ordinance that prohibits chickens in the City. He has had to turn kids away who wanted to join his Chicken Club.

Now it has been opened up to have chickens, but the City also requires a license. He asked if the Council was also going to license rabbits, pigeons, gold fish ponds in the back yard, etc. Mr. Belew said that he knows there are chickens within the City limits as well as rabbits. He feels that requiring a license to have chickens is the wrong thing to do. He has talked to a lot of people who agree with him.

Mr. Belew stated that there have been incidents in the area where a child has been forced to get rid of their chickens after, or even before, the Fair. That is the wrong thing to do because five and six year olds make pets of chickens.

Mr. Belew said that he belongs to the Utah Fancy Poultry Club. He has a lot of friends in Salt Lake, Layton, and Kaysville that raise these things and they give a lot of support to his 4-H Club, even giving him chickens that sell for \$50 a piece for the kids to raise. He also gets a lot of support for prizes for the various chicken showmanship events. He just doesn't feel chickens need a license.

Chickens in the backyard will eat bugs and mosquitos. Mr. Belew doesn't see the harm in raising chickens. The City doesn't license cats. He feels it is the wrong way to go. He would have more kids in 4-H if chickens were allowed within the City.

Councilmember Rohde asked Mr. Belew if he has a problem with the license, or with paying the fee, or both. Mr. Belew said that he has a problem with both. He has friends who live in the Avenues in Salt Lake City who have chickens in their backyard. He suggested that if the City is going to charge a fee, make it an overall one-time flat fee that includes chickens, rabbits, and pigeons for the life of that property, but not a yearly license.

5. New Council Business:

- a. Discussion and consideration of approving the April 2014 Financial Register.

Motion by Councilmember Reese to approve the April 2014 Financial Register. Motion seconded by Councilmember Holmgren. Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Rohde - aye. Motion approved.

- b. Discussion and consideration of adopting the City Council writing off of bad debt

associated with the uncollectable debt for ambulance services

Treasurer Oyler informed the Council that these are the uncollectable debts for ambulance services that are considered for write-off every year. The total proposed write-off amount is \$75,545.04. Most of the debts are for people who live out-of-town, out-of state, or have moved. They are still listed with the collection agency the City uses so attempts will still be made to collect the money.

Motion by Councilmember Rohde to allow the City to write-off the list of uncollectable debt for ambulance services. Motion seconded by Councilmember Reese. Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Rohde - aye. Motion approved.

- c. Discussion and consideration of approving the bid for the 2014 C.D.B.G. Senior Center Parking Lot Expansion Project

Councilmember Reese stated that he has looked at the bids and feels the City received a really good bid from Rupp's Trucking.

Motion by Councilmember Reese to approve the bid from Rupp's Trucking Company for the parking lot expansion project. Motion seconded by Councilmember Doutre. Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Rohde - aye. Motion approved.

- d. Discussion and consideration of approving Resolution No. 14-28 repealing Resolution No. 14-20 and adopting a revised Wall Mural Artist Professional Services Agreement between Jason Nessen and Tremonton City to paint wall murals on the Bear River Valley Museum located at 11 E. Main Street and on the cook shack at North Park located at the intersection of 100 West and 600 North

Manager Warnke explained that this Agreement was approved in another form a couple of weeks ago. The change that is proposed tonight is to change the timeframe in which the work needs to be done, extending it from June to July, and also changing the compensation terms to one-half upfront and one-half upon completion of the murals.

Manager Warnke asked Jason Nessen, the artist, to come forward and explained the Council had a discussion regarding the sketch of the sports mural.

Councilmember Rohde told Mr. Nessen that he liked his drawing. He asked what the man leaning over is supposed to represent. Mr. Nessen responded that he is pushing the lady in the swing. Mayor Fridal then asked about the guy in the lawn

chair and was told by Mr. Nessen that he wanted to put something on the mural besides sports to represent the people who are lounging and watching the activities of the day. He explained that he is open to changes, and that this is a first preliminary sketch.

Councilmember Holmgren asked if the mural will be done by Tremonton City Days and Mr. Nessen replied that the big mural on Main Street, for sure. There was discussion about doing the North Park mural first and having it done by Tremonton City Days.

Motion by Councilmember Holmgren to adopt Resolution No. 14-28 to have Jason [Nessen] paint a couple of murals. Motion seconded by Councilmember Reese. Roll Call Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Rohde - aye. Motion approved.

- e. Discussion and consideration of adopting Resolution No. 14-29 approving a Development Agreement with Tremonton Auto, LLC for a commercial development located at 1065 West Main Street (directly west of Maverick Store)

Zoning Administrator Bench explained that the purpose of this is that when Tremonton Auto, LLC came to Tremonton the City exacted about \$14,000 from them for future road improvements along Main Street. As of this date UDOT still is not ready to construct the improvements.

Motion by Councilmember Doutre to adopt Resolution No. 14-29 for a Development Agreement with Tremonton Auto LLC. Motion seconded by Councilmember Rohde. Roll Call Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Rohde - aye. Motion approved.

- f. Discussion and consideration of adopting Resolution No. 14-30 approving the amendment of Section XVI: Benefits of the Tremonton City Personnel Policy and Procedure Manual

Manager Warnke said that there are three changes of substance. One is updating the Workers Compensation Policies to incorporate some of the suggested changes of a best practices policy. There is also a proposed section that addresses how the City handles past URS contributions that come to the Staff's attention. The last change is clarification of the City paying insurance premiums for employees spouse and dependents.

Motion by Councilmember Reese to adopt Resolution No. 14-30. Motion seconded simultaneously by Councilmembers Doutre and Holmgren. Roll Call Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye,

Councilmember Reese - aye, and Councilmember Rohde - aye. Motion approved.

- g. Discussion and consideration of adopting Ordinance No. 14-09 amending the Tremonton City Zoning Map changing the zoning of one (1) acre more or less of property located within Tremonton City, State of Utah, from Residential District (R1-20) to Rural Residential District (RR-1) on parcels 05-060-0060 and 05-060-0077 belonging to Todd and Raquel Jensen Family Trust

Zoning Administrator Bench stated that not long ago the zoning on this property on 1000 West was changed when a little half acre lot subdivision to the north was developed. Now the Jensens are requesting to have the zoning changed back to one acre. The property is pretty well surrounded to the east by one acre and one-half acre lots. The reason Mr. Jensen made this request is because they would like to get a kennel license to raise Australian Shepherd dogs. Mr. Jensen will also be training the dogs.

The Planning Commission held a Public Hearing and didn't get any response.

Motion by Councilmember Holmgren to adopt Ordinance No. 14-09. Motion seconded by Councilmember Reese. Roll Call Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Rohde - aye. Motion approved.

6. Comments:

- a. Administration/City Manager Advice and Consent.

- 1) Discussion on Tentative Budget for Fiscal Year 2015

Manager Warnke indicated that he added this agenda item in case there was some final direction from the Council before he prepares the final budget. As it was mentioned in the Work Session, there are some minor adjustments carried over from projects that haven't been completed.

Councilmember Doutre commented that the Council is so lucky to have Manager Warnke to prepare the City's Budget because nightmare stories are heard of so many cities. Tremonton is very lucky to have Manager Warnke and all of the City's Department Heads. It makes the Council's job easier.

- b. Council Reports:

Councilmember Rohde said he would like to have the discussion on the Chicken Ordinance put on the agenda for a future meeting.

Councilmember Reese agreed that it should be discussed further.

Councilmember Doutre commented on how successful the Splash Pad is. She hopes that it will continue to be a wonderful thing for the community.

Councilmember Holmgren thanked Parks and Recreation Director Christensen and his crew and Public Works Director Fulgham and his crew and all those who helped prepare the cemetery for the Memorial Day Celebration. What a great job they do. The program and everything was just super. It was a great tribute to our community.

Tomorrow at 7:00 p.m. is the UTOPIA Public Hearing at Bear River High School. Hopefully the word got out to the public. Everyone will be attending the meeting to learn.

Mayor Fridal commented that Tremonton has a great Council. There are challenges in the City just like every other city, but thankfully, Tremonton has a team in place that can handle anything that needs to be dealt with.

Motion by Councilmember Doutre to move to Closed Session for the purpose of discussing the sale of real property. Motion seconded by Councilmember Reese. Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Rohde – aye. Motion approved.

The Council moved into closed session at 7:39 p.m.

7. *Closed strategy session to discuss the sale of real property when public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction on the best possible terms*

Motion by Councilmember Reese to return to open meeting. Motion seconded by Councilmember Doutre. Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Rohde - aye. Motion approved.

The Council returned to open session at 7:43 p.m.

8. Adjournment.

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

The meeting adjourned at 7:44 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 _____, 2014.

Darlene S. Hess, Recorder