

**TREMONTON CITY CORPORATION
CITY COUNCIL MEETING
JULY 18, 2023**

Members Present:

Connie Archibald

Wes Estep

Bret Rohde

Rick Seamons

Lyle Vance

Lyle Holmgren, Mayor

Shawn Warnke, City Manager

Marc Christensen, Assistant City Manager

Linsey Nessen, City Recorder

CITY COUNCIL WORKSHOP

Mayor Holmgren called the July 18, 2023 City Council Workshop to order at 5:15 p.m. The meeting was held in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Those in attendance were Mayor Holmgren, Councilmembers Archibald, Estep, Rohde, Seamons, and Vance (arrived at 5:49 p.m.), City Manager Warnke, Assistant City Manager Christensen, and City Recorder Nessen. The following Department Heads were also present: Public Works Director Paul Fulgham, Police Chief Dustin Cordova (arrived at 6:55), Interim Fire Chief Chris Scothern, and Downtown Manager Sara Mohrman.

The following items were discussed out of order.

1. Discussion of the Planning Commission's recommendation to approve the proposed rezoning of property located in the vicinity of 600 West and 600 North in Tremonton. The property owner is proposing that 10.88 acres of the 17.33 acres that comprise parcel 05-043-0049 be rezoned from the R1-10 District, which allows single-family detached housing on 10,000 square foot lots, to Residential Multiple District, RM-16, with an overlay which reduces the density from 16 units per acre to 10 dwelling units an acre for the development of townhomes

Manager Warnke said the Planning Commission had a lot of discussion about this and is recommending the Council consider this rezone request. The Council is the land use authority on rezoning because that is a legislative process. There is discretion and ultimately the Council makes the decision. If you want to move forward there is some work to do in drafting the ordinance for your consideration. He then explained the concept by the developer for 40 acres. For many years the Development Review Committee and Planning Commission have worked on a development proposal for single-family homes. This area is zoned R1-10 (10,000 square foot, detached housing). The developer would like to do attached housing on 10 acres. This would be nine dwelling units per acre, possibly less. We are working on a draft Land Use Plan that should be ready at the next Planning Commission meeting. They will make their last recommendation on the plan and be on your agenda soon. This parcel of property in the

future Land Use Plan is zoned R1-10, which affirms its current zoning. Land use and transportation are tied together. There are collector roads planned in this area. We do have an issue that needs to be resolved with a 10-foot strip to make sure they have proper accesses and connectivity. There is pressure on affordability, but attached housing does not necessarily ensure affordability. Communities are made great through diversity. Near this area, parcels along the railroad tracks could yield up to 355 units (12 units per acre, attached housing). The future Land Use Plan shows a step down in density with eight dwelling units per acre and then goes to some townhomes that are being platted. I think that area would be better served as single-family. The Planning Commission was compelled by what the developer was contemplating. I mentioned that some of the gaps in our recreation offering is pickleball courts and they said they would provide the City with the resources to construct those. Previous developers have provided resources to expand our park offering and that is being proposed here. This would be zoning by agreement or contract zoning so it would take additional staff time and resources to put an ordinance together. If approved, there would be 37% attached housing in this area. He then showed all the attached housing the City has approved lately. Councilmember Archibald said it was a hard decision for the Planning Commission. Our Land Use Plan is beautifully put together and if we constantly change it then I do not think it is as valuable as it could be. From time to time, we will need to rezone, but in this case, I am not sure I feel that way.

Planning Commission Member Raulon Van Tassel was in attendance and explained why he voted for the rezone, but said I do not have all the pieces of the puzzle. The Council would have a better understanding of all that is involved. Manager Warnke would schedule this for conversation at the next meeting with the developer.

2. Review of the agenda items identified on 7:00 p.m. City Council Agenda

For Public Comment there will now be a five-minute timer put on the screen for each person.

Manager Warnke said previously Brigham City provided SWAT services, but in a critical incident we felt we did not get the team here as requested. We never had any formal relationship with Brigham City and their SWAT. As a result, Chief Cordova wants clarity on our SWAT resources in the County. He has been working with Sheriff Kevin Potter to come up with an agreement in writing. He has been great to work with. There is a provision in the State Code that gives form and format on how interlocal governmental agencies can work together to benefit both parties. This is a simple agreement and does what we hope and need it to. It does require our participation on a team. The County has been good partners and Chief Cordova feels good about where we are at.

When discussing animal control services between Tremonton and Brigham City, Assistant City Manager Christensen said every two years we renew this agreement with Brigham City. I asked Officer Greg Horspool how many animals we have brought to them and he said only a handful. All their prices were reasonable, if we had to house an animal there it would not be too much.

The Council then discussed the Moderate-Income Housing Plan. Manager Warnke said this is an important topic for the City to focus on. Over the past few years there have been changes in the State statute and what those responsibilities are. There is now a financial penalty associated with non-compliance. An annual report is required each August. Failure to submit would put us in non-compliance. The same is true if we are not fulfilling the requirements and implementing our strategies in the Moderate-Income Housing Plan. We are held accountable to show progress and improvement. In conclusion, we need to make sure we can comply with what our strategies are.

Manager Warnke said we had planned to use restricted low to moderate income housing funds for infrastructure. We planned to open areas of the City that did not have infrastructure available to help incentivize developers to create affordable housing in these areas. We thought it was a good strategy at the time, but what concerns me is that it requires us to partner with a developer. It is not a strategy we can independently implement. It does require a partner who may or may not be willing to move forward. Another strategy is creating accessory dwelling units. This would loosen restrictions and encourage those. The Planning Commission is working on a draft. The ability to regulate that is well within our authority and does not require any partnerships. We are making good progress on that. The third strategy was to do a mortgage assistance program. That requires us to partner with an entity that has some expertise and ability to create and administer the program. We reached out to a few, but have not found a fit. Again, this puts us in a situation. We might want to revisit those strategies and find ones that are easier for us to implement independently and what City staff can administer in a reasonable way. The State does allow the use of affordable housing funds to pay for the administrative burden of implementing this program. In part that can be used to fund a planner. To make progress we need to have an individual who has some emphasis in their job to watch out for affordable housing and work toward implementing these strategies. This year we will be compliant. It would be well for the Planning Commission to revisit some of these strategies and make sure we have the best ones.

Manager Warnke said on the next agenda item we have come to a good solution that took time to develop. For several months we and Garland have struggled to find a bailiff for our courts, which falls under our police department. We have had to pull officers off patrol to provide a bailiff in some cases or not have one. The issue is that there is a relationship with Madison and Chief Cordova (spouse). The State statute does prohibit individuals working and being supervised by a relative, but there are allowances. One of those is making the determination that this person is the only person available and I feel comfortable that we can make that claim at this point in the process. We have ensured there are not any others available or wanting this job. We had someone, but there were gaps in coverage and they resigned. We would hire her as a temporary/emergency employee and during that time we will continue the recruitment process. If no one presents themselves then we could consider moving her to a part-time employee. Generally, the supervisor of the bailiff is the police department, but to mitigate issues with him being police chief and her being in that department we have put Recorder Nessen as her supervisor. We do not think this will be an administrative burden. To a

large degree Recorder Nessen is already associated with the court and fills in as needed. They report to her since the judge is not here full-time. This is a way we can show we are trying to mitigate any issues and preserve the intent of the State statute. They are also required to disclose their relationship through written disclosure. Chief Cordova will also not be involved in her job evaluations or salary increases. I feel comfortable making this determination. We want to be transparent about the issue and make the Council aware. Mayor Holmgren said she will do a great job, I think it is a good fit.

3. Discussion of a draft ordinance adopting “Rules of Order and Procedure of the Governing Body”

Mayor Holmgren said City Attorney Dustin Ericson put this together for our review. Councilmember Archibald said it discusses preserving order in our meetings and that stood out most to me. Our mayor is in charge of that. We can help and make decisions, but it is a work in progress. Mayor Holmgren said there have been times in our meetings when the public is upset and we need to maintain a certain decorum, not just us, but also people in attendance, to make sure we have an orderly meeting. Something that would be helpful for me is to avoid side discussions. They can be disruptive. If you have something to say let us say it in front of everyone. Councilmember Archibald said a month ago a citizen was critical about what was happening on the bench and they felt they were being disrespected. We need to be paying attention to the individual who has the floor at the time. Sometimes we come across as being disrespectful if we do not. Mayor Holmgren said it would be good for all of us to read through these points and review them from time to time. Manager Warnke said a significant element of this is conflict of interest. It was suggested we address that and increase what that means. Currently you just need to declare the conflict in writing annually and in the meeting verbally. This takes it to a higher level where you would step down and not participate. With a new election, it would work well to write down some general rules of order and how the Council operates. I think the Council does a good job in conducting themselves and thinking through issues on how best to represent the City. At this point in the process, we want your thoughts on the draft and what is being proposed. Administratively we will make sure there are no conflicts with what is already included in the ordinance.

Motion by Councilmember Archibald to move into closed session. Motion seconded by Councilmember Seamons. Vote: Councilmember Archibald - aye, Councilmember Estep - aye, Councilmember Rohde - aye, Councilmember Seamons - aye, Councilmember Vance - aye. Motion approved.

The Council moved into a closed session at 5:15 p.m.

4. **CLOSED SESSIONS:**

- a. ***Strategy session to discuss the purchase 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; and/or***
- b. ***Strategy session to discuss the character, professional competence or physical or mental health of an individual; and/or***

- c. Strategy sessions to discuss pending or reasonably imminent litigation; and/or*
- d. Discussions regarding security personnel, devices or systems*

Motion by Councilmember Archibald to return to open session. Motion seconded by Councilmember Estep. Vote: Councilmember Archibald - aye, Councilmember Estep - aye, Councilmember Rohde - aye, Councilmember Seamons - aye, Councilmember Vance - aye. Motion approved.

The Council returned to open session at 5:39 p.m.

The meeting adjourned at 7:02 p.m. by consensus of the Council.

CITY COUNCIL MEETING

Mayor Holmgren called the July 18, 2023 City Council Meeting to order at 7:07 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 Holmgren, Councilmembers Archibald, Estep, Rohde, Seamons, and Vance, City Manager Warnke, Assistant City Manager Christensen, and City Recorder Nessen. The following Department Heads were also present: Public Works Director Paul Fulgham, Police Chief Dustin Cordova, Interim Fire Chief Chris Scothern (left at 7:40 p.m.), and Downtown Manager Sara Mohrman.

1. Opening Ceremony:

Mayor Holmgren 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 Assistant City Manager Christensen and the Pledge of Allegiance was led by Manager Warnke.

2. Introduction of guests: Mayor Holmgren welcomed those in attendance.

3. Declaration of Conflict of Interest: None

4. Approval of Agenda:

Motion by Councilmember Seamons to approve the agenda of July 18, 2023. Motion seconded by Councilmember Rohde. Vote: Councilmember Archibald - aye, Councilmember Estep - aye, Councilmember Rohde - aye, Councilmember Seamons - aye, Councilmember Vance - aye. Motion approved.

5. Approval of minutes – June 6, 2023 and June 20, 2023

Motion by Councilmember Vance to approve the minutes stated above. Motion seconded by Councilmember Estep. Vote: Councilmember Archibald - aye, Councilmember Estep - aye, Councilmember Rohde - aye, Councilmember Seamons - aye, Councilmember Vance - aye. Motion approved.

6. Public comments: Comments limited to three minutes.

Bill Roosma said I hate to complain, but I have to. I live in a brand-new subdivision where the roads are only three years old. We had fresh paved, smooth asphalt, which is nice. Last week road crews showed up, cleared everyone off the road and chip sealed that. Now I live on a gravel road with loose rocks. To top off my aggravation, a worker walked up to my door and put a note on there that said we are chip sealing roads. What is the point in giving us notice when it is already done. Councilmember Estep said that is for the fog coat, they will come back and seal it, which will hold the rocks down. This will seal all the cracks to keep the road nice. Director Fulgham said it is a requirement of all new subdivisions. They pay a fee in lieu and the City completes the work. That gives the road surface nine more years of life. Mayor Holmgren said I think you will be pleased with it when it is done.

7. New Council Business:

- a. Discussion and consideration of approving the May Financial Statements

Motion by Councilmember Archibald to approve May Financial Statements. Motion seconded by Councilmember Seamons. Vote: Councilmember Archibald - aye, Councilmember Estep - aye, Councilmember Rohde - aye, Councilmember Seamons - aye, Councilmember Vance - aye. Motion approved.

- b. Discussion and consideration of approving the May Warrant Register

Motion by Councilmember Estep to approve the May Warrant Register. Motion seconded by Councilmember Archibald. Vote: Councilmember Archibald - aye, Councilmember Estep - aye, Councilmember Rohde - aye, Councilmember Seamons - aye, Councilmember Vance - aye. Motion approved.

- c. Discussion and consideration of approving Resolution No. 23-41 adopting an interlocal agreement for uniting Special Weapons and Tactics (“SWAT”) services between Tremonton-Garland Police Department and the Box Elder County Sheriff’s Office

When asked how many members are on the squad, Chief Cordova said up to 15. We had six of our officers before, but one stepped back so we will have five for now. SWAT teams are expensive and if we contribute, we get access to all their equipment. From a police perspective it is hard to get those things—you need special clearance. We can streamline it by joining teams and it benefits them and us. We have done it for a while this is just fine tuning it. This is something we need to do. It is unknown what we will need at this time, but we will need more help as we go forward. I will ask for more budget, but it is for a good cause. They are imperative to our success with staffing. They have sent deputies to help cover us when we have had people injured or off. They have stepped in and covered us. We have a really good relationship. They help us a lot and we help them as much as we can. We learned a lesson that if it is not in writing it does not exist. My job is to keep our City safe.

Motion by Councilmember Estep to approve the resolution. Motion seconded by Councilmember Archibald. Roll Call Vote: Councilmember Archibald - aye,

Councilmember Estep - aye, Councilmember Rohde - aye, Councilmember Seamons - aye, Councilmember Vance - aye. Motion approved.

- d. Discussion and consideration of adopting Resolution No. 23-42 approving an agreement for animal control services between Tremonton City and Brigham City

Animal Shelter Tech Julie Beagley said I have not taken any animals to them, but we only have 10 kennels and four cat cages. We are doing what we can to keep open spaces and many have gone to rescues. We are growing though and could eventually have to utilize that resource.

Motion by Councilmember Vance to adopt the resolution. Motion seconded by Councilmember Rohde. Roll Call Vote: Councilmember Archibald - aye, Councilmember Estep - aye, Councilmember Rohde - aye, Councilmember Seamons - aye, Councilmember Vance - aye. Motion approved.

- e. Discussion and consideration of adopting Resolution No. 23-43 approving the annual review of Tremonton City's Moderate-Income Housing Plan and Implementation and preparing a report setting forth the findings of said review in compliance with Utah Code 10-9a-40

Motion by Councilmember Archibald to accept the resolution. Motion seconded by Councilmember Vance. Roll Call Vote: Councilmember Archibald - aye, Councilmember Estep - aye, Councilmember Rohde - aye, Councilmember Seamons - aye, Councilmember Vance - aye. Motion approved.

- f. Discussion and consideration of adopting Resolution No. 23-44 concurring with the Chief Administrative Officers' finding that Madison Mahoskey is the "only person available" in accordance with Utah Code 52-3-1 and authorizing her hiring as a Bailiff

Motion by Councilmember Estep to adopt the resolution. Motion seconded by Councilmember Archibald. Roll Call Vote: Councilmember Archibald - aye, Councilmember Estep - aye, Councilmember Rohde - aye, Councilmember Seamons - aye, Councilmember Vance - aye. Motion approved

- 8. Calendar Items and Previous Assignment
 - a. Review of calendar

Assistant City Manager Christensen said the goose case is going on now, that is a virtual scavenger hunt and each one of you has a challenge. Download the app and search Hay Days 2023. Everything else starts on Friday. Casey Scott with KSL will be here at 5:45 a.m., and we would like to have extra people. Our family games are big so we will have him challenge our previous winners from the hula hoop contest. We also have our hot dog and root beer challenge. Hay Days is held at Jeanie Stevens Park. We need help with the community dinner and concert. That starts at 6 p.m., so be there at 5:15 p.m. and then Saturday morning at 7:30 a.m.

Councilmember Archibald said we are involved with the JustServe organization and on September 11 and 12 will hold an event to benefit the food pantry. This is a great way to commemorate 911 and will be called, Community Feeding Community. Mayor Holmgren said the next Farmer's Market is Saturday, August 5 and the second Friday stroll will also be held.

- b. Unfinished Business/Action Items: None.
- c. Branding Implementation update

Assistant City Manager Christensen said we will tack an emblem with the City logo on all of our black garbage cans on Main Street instead of buying new. The cost is about \$400 for 40 of them. Downtown Manager Mohrman helped us get a grant from the County to buy street furniture. We have spent the \$20,000 they gave us on bike racks and benches to go along Main Street. Those will be branded with our logo as well.

9. Reports & Comments:

a. City Administration Reports and Comments

- 1. Update on the Utah Inland Port Authority Draft Project Area Plan for Box Elder County Information (including Parcel No. 06-061-0013; 06-061-0040; 06-061-0016; and 06-061-0017 which are located in Tremonton City's incorporated limits)

Manager Warnke said Inland Port is actively creating project areas throughout Box Elder County. The County is spearheading this with other municipalities who want to participate. Inland Port does project areas with the purpose of capturing tax increment. We have 80 acres in the project area along the rail corridor and 1000 North headed into Garland. Tremonton as a taxing entirety will receive 25% of the increment that is created in that project area and 10% of that could be used for infrastructure improvements within the project area or contiguously. We could also use that for affordable housing throughout the City. We could improve the frontage on 1000 North. The developer has agreed to dedicate a trail easement and construct that. Garland's parcel is 135 acres. The life of the project is expected to be 25 years with a 10 year extension. During that time, we would get 25% with 5% being used for an administrative fee to Inland Port to manage that project. The developer would be reimbursed 60% and 10% would be for infrastructure or affordable housing.

b. Development Review Committee Report and Comments

- 1. The Junction Concept

Manager Warnke said there is no shortage of a desire to create attached housing. They are entitled to do it here, but it is challenging when it is all the same housing types.

2. Autoliv Solar Array Conditional Use Permit

Manager Warnke said this was a conditional use application the Planning Commission approved at the last agenda. Autoliv has the initiative of being net zero by 2030. They are adding 15 acres of solar array (7,000 panels) that will attract and move to the orientation of the sun. We are working with the property owners on all the issues that surround that. They have purchased land to make sure people do not encroach. That is set off the road and will have buffering and screening to break that up. It will likely be done in two phases.

c. City Department Head Reports and Comments

Director Fulgham said I was notified on Monday that our street sweeper is still delayed. They do not have a truck to put it on and anticipate it being ready in late October, early November. They could get one prior to the County fair to do the parade before and after for free. They would take it back and if it is not here by the time we have to do leaf pick up time they will make us a better deal than last year (\$8,000 a month to rent). We have used Johnson for years and they had a decent price. It was slated to be here by June 1, then August, but they are having a hard time getting a chassis. On July 21 crews will do the fog coat. They are way ahead of schedule on everything. Road 1000 West is complete, but striping will take place the first part of August. The sewer line is still coming along. It will be another month.

Interim Fire Chief Scothern said we have had a lot going on the last couple weeks. We received about \$4,000 per capita grant for EMS. We just completed interviews for three full-time captains, which is something we have not done before and have extended three conditional offers. We are working on our staffing to get our numbers up. We are still searching for the chief, but getting closer.

Chief Cordova said we held SWAT tryouts and got our team. We are now ordering the gear. We have done a series of interviews to prepare for the future with the understanding they are unknown. We have had some interest, which is good news. Our recruitment and what we have done has changed. There is not the same market so we have to seek applicants and be proactive, which is giving us a good edge. People are willing to take less money for the environment we have created. We had some big incidents we are wrapping up and working on and will continue to keep you posted.

d. Council Reports and Comments

Councilmember Estep said I am proud of Director Fulgham for what he has put up with on calls. Be patient, it is about over. Thank you, Director Fulgham.

Councilmember Archibald said I appreciate the collaboration that goes into the City and different departments to help us to know what is going on. I am thrilled

by what is happening.

Councilmember Vance said thanks to Interim Fire Chief Scothern who keeps us going until we can get a new fire chief. I appreciate all the effort you guys are putting forward in trying to get one hired.

Councilmember Seamons said thank you to everyone, you do a good job and keep us informed.

Mayor Holmgren said I want to second all that. I think we are doing a really great job. It is neat to be a part of such a great group of people.

10. ***CLOSED SESSIONS: No closed session held at this time.***

- a. Strategy session to discuss the purchase 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; and/or***
- b. Strategy session to discuss the character, professional competence or physical or mental health of an individual; and/or***
- c. Strategy sessions to discuss pending or reasonably imminent litigation; and/or***
- d. Discussions regarding security personnel, devices or systems***

11. Adjournment

Motion by Councilmember Seamons to adjourn the meeting. Motion seconded by Councilmember Rohde. Vote: Councilmember Archibald - aye, Councilmember Estep - aye, Councilmember Rohde - aye, Councilmember Seamons - aye, Councilmember Vance - aye. Motion approved.

The meeting adjourned at 8:00 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 Jessica Tanner.

Dated this 1st day of August, 2023.

Linsey Nessen, City Recorder