

**TREMONTON CITY CORPORATION
CITY COUNCIL MEETING
November 18, 2014**

Members Present:

Diana Doutre

Lyle Holmgren (arrived at 6:25 p.m.)

Jeff Reese

Byron Wood

Roger Fridal, Mayor

Shawn Warnke, City Manager

CITY COUNCIL WORKSHOP

Mayor Fridal called the November 18, 2014 City Council Workshop to order at 5:58 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 (arrived at 6:25 p.m.), Reese, and Wood, City Manager Shawn Warnke. The following Department Heads were also present: Zoning Administrator Steve Bench, Attorney Dustin Ericson (arrived at 6:42 p.m.), Public Works Director Paul Fulgham, Police Chief David Nance, and Treasurer Sharri Oyler. Also in attendance was: Deputy Recorder Linsey Nessen. Councilmember Bret Rohde and Recorder Darlene S. Hess were excused.

Mayor Fridal discussed with the Council the possibility of having religious leaders come to City Council Meeting to offer the opening prayer, as well as having Boy Scouts come from time-to-time to do a flag ceremony. The Council agreed it would be a good idea.

1. Update on items pertaining to the Utah Telecommunication Open Access Infrastructure Agency.

The City Council did not discuss this item.

2. Discussion of the Mayor and Council using Tremonton City email accounts for City business.

Mayor Fridal commented that he has been to several meetings lately where it was considered extremely important that the Mayor and Councilmembers have a Tremonton City e-mail. It was warned that if City business is done on personal accounts and someone filed a GRAMA Records Request to see the Mayor or Council's e-mails, they would also have access to all personal e-mails. Manager Warnke stated that arrangements have been made to set up the Mayor and Council with Tremonton City e-mail accounts.

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

The Council reviewed the November 18, 2014 Agenda with the following items being discussed in more detail:

Minutes – Councilmember Doutré said that she had one small correction to the October 7, 2014 minutes. On page 4, two places within the second paragraph, it shows Jan Rohdes. It should be Jan Rhodes.

Public Hearing to consider the sale of property to C&R Auto and Trailer Sales – Councilmember Wood noted that the Agenda indicates a purchase of 5 acres, but the Ordinance states 3.5 acres. Mayor Fridal explained that C&R needs about 7.5 acres. The City has encouraged C&R to purchase Rocky Mountain Power's 4.5 acres. Therefore, they will only need to purchase 3.5 acres from the City.

Manager Warnke commented that if C&R purchases the Rocky Mountain property, it might be wise for them to make that acquisition prior to selling C&R the City's 3.5 acres. This purchase will require a subdivision or lot line adjustment.

Mayor Fridal asked about the process for moving the storm drain basin on Crumps' property to the new location along the freeway. Director Fulgham added that the collection basin is under design right now and that it will probably be put out to bid along with the waterline project on 10th North. It is a good winter project so the City should be able to get some good prices.

Public Hearing to consider vacating the McFarland Subdivision – Manager Warnke stated that the Staff will work on trying to put together a few different agreements or vacate the subdivision. There are a few property owners that need to come and give disclosure on the status of their subdivision. Zoning Administrator Bench added that this is a 100 acre piece of ground adjacent the overpass on Rocket Road. The new owner of the property wants to get the property back to a pre-subdivision status to decrease his taxes.

Location of Streetlights along 2300 West – Director Fulgham explained that there are lights at every intersection along 2300 West as is done everywhere else in town. The road is dark in the long stretches where there isn't a house. As more development occurs, it will increase the amount of light. To install more lights will probably cost between \$1,000 and \$1,500 and then \$12.50 per month per light.

Councilmember Wood commented that a lot of homeowners don't want a streetlight. He doesn't feel like the City should go to the expense of putting in additional streetlights.

Director Fulgham requested that his Department be notified if anyone notices that a street light is out and he will report it to Rocky Mountain Power.

Warrant Register – Councilmember Doutre commented that she prefers the Warrant Register format that includes a description column.

Financial Report - Councilmember Wood noted that the Senior Center has spent quite a bit of money. The September 30, 2014 Budget shows them at 34% of their Budget. Manager Warnke stated that the figure has been impacted by charges for the Senior Center parking lot. Normal practice is for Public Works to charge their hours worked on a facility, but those charges will be reimbursed and moved to Fund 40 so that they can be capitalized.

Consideration of revoking the Business License for Huff-N-Puff-N-Stuff – Manager Warnke informed the Council that Huff-N-Puff-N-Stuff has been noticed that their Business License revocation will be considered this evening. They are intending to be at the meeting tonight as will City Attorney Dustin Ericson. It is Manager Warnke’s understanding that Huff-N-Puff-N-Stuff will be represented by legal counsel. After all the evidence and information has been presented, that is the time to consider whether or not the Business License should be revoked. Attorney Ericson will talk to the Council about the standards for weighing the evidence to come to a decision.

City Attorney Ericson’s preliminary recommendation to the City Council is, per the City Ordinances, that the City Council revoke their Business License, but that a stay of the revocation of the license occurs so that Huff-N-Puff-N-Stuff can remain open for the duration of time that they are eligible to file an appeal of the City Council’s decision. In that way, the City Council won’t have any risk or liability for lost revenue claimed by Huff-N-Puff-N-Stuff.

Ordinance No. 14-16 amending Title I and Title II of the Land Use Code – Administrator Bench explained that some adjustments have been made to Section 1.01.040 taking out wording related to “fees” and “fines” and replacing them with references to the Consolidated Fees & Fines Schedule. Section 2.01.015 was added to Title II adding the reference to the Consolidated Fees & Fines Schedule.

Ordinance No. 14-20 amending Title 8, Chapter 8-500 of the Revised Ordinances – Manager Warnke stated that he would also be covering amendments to Ordinance No. 14-21 amending Title 13 Animal Offenses, and Ordinance No. 14-22 amending Title 8 creating a new Chapter. Director Christensen has been looking at getting new signs posted at the City parks modifying rules that have been approved by the City Council. All rules relating to City parks should be adopted by Ordinance. This allows the City to enforce those rules criminally although the intent is more to have a formal record of those rules contained in the City’s Code.

There is a change in the Animal Control Ordinance. Right now this Ordinance prohibits dogs in City parks and certain other public places. This proposed amendment will allow

animals to be brought to the parks so long as the animal is on a leash and under the control of the owner, and that the owners must clean up after their animal.

Manager Warnke proposed one change that is not currently drafted. Ordinance No. 14-20 references Ordinance No. 14-21 where it states that owners must clean up after their animals, but it doesn't specifically mention that in Ordinance No. 14-20. Manager Warnke proposes that the specific language also be included in Ordinance No. 14-20.

Councilmember Doutre mentioned that there is a sign at the Skate Board Park that it is for skate boarding only, but the kids like to ride their bikes out there. She asked if the City ever asks them not to ride their bikes. Manager Warnke responded that the Skate Board sign will also be changed to allow the kids to ride their bikes.

Councilmember Doutre said that, in the winter, the kids like to ride their sleds at the Skate Board Park and asked if that is being addressed. Manager Warnke said that he didn't believe so. Having these rules posted and approved by the City Council adds layer of protection against liability claims. For example, it has been added to the rules that equipment shall be used for its intended purpose. This offers the City some liability protection should someone be hurt while using equipment for a non-intended purpose.

Resolution No. 14-54 considering sale of land to C&R Auto and Trailer Sales – Manager Warnke stated that he believes representatives from C&R Auto and Trailer Sales will be at tonight's City Council Meeting.

Councilmember Doutre asked about the amount of acreage (five acres) that the City is considering disposing of to C&R. Manager Warnke said that he listed five acres because that is what they requested, but it is entirely up to the City Council's discretion how much, if any, City property they want to dispose of. Administrator Bench clarified that C&R is considering "up to" five acres.

Resolution No. 14-55 related to the use of computer equipment and Spillman Technologies, Inc. software and related Memorandum of Understanding – Chief Nance explained that the Records Managements System (RMS) they are currently using must be replaced as the vendor no longer offers support for that product. In the past, the City has been sharing a server and RMS with Brigham, Perry and Willard Cities. He has been working with the Box Elder County Sheriff's Office and it has been determined that the most cost effective and mutually beneficial option is to combine with the Box Elder County Sheriff's Office and share their server. This Resolution approves an Interlocal Agreement and Memorandum of Understanding between Tremonton City and Box Elder County Sheriff's Office.

The annual cost to the Sheriff's Office for server maintenance and IT/System administrative support will be \$2,210, which is still less expensive than it would be if Tremonton were to go out on their own. The only potential problem would be if there should be a conflict between the two agencies and they find they can't work together.

Resolution No. 14-56 approving a sales agreement with Spillman Technologies, Inc. – Councilmember Wood questioned if Tremonton’s share for the Spillman Contract would be almost \$25K. Chief Nance replied that he is correct. Councilmember Wood asked if it was more than that before. Chief Nance responded that the cost before was about \$40K. Brigham City, Willard, Perry and Tremonton are going in together as if they were a big agency purchasing the software. That resulted in a discounted price for the software. The annual maintenance fee, beginning the second year, will be approximately \$11,293.30.

Chief Nance explained that, with a grant they have acquired and after moving some things around in the Police Department Budget, they have been able to come up with \$14,147 of the \$25K that is needed to start with. Spillman is willing to let them pay a portion of it now and the remaining portion in the next budget year. It is hoped that they will have some additional money by the end of this budget year that can be applied towards these costs.

Disposal of Unclaimed Police Property – Chief Nance stated that a list of the unclaimed Police property has been provided to the Council. The list has also been published in the local newspaper along with bicycles. This is just property that has been acquired via Search Warrants and that the Police Department has had for several years. None of these properties have been identified by anyone as belonging to them.

Disposal of a 2000 2.5-yard Kamotsu Front End Loader – Director Fulgham noted that the Front End Loader has a lot of hours on it and it has started to have problems. After putting considerable money into it, it is still costing too much to maintain. It has been used five days a week almost eight hour per day at the compost pile.

Director Fulgham said that someone offered \$10K for it, so he is hoping he can get at least that amount out of it. The body and engine are good on it, but the transmission is gone and it will cost \$20K to replace the transmission. They have tried to purchase a rebuilt transmission for it but with no success due to its age and the fact the Kamotsu replacement parts are hard to get.

Motion by Councilmember Wood to move into Closed Session. Motion seconded by Councilmember Doutre. Roll Call Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

The Council moved into closed session at 6:45 p.m.

4. Closed Session.

a. Strategy session to discuss pending and/or reasonably imminent litigation the

purchase, exchange, or lease 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 Wood to return to open meeting. Motion seconded by Councilmember Holmgren. Roll Call Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

The Council returned to open session at 6:55 p.m.

The meeting adjourned at 6:55 p.m. by consensus of the Council.

CITY COUNCIL MEETING

Mayor Fridal called the November 18, 2014 City Council Meeting to order at 7:01 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 Wood, City Manager Shawn Warnke. The following Department Heads were also present: Zoning Administrator Steve Bench, Attorney Dustin Ericson, Public Works Director Paul Fulgham, Police Chief David Nance, and Treasurer Sharri Oyler. Also in attendance was: Deputy Recorder Linsey Nessen. Councilmember Bret Rohde and Recorder Darlene S. Hess were 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 Wood and the Pledge of Allegiance was led by Councilmember Doutre.

2. Introduction of guests:

Mayor Fridal welcomed all those in attendance. He told the Boy Scouts that the City Council is always glad to have them present.

3. Approval of Agenda:

Motion by Councilmember Holmgren to approve the agenda of November 18, 2014. Motion seconded by Councilmember Doutre. Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

4. Approval of minutes – September 16, September 30, and October 7, 2014

Motion by Councilmember Reese to approve the minutes of September 16, 2014, September 30, 2014 and October 7, 2014 with the following changes to page 4 of the October 7, 2014 minutes: it should be Jan Rhodes instead of Rohdes. Motion seconded by Councilmember Doutre. Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

5. Public comments: Comments limited to three minutes:

Bryce Rigby told the Council that he works for Valley View Granite. They have been working on the possibility of coming up with some kind of renewable energy or adding some kind of energy efficiency tool to their process. One thing that has been brought to their attention is the Pace Program. It is an avenue for businesses to fund their energy projects through the cities. The Cities have to set up the Pace Program. It requires State Legislation, which was passed in March.

Mr. Rigby said that he just wanted to make the Council aware of what is being done and wondered if it was something the City would look into as an avenue for local businesses to move to solar panels, etc. Mr. Rigby stated that he doesn't know the details on the money side of it, but he is working on a plan for Valley View Granite. Their process will be about \$600K. The Pace Program is based upon a twenty year pay-off which is charged to the company through the property tax. Valley View Granite's payment will be \$48K per year. That is \$2K per month which Valley View Granite is paying in the power bill now. Their costs will be paid off within twelve years.

Mr. Rigby referred the Council to www.pacenow.org for more information. Hunt Electric is trying to find starter companies. There are several candidates that want to do it. They are offering a training class to provide more information.

6. Public Hearing:

Mayor Fridal called a Public Hearing to order at 7:11 p.m. to consider the City surplus up to 5 acres of City owned property located approximately 300 North and 2000 West.. There were twenty-five people in attendance.

- a. To consider an application submitted by C&R Auto and Trailer Sales to dispose of up to five (5) acres of real property owned by Tremonton City. More specifically, C&R Auto and Trailer Sales wants to purchase five (5) acres owned by Tremonton City located at approximately 300 North and 2000 West, Tremonton, Utah

Councilmember Holmgren asked the C&R Auto representative if anything has happened with Rocky Mountain Power. Mr. Shawn Croney, with C&R Auto, replied that he hasn't heard anything from them. He heard that the City has been in touch with them.

Mayor Fridal closed the Public Hearing at 7:13 p.m

Mayor Fridal called a Public Hearing to order at 7:13 p.m to consider the vacation of the McFarland Subdivision Phase 1. There were twenty-five people in attendance.

- b. To consider vacating the McFarland Subdivision Phase 1 located at the intersection of 1200 South and Iowa String. The proposed vacation of the McFarland Subdivision Phase 1 includes but is not limited to all platted lots, all public roads, public easements and public right-of-ways as recorded in the office of the Box Elder County Recorder's Office

There were no public comments. Mayor Fridal closed the Public Hearing at 7:14 p.m

7. Staff Reports:

- a. Report on the findings of Utah LTAP Road Study conducted in July of 2014 which evaluates the condition of City roads - Paul Fulgham, Public Works Director

Director Fulgham explained that every three or four years the City goes through this exercise as part of the requirements of the Government Accounting Standards Board (GASB). The City has a third party come and evaluate our roads. They list all the roads in Categories from 0 to 8, depending upon the remaining surface life of the road. In 2003, the City adopted a policy to meet standards that state that the City would maintain at least 30% of the City's roads at a Level 5 or greater, and no more than 70% of the City's roads would fall below a Level 4 or greater. Level 5 is a ten to twelve year surface life. A Level 4 is a seven to nine year surface life.

The evaluation took place in July, prior to the City's road project for the year, so the numbers on the report do not reflect what has been done this year.

The evaluation indicated that 46.9% of the City roads were at Level 5, which is a little bit high. On the other hand, the Level 4 was at 5.2%. The City roads are really in great shape. The City spends an average of about \$220K per year. The Utah LTAP Road Study is recommending that Tremonton spend between \$266K and \$300K per year. Director Fulgham said that he thinks the City does good with the tax dollars received. When roads are chip sealed, it adds another seven years of life as long as the road isn't already breaking down. What was done this year probably puts the City back up in the 30% range.

- b. Report on needed funding for new a water main along 1200 South from Tremont Street to 300 East (Public Works & Wastewater Treatment Facility) - Paul Fulgham, Public Works Director

Director Fulgham reminded the Council that there was a failure in the water line going down to the Treatment Facility. The line that failed was put in fifty years ago. There is a section of the steel line that spans the river through the bridge, and that line gave away. Public Works was able to keep everyone in water. Palmer Packing and the George Palmer residence were the only ones that were hurting besides the Treatment Facility and Public Works. The Staff was able to get Palmers back in water that night with a temporary water line that spanned the bridge.

The temporary line is a two inch line instead of a six inch water main. Director Fulgham asked to be able to spend some funds to replace the line. He estimates \$30K to replace the water line with a six inch line from Tremont Street to the Wastewater Treatment Facility. A couple of fire hydrants will be added to the line. The project will be done by Public Works employees through the winter. The Budget will be amended when it comes time. The Wastewater Treatment Facility is one of the City's largest users.

- c. Report on the number and location of streetlights along 2300 West, as requested from a comment made by a City Councilmember at the October 21, 2014 City Council Meeting

A couple of Council Meetings ago it was discussed that the citizens are concerned about street lighting along 2300 West. Director Fulgham investigated the concerns. Every intersection along 2300 West has a streetlight as is done in the rest of the City. There are four streetlights along 1000 North from 2000 West on the Freeway out to UDOT's State Shed. There are five streetlights from Main Street to Kent's store: everywhere there is an intersection. There is lighting where school bus stops would be. If more lights were to be added, it would cost around \$1,500 each to install and then, about \$12.50 each per month to maintain. Right now, the City is in compliance with its standards.

Councilmember Holmgren commented that the purpose of streetlights isn't to light everything up. It is to light intersections.

8. New Council Business:

- a. Discussion and consideration of approving the August 2014 Warrant Register.

Motion by Councilmember Reese to approve the August 2014 Warrant

Register. Motion seconded by Councilmember Wood. Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- b. Discussion and consideration of approving the September 2014 Warrant Register.

Motion by Councilmember Wood to approve the September 2014 Warrant Register. Motion seconded by Councilmember Reese. Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- c. Discussion and consideration of approving the August 2014 Financial Report.

Motion by Councilmember Reese to approve the August 2104 Financial Report. Motion seconded by Councilmember Doutre. Vote: Councilmember Doutre - aye, Councilmember Holmgren - abstain, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- d. Discussion and consideration of approving the September 2014 Financial Report.

Motion by Councilmember Wood to approve the September 2014 Financial Report. Motion seconded by Councilmember Holmgren. Vote: Councilmember Doutre- aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- e. Continuation of a hearing and thereafter discussion and consideration of revoking the Business License of the *Huff N Puff N Stuff* based upon preponderance of the evidence and pursuant to Title 9, Licensing, Control and Regulation of Business and Construction, Chapter 9-100 Licensing Control and Regulation of Business, Part 9-119 Transfer of License Prohibited – Exception and Part 9-120 Revocation or Denial of Business License of the Revised Ordinances of Tremonton City Corporation

Attorney Ericson stated that this is a continuation of a hearing that commenced in September wherein the City considered a preponderance of evidence that the business, *Huff N Puff N Stuff*, was transferred without a re-application for a Business License showing that the transfer of the business had taken place in violation of the City Ordinance that was signed by the Mayor.

Attorney Ericson said that he believes Attorney Schofield is present, but if not, the new owners of *Huff N Puff N Stuff*, Jason Bench and Warren Braegger, Moonlight Project Company, are present as is Shane Moates who originally applied for and was granted the Business License for *Huff N Puff N Stuff*.

Attorney Ericson stated that his recommendation remains that Business License

for *Huff N Puff N Stuff* be revoked based upon the transfer of the ownership of the business from one person to another.

As a refresher to the Council, Business Licensing Clerk, Linsey Nessen, informed these gentlemen of the necessity to reapply for the Business License. She also informed them of the possibility of leaving Mr. Moates on the ownership of the business to allow them to maintain the current license. Also, the City Business License says very clearly it is not transferrable.

Attorney Ericson suggested that it would probably be best to allow Attorney Schofield to present anything that he might have on behalf of *Huff N Puff N Stuff*.

Attorney Ericson stated that when the Council considers a situation of this type, the Council takes on a quasi judicial state, meaning that the Council is weighing the preponderance of the evidence. If the scale tips a little bit in one direction or the other, then that would be a preponderance of the evidence. That is the standard with which the Council needs to review the evidence.

Attorney Ericson turned the time over to Attorney Schofield.

Attorney Schofield said that he believes that at the heart of this whole matter was a misunderstanding. When Mr. Braegger was thinking about opening this business up, he wanted to be very careful in making sure that he could have this type of business here in town. He was told, or misunderstood, what he needed to do. He certainly would have kept Mr. Moates on the Business License and wouldn't have applied for a new Business License had he known the consequences.

If one reads the City Ordinances, it doesn't say that it "shall" take the license away. It gives the Council discretion that they "may" revoke the license.

Attorney Schofield believes this is something that could be cured. It is a good tax revenue for the City. He believes that the owners of *Huff N Puff N Stuff* run a clean shop. They don't sell any actual tobacco products, which he thinks is the main concern. Attorney Schofield is aware that vapor is considered tobacco, however, they don't have any intent to move into anything like that.

Mr. Bench and Mr. Braegger have put a lot of money into this business. Attorney Schofield believes *Huff N Puff N Stuff* is good for the City and that it could be grandfathered in.

The City Council does have discretion. The City Ordinances do not say that the Business License "shall" be revoked. The Code says that the City Council does have the discretion to look at the evidence. Attorney Schofield stated that he does

quite a bit of trial work and legal fixes are created all the time. He does not believe that a legal fix needs to be created here. It can be corrected. They have no problem putting Shane Moates back on the Business License, using the same Business License, if that is what it takes. This is a good business. It is run in a professional way. They are very careful not to sell to underage kids. It is Attorney Schofield's understanding that the City has looked into this business to make sure they are running everything right.

Attorney Schofield reiterated that he does not believe this is something that has to be done; he feels there is discretion from the City Council to grandfather this in even if it takes going back and correcting issues. Mr. Bench and Mr. Braegger have spent a lot of money on this business, and the business is good for the City as far as taxes that it brings into the City. They are business owners who have shown and proven that they are responsible and Attorney Schofield thinks they should have the opportunity to be grandfathered in.

Jason Bench thanked the City for considering this and recognized that it is kind of an unorthodox situation. He asked the Council to understand that they are in the business of helping people. This store has the potential of doing close to a million dollars per year. The product they offer can help people get rid of something they can't put down. Their intention has always been to try to do this the right way and to ask the City's advice on how to do it the right way. They thought they had done that. Mr. Bench again thanked the Council for their consideration and said he hoped something can be done to keep *Huff N Puff N Stuff* open as it provides a good service to the community.

Mayor Fridal asked the Council what they would like to do.

Councilmember Holmgren stated that he has heard one side of the story but he hasn't heard the other side and asked if the other side would be presented.

Councilmember Doutre said that the Council wants to do everything right and asked what the law is on having a vapor shop in a town and close to the different businesses.

Warren Braegger responded that as far as the State Statutes are concerned, if the shop is allowed to close, it will close off vaping in northern Utah forever. There is nothing left up here.

Council Doutre said that she thought she saw a sign on the Family Dollar Store that they are selling e-cigarettes. Mr. Bench responded that there is a difference between e-cigarettes and the products their business carries. The product that is carried in convenience stores are the cigalites. While they are an alternative to cigarettes, they are not a factor in helping people quit. When they come to specialty shops, they try the products, the better flavors, the better juices.

Mr. Braegger stated that anyone can sell electronic cigarettes. It doesn't matter where they are located as long as the ratio of items sold is 65% non-tobacco. They classify e-cigarettes as tobacco, so they have to be 35% tobacco and 65% something else. The Dollar Store can keep that ratio and open up wherever they want to, whereas that is all that is sold in a tobacco shop so they have to abide by all these zoning laws. The primary focus of convenience stores is not to help people quit smoking; it is to put items on their shelves that will help them make the most profit. They don't know anything about the products they are selling, whereas the specialty shops like *Huff N Puff N Stuff* are in the business of getting the very best product to assure that the smoker quits smoking. They have done a lot of research to make sure they have the best product. They have gone through hundreds of dollars in product and customers tell them what they like, what works and what doesn't.

Councilmember Doutre asked if there is any regulation on e-cigarettes. Mr. Braegger responded that there are State regulations, the counties are adding on some regulation of their own. Bear River Health has their own regulations.

Councilmember Reese asked if they have a vapor shop in Weber County and was told that they do – in Ogden. They don't have one in Cache County.

Councilmember Wood commented that the problem the Council has is that if Moonlight Project Co. came in and applied for a new Business License, with all these State Statutes coming in you wouldn't qualify and so it closes that door. He asked if there was anyway Mr. Moates could be added back onto the Business License.

(Response unintelligible – multiple people talking.)

Councilmember Doutre asked about the address. That wasn't supposed to be changed.

Attorney Ericson referred to the transfer of Business Licenses within Tremonton City. It is one of the places where the Ordinance uses the term "shall." He read from the City Revised Ordinances as follows:

"No licenses granted or issued under any ordinance of the City shall be assigned or transferred to any other person."

Because of the underlying fact that they wouldn't be able to apply for a new Business License because of their industry, he thinks the focus of the Council should not be on the industry they are a part of but the transfer of the Business License because that is the alleged violation that occurred here.

Councilmember Wood stated that that was what he was asking. Is there anyway the Council could allow that to go back and have Mr. Moates added on to that Business License?

Attorney Ericson responded that the only vehicle that the City has currently would be to make new legislation that would allow for the transfer of Business Licenses and then retroactively apply that legislation.

Attorney Schofield stated that he does not agree with that. He thinks that the Council could change those back. Again, it was a misunderstanding. If Mr. Bench and Mr. Braegger had set it up the way they were going to they would have done it that way. They really did believe that this was the right way to do it. They wouldn't have put this amount of money into it with the kind of research that they do. He doesn't believe that it would take new legislation to go back and do that. As far as the address goes, the address of the shop is changed but they just had an address of where there business was.

Councilmember Doutré asked if that was the original address for Mr. Moates' house? Mrs. Nessen confirmed that it was, and then he got a new one. Attorney Ericson clarified that Mr. Moates followed the process and made an application to change the address.

Councilmember Reese asked Attorney Ericson if, in his opinion, he still thinks that it exceeds the 50.1% preponderance of evidence. Attorney Ericson replied that that is his recommendation. The consideration of the evidence the Councilman raises is whether there was a change in ownership. In Attorney Ericson's mind, that is 100%. He doesn't think these gentlemen would argue that. He thinks what they are requesting today is not that it would be a preponderance of the evidence, but that the Council waive or somehow change the Ordinance to allow what they did to occur through a special use license.

Attorney Schofield interjected that he knows there is a special use permit, but he doesn't think the Council needs to even go there with this. He doesn't think it would take that to change it back and put the same owner that was on that which was already grandfathered in. They do this all the time in District Court and Justice Court where they correct problems. It was just a misunderstanding on the application and he doesn't feel that it exceeds the authority to go back and correct it and make it right.

Councilmember Holmgren asked Attorney Ericson if there are examples where the Council has done something like to this with another business: gone back and made some changes on a Business License. Attorney Ericson responded that, to his knowledge, not without a re-application which is what the City Ordinance calls for.

Attorney Schoffield made a comment that he could give an example. *Huff n Puff n Stuff* did nothing with the State Legislature and that license, according to the State, isn't good, anyway.

Attorney Ericson clarified that what he believes Councilmember Holmgren was asking is whether the City ever allowed anyone to change their Business License. Councilmember Holmgren confirmed that was his question. Attorney Ericson stated that to his knowledge, the answer is no.

Councilmember Doure said that she thinks there was a misunderstanding. Mistakes can be made. The owners of *Huff n Puff n Stuff* were trying to follow the letter of the law, and the City Staff thought they were doing everything right.

Attorney Ericson responded that, as the Council may recall, at the last hearing that was held Mr. Moates testified that he was left on the *Huff n Puff n Stuff* for a while to perpetuate what had occurred. That speaks highly that there was a knowledge that Mr. Moates needed to remain on the license, otherwise, there would be a transfership.

Warren Braegger stated that what Attorney Ericson said is absolutely correct. In fact, the verbage that Mrs. Nessen gave us was exactly that Mr. Moates needed to remain on the license which is what was done. So they transferred, with the State, the name into ours, but Mr. Moates stayed on the Business License as was requested by the City.

Attorney Ericson, speaking to that end, responded that Mr. Moates cannot have a Business License for a business with which he is not affiliated.

Mr. Braegger said that he believes the intention was to have Mr. Moates run the shop.

Councilmember Reese said that he has studied this matter, and Mr. Moates said that he had nothing to do with the shop after the sale to Mr. Braegger and Mr. Bench. The record states that he wanted out of the business and when he found out [there was a problem] he came back in. There are conflicting stories being given here.

Mr. Bench said he wanted out of the ownership part of the business because it was more than he could handle.

Councilmember Reese continued that that is not what was said in prior times.

It was asked if the Council could ask Mr. Moates. Attorney Ericson responded

that they certainly could ask him, but having reviewed the record, he agrees with Councilmember Reese that that was what Mr. Moates told the Council - that he didn't want any part of *Huff n Puff n Stuff*. As to the Business License, being an owner is how the Business License is issued. Being an employee doesn't entitle one to get a Business License for a business.

Councilmember Reese added that he has gone through all of that. That is why he is saying that it seems like they are going around in circles and that concerns him.

Mr. Braegger said that he thinks it was the business part of it that Mr. Moates was having a hard time with. Running a business, helping people is all part of the burdens of ownership.

Councilmember Reese stated that the rest of the Council will have to decide what they want to do, but he is going to go with the City Attorney because it is 50.1% in his opinion even if the Councilmembers take everything else out. Councilmember Reese said that he knows the other Councilmembers are concerned and he knows their problems and he has heard it all, but in his opinion, it is still over 50.1%.

Councilmember Holmgren told Attorney Ericson that the only concern he has is that Attorney Schofield mentioned that if the City did not renew this Business License, this would be the last shop of this type in Northern Utah. In his mind this weighs in on the 50.1%. He questions why the State is coming out and not allowing for these kinds of businesses to happen. He asked Attorney Ericson if he could address that as it weighs pretty heavily on his mind.

Attorney Ericson responded that there are local legislations, County Commissions, City Councils, and health departments that are regulating and putting some prohibitions against these types of products. Attorney Ericson said that he doesn't have any specific expertise on why that is occurring. As to not having any other businesses of this type in Northern Utah, he suspects that has as much to do with it being affiliated with the tobacco industry as specific to vapor shops, because the tobacco legislation prohibits tobacco specialty shops from being within a certain yardage of schools, public places, churches, agriculture land, etc.

Attorney Schofield said that his understanding is that it is because of tobacco. They didn't want tobacco around the kids, or for them to be going in and doing that. He hasn't looked at the statute enough to see, but thinks it does include places that sell vapor. He feels the purpose is to stop the proliferation because there were a lot of them in the cities by Salt Lake. He would like to read the legislative intent of the statute to find out what the reasoning was.

Attorney Schofield said he thinks it might be important to find out if Mr. Moates

had any intention of staying with the business. If Mr. Moates is present he might be able to tell the Council if he would mind being an owner of the business if the Council feels that is important.

Councilmember Wood asked if those State Statutes were in place when the City granted Mr. Moates his Business License. Attorney Ericson responded that they were. As a matter of fact, there was discussion of grandfathering this organization. They have been grandfathered in. The transfer of the business ownership is what terminated that grandfathering because the original Business License was granted in error by the City.

Councilmember Wood said that the thing he can't see is that they know what the laws are. There is no way they would let Mr. Moates off the business if they understand the consequences of their actions. He thinks it was probably a misunderstanding. Councilmember Wood said that he is kind of thinking they got victimized. He is not sure the City fully represented itself to them and gave them all the information. He asked Chief Nance if there have been any problems with *Huff n Puff n Stuff* and if the Police Department has been in their business to check things out.

Chief Nance responded that the Police Department still does tobacco checks, but they have not had any issues with this vapor shop.

Councilmember Reese commented that he doesn't think that has ever been the issue. He thinks Mr. Bench and Mr. Braegger have tried really hard. He doesn't want to take that away from them.

Mayor Fridal commented that when rules and regulations are made as a City, whether the Council likes it or doesn't like it, and he thinks "these guys" have done a good job, the City has a rule that we are not keeping. Mayor Fridal said that he agrees with Attorney Ericson. Whether it was a misunderstanding it doesn't make any difference. The City has a rule that is not complied with. In his opinion, Attorney Ericson's recommendation is correct.

Councilmember Holmgren said that his understanding is that the information was to terminate the license that stayed the decision that allowed the process to go through and appeal the decision if that was what the Council wants to do.

Councilmember Ericson responded that the process would be, if the Council voted to terminate the Business License today, there would have to be an entry of a Finding of Fact which his office would prepare. Once that was signed into effect by Mayor Fridal, these gentlemen would have thirty days to appeal the City Council's decision to the District Court if they so chose. There was some real hesitancy from the Council to accept that – to make a decision and then let it

fester there. The con to that is that the City would basically be making a decision that is saying, “Hey, Courts, do what you are going to do.” The pro to that is that, if the Court finds that our Ordinance was in error or that Attorney Ericson’s recommendation was in error, or the Council’s decision was in error, these gentlemen are not out of business and they are allowed to remain open during that process. Councilmember Ericson repeated that that was and continues to be his recommendation.

Mayor Fridal clarified that that discussion was sixty days ago. Councilmember Ericson agreed. That was in September.

Attorney Schofield asked to say one more thing. He read from the Business License Ordinance 9-120(1): “Any Business License issued pursuant to the provisions of this Code or and Ordinance of this City or State of Utah may be revoked and any application denied by the City Council for violation,” and then it tells what it includes. The only time it talks about “shall” is when it talks about “shall conduct an investigation” (9-120(2)). He does not think it is going beyond the Code to allow *Huff N Puff N Stuff* to stay in Tremonton.

Councilmember Doure noted that the transfer is the concern. There should not have been a transfer of the ownership.

Attorney Schofield responded that he thinks that could be cured. Contempts are cured all the time in court. He believes the Council has a chance to cure this because he thinks there was a legitimate misunderstanding. Mr. Moates is here today. Perhaps he could clarify whether or not he would have stayed on as an owner had he known they were going to lose their license.

Mr. Moates stated that he wanted out of the business, but had they been told that he needed to remain an owner and they had told him that is what needed to happen, he would have agreed to stay as an owner. That is not what they were told, and that is not what he was told.

Mayor Fridal asked the Council what they would like to do.

Councilmember Wood said that he would like to figure out how to put Mr. Moates back on the ownership and allow them to continue to do business here in town if that is a possibility. He hates to see a business close and thinks vapor is a lot better than smoking cigarettes. They think they are helping people; they are paying taxes; they are employing people in Tremonton. He feels it was a misunderstanding and doesn’t think they would ever have let Mr. Moates be off the license if they new the consequences.

Motion by Councilmember Wood, if there is any way the Council can do it, to grandfather and bring him [Mr. Moates] back into the ownership and do

away with the transfer, to make them legal in our town so they can stay in business. Motion died for lack of a second. Councilmember Holmgren stated that sometimes we are responsible for our own actions. A lot of times we will come back after we have realized something has gone wrong, but here the Council has to be responsible for our own actions in what we decide to do. That is where he is having a bit of a struggle. Councilmember Holmgren said that he really appreciates what Councilmember Wood is trying to get at, but he is also struggling with personal responsibility. Mr. Braegger interjected that their stance is that it was the City that made a mistake by telling them what they told them, and then they went ahead and did that. They were told not that they had to retain ownership, but the name so that is what they did. To cover their responsibility, they came to the City three or four times and had discussions on what they should do so the City would be happy, and that is what they did. Attorney Schoffield stated that the Ordinance can be tough for attorneys. There is a lot of research that needs to be done. Councilmember Doutre agreed. She doesn't want anything, because of the business they are in, to indicate the Council is leaning one way or another. But, you knew the law that the State has put forth. Even if the Tremonton Staff made a mistake, it is the State's law that was in place. Mr. Bench responded that at that point Mr. Moates was already in business which would have been grandfathered in. That is why he and Mr. Braegger jumped on that location. Councilmember Doutre stated but now he is not on that license as an owner. **Motion by Councilmember Doutre that the Council go with the City Attorney's suggestion and revoke the license.** Councilmember Reese said that, based upon everything and acknowledging that he has had conflicting thoughts, he had to second the motion.

Manager Warnke added, as a point of clarification, that the attorney's recommendation that the decision be stayed to revoke the Business License until Mr. Bench and Mr. Braegger had the opportunity to file an appeal. **Councilmember Doutre amended her Motion to include that the decision be stayed to provide an opportunity to appeal and then revoke it if it is not taken care of at that point.** Councilmember Holmgren asked if that was thirty days. Attorney Ericson replied that if they were to file the appeal within thirty days then the motion to stay would go throughout the entirety of the appeal. If they chose not to appeal, that would be thirty days. Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - opposed. Motion approved.

Mayor Fridal noted that the Boy Scouts were leaving and made a statement that he wanted them to hear that the Food Pantry is really short of food. He challenged everyone, when they are thinking about being generous this season, to remember the Food Pantry. They are at the lowest level of food that they have been in nine years.

- f. Discussion and consideration of adopting Ordinance No. 14-16 approving

amendments to Title I and Title II, General Provisions, Sections 1.01.040 and 2.01.015 Penalty for Violating Title I and II of the Tremonton City Corporation Land Use Code

Attorney Ericson asked whether the Council would need his presence any more today. Inasmuch as they did not, Attorney Ericson left at 8:05 p.m.

Zoning Administrator Bench said that this amendment is related to the addition of references to the Consolidated Fees & Fines Schedule. It merely changes the order in Title I and adds the reference to the Subdivision Title.

Motion by Councilmember Doutre to adopt Ordinance No. 14-16 approving an amendment to Title I and Title II. Roll Call Motion seconded by Councilmember Wood. Roll Call Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- g. Discussion and consider of adopting Ordinance No. 14-19 to vacate the McFarland Subdivision Phase 1 located at the intersection of 1200 South and Iowa Street. The proposed vacation of the McFarland Subdivision Phase 1 includes but is not limited to all platted lots, all public roads, public easements and public right-of-ways as recorded in the office of the Box Elder County Recorder's Office

Administrator Bench explained that this is on a Subdivision that was recorded back in February 2008. That was the period when the economy was bad. The Council passed an Ordinance to give them more time, and the property was never developed. Since then, the property changed ownership. The current owner would like to maintain the property as a farm.

Motion by Councilmember Holmgren to adopt Ordinance No. 14-19 to vacate McFarland Subdivision Phase 1 in its entirety. Motion seconded by Councilmember Reese. Roll Call Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- h. Discussion and consideration of adopting Ordinance No. 14-20 amending Title 8 City Property, Chapter 8-500 Tremonton City Parks of the Revised Ordinances of Tremonton City Corporation by adding additional regulations for City parks

Manager Warnke explained the next three agenda items, h., i., and j. These Ordinances add to the rules and regulations for City Parks and Recreation Facilities, and, in the case of the tennis courts, creates rules and regulations. The additions clarify that animals are allowed to be in parks under certain conditions. Manager Warnke requested that the Council consider adding to Ordinance No.

14-20 that owners have to clean up after their animals while in the park.

Motion by Councilmember Doutre to adopt Ordinance No. 14-20 amending Title 8 with the addition that owners have to clean up after their animals while in the park. Motion seconded by Councilmember Holmgren. Roll Call Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- i. Discussion and consideration of adopting Ordinance No. 14-21 amending Title 13 Animal Offenses, Chapter 13-700 Animal Care and Offenses Concerning Animals of the Revised Ordinances of Tremonton City Corporation by amending places prohibited to animals

Motion by Councilmember Wood to adopt Ordinance No. 14-21. Motion seconded by Councilmember Doutre. Roll Call Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- j. Discussion and consideration of adopting Ordinance No. 14-22 amending Title 8 City Property, creating a new Chapter of the Revised Ordinances of Tremonton City Corporation by adding regulations for City tennis court

Motion by Councilmember Reese to adopt Ordinance No. 14-22. Motion seconded by Councilmember Doutre. Roll Call Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- k. Discussion and consideration of adopting Resolution No. 14-54 authorizing the disposal of up to five (5) acres of Tremonton City owned property located at approximately 300 North 2000 West in Tremonton, Utah to C&R

Manager Warnke told the Council that this is an authorizing Resolution which gives parameters whereby the Council would consider disposing of some property. It assures the Council that the applicant needs to comply with certain conditions at the time the property is disposed of. The property was originally purchased for future use as a park. Now the best use is economic development. There are a few conditions included in the Resolution, should the Council decide to sell the property, one being that C&R construct a facility by 2020.

There are three lots. The Council has already authorized the disposal of Lot 3, the lot furthest north, to Crump Reese Motors. The next lot to the south is a 4.5 acre parcel of property which is owned by Rocky Mountain Power (RMP). Tremonton City owns Lot 1 which is approximately 19.2 acres. This property would need to

be subdivided. C&R Auto originally wanted to purchase the 5 acre plot (Lot 3) that the City had agreed to sell to Crump Reese Motors.

Manager Warnke recommended that the Council save the subdivision process to the very end until the Council understands that the property is going to be acquired by C&R Auto. The Council would need to determine the price. The sales price amount has been left out of the Resolution.

The formalization of the actual sale and disposal of the property will be forthcoming.

Manager Warnke has talked to Rocky Mountain Power about relocating their ownership further south, but they think their best interest is to stay with the current situation. Manager Warnke also inquired about whether Rocky Mountain Power would consider selling their 4.5 acre parcel.

If C&R Auto were to be able to purchase the 4.5 acre parcel from Rocky Mountain Power, and the Council was willing to sell them 3.5 acres from Parcel 1, that would give them the 8 acres they desire.

Manager Warnke told the Council that his most recent conversation with Rocky Mountain Power is that they approved the plat amendment and that has been recorded. When RMP was asked if they were inclined to sell, they indicated that they purchased the property at a time when the market was higher. They said that they would check the value of the property as recorded in their books and then consider selling the 4.5 acres for their booked value.

The Council needs to decide if they want to sell the property and, if so, how much they are willing to sell. It has been determined that the highest and best use for this property is economic development. Both C&R Auto and Trailer and Crump Reese Motor Co. generate a significant amount of sales tax. In Manager Warnke's mind the highest and best use of the property would be a company that not only invests a lot of money in real property but also personal property and creates jobs. That is usually an industry like West Liberty Foods or Malt-O-Meal.

Councilmember Holmgren commented that he would like to know where Rocky Mountain Power is on this. He feels that the Council and Staff need to explore that first and then consider the options. The other Councilmembers agreed.

Motion by Councilmember Holmgren to table Resolution No. 14-54 until the next meeting. Mayor Fridal asked if that is enough time. Rocky Mountain has indicated an estimated sale price of \$72k for the 4.5 acres. Mr. Shawn Croney, with C&R Auto, said that he wouldn't be interested in that, but if the City were willing to sell him 7 acres, he would be interested. He would love to purchase the property next to him if he and the current owner of the property could come to an

agreement. It was recommended that C&R Auto talk to Rocky Mountain Power directly. **Councilmember Holmgren amended his motion to table this Resolution for one month to give C&R Auto a little bit of time to explore where what they can do with Rocky Mountain Power and give the City time to decided where the City wants to go with five to seven acres.** Motion seconded by Councilmember Doutre. Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- l. Discussion and consideration of approving Resolution No. 14-55 approving an Interlocal Agreement relating to the use of computer equipment and Spillman Technologies, Inc. software and a Box Elder County Law Enforcement Agency Memorandum of Understanding Spillman Public Safety System

Chief Nance told the Council that there is a need to change their Records Management System vendor. They have worked with the Sheriff's Office and would like to enter into an agreement with the new vendor and with the Sheriff's Office to be able to add Tremonton's software onto the County server.

Motion by Councilmember Reese to adopt Resolution No. 14-55. Motion seconded by Councilmember Wood. Roll Call Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- m. Discussion and consideration of adopting Resolution No. 14-56 approving a sales quote/purchase agreement with Spillman Technologies, Inc. associated with software and database for police reports

Motion by Councilmember Reese to adopt Resolution No. 14-56. Motion seconded by Councilmember Doutre. Roll Call Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- n. Discussion and consideration of approving the disposing of found and unclaimed property – Police Chief Dave Nance

Motion by Councilmember Holmgren to authorize Chief Nance to dispose of this unclaimed property. Motion seconded by Councilmember Reese. Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- o. Discussion and consideration of approving the disposal of a 2000 (9,169 hours) 2.5-yard Kamotsu Front End Loader to be declared surplus property - Paul Fulgham, Public Works Director

Director Fulgham informed the Council that Public Works recently replaced this front end loader with a John Deer. The Kamotsu needs a new transmission, and that would cost \$20K, so he would like to surplus it.

Motion by Councilmember Doutre to approve the disposal of a 2000 front end loader. Motion seconded by Councilmember Wood. Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

9. Comments:

a. Administration/City Manager Advice and Consent.

1) Manager Warnke reminded the Council that there is another Council Meeting scheduled for tomorrow. It doesn't look like there will be a quorum so the meeting will be rescheduled.

b. Council Reports:

Councilmember Wood announced that the Senior Center is going to have their annual Thanksgiving Dinner this Friday at noon. Anyone that would like to serve should show up at 11:45 a.m.

Manager Warnke stated that there is a Rural Planning Organization meeting at 12:00 noon where we are actually talking about and proposing applications to acquire CMAQ funding, natural gas vehicles for the Senior Center.

Councilmember Wood stated that Youth Council just had their annual Food Drive and it was really successful. They gathered about 1600 pounds of food at the Turkey Trot event. They served hot chocolate. Garland raised about 700 pounds. The total between Garland, Tremonton, Elwood and Bear River City was over 3,000 pounds. It was a real accomplishment. There are two of the Youth Council members who are helping at the Food Pantry after school.

Mayor Fridal reported that he spoke with Food Pantry Director Cathy Newman and she told him that the Food Pantry is as short of food as she has ever seen, even with this last food drive. He asked the Leader to let their subscribers know that there is a need.

Councilmember Holmgren asked if it would be possible to make the Ordinances saved as searchable on the City Websites.

Mayor Fridal told the Council that he appreciates all of their efforts.

10. Adjournment.

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

The meeting adjourned at 8:36 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 _____, 2015.

Darlene S. Hess, Recorder