

**TREMONTON CITY CORPORATION
CITY COUNCIL MEETING
MAY 21, 2024**

Members Present:

Wes Estep
Jeff Hoedt
Bret Rohde
Lyle Vance—excused
Blair Westergard
Lyle Holmgren, Mayor
Marc Christensen, City Manager
Linsey Nessen, City Recorder

CITY COUNCIL WORKSHOP

Mayor Holmgren called the May 21, 2024 City Council Workshop to order at 6:00 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 Estep, Hoedt, Rohde, and Westergard, City Manager Christensen, and City Recorder Nessen. The following Department Heads were also present: Public Works Director Paul Fulgham, Police Chief Dustin Cordova, Fire Chief Brady Hansen, and Main Street Manager Sara Mohrman. Also in attendance was Finance Director Curtis Roberts. Councilmember Vance was excused.

1. Discussion of annexation issues and onsite wastewater permitting in and around city limits – Director of the Bear River Health Department Jordan Mathis and Environmental Health Scientist Mark Rees, Bear River Health Department

Mr. Mathis reviewed the Health Department's role in approving development, particularly in regards to on-site wastewater systems. He said most people refer to that as a septic system. There are different types with different use cases that we are allowed. These systems do work, but there are limits. They work well in more remote areas with lots of land. They have been designed for individuals who do not have an option to connect to a better system. Ultimately, that permitting responsibility falls on one of our licensed environmental health scientists. They make a professional decision under that licensure to determine if that can be permitted in that location. We are looking for the protection of public health, which is regulated through State statute. We also have to look at County ordinances and how they influence that. We have developed a standard to help address the issue of proximity to sewer systems. There are a lot of variables, including soil type, proximity to groundwater, and other unknowns. An exploration hole goes 10 feet down. You do not know what is past that, which is problematic. Other things include how we use the land with regards to the density of those systems and onsite surrounding irrigation practices. There is the space for the primary system, but also needs to have a designated replacement area. That is plan B for when something fails. We do not go back and regulate that. It is permitted and that property is given the responsibility to oversee the operation and maintenance of that system. Things can arise that were not taken into account when that system was permitted. We cannot see the future and all those things

impact how that system works. Tremonton has taken on the burden to run a sewer facility. When a permit is allowed the property owner takes on that same responsibility for operation, maintenance, and proper treatment of their effluent.

Mr. Mathis provided an example of how things went wrong with septic systems in Roosevelt and how that became the responsibility of that city. That is my cautionary tale of how we work together—the health department, County and City to figure out how to determine development close to municipal areas that can provide a better source of treatment. We do have onsite wastewater standards. We are trying to figure out how this can be sustainable and environmentally responsible. We have determined that we will require connection to public sewer when it is available. For a single building lot that is within 300 feet of a sewer connection. For a subdivision, we take it down to 150 and multiply it by the number of lots. The final determination falls on the city. We are not going to dictate as a health department how a city develops. If you say it is not available, we look at the feasibility. Not every piece of land is equally developable.

The Council discussed developments that have taken place within the City's future annexation plan that have septic systems. That is why this agreement with the City, County and health department has come to light. Mr. Mathis said we want to look to the future and determine how to create the least amount of burden for the City and homeowners, in a sustainable way that allows for treatment. Director Fulgham said this is why we went to the County and health department. Whatever we do is going to put a burden on our citizens and we do not want to burden our citizens for developers who made choices that benefited them and not their customers or the citizens of Tremonton. There is only so much you can require property owners to take on. Mr. Mathis said encouraging and supporting cities in connection to sewer is a more sustainable model for us to protect public health and the environment. Tremonton has high groundwater levels so saturation is a reality. Director Fulgham explained there are several septic systems within City boundaries. Our code says if you are within 300 feet, the City could require you to connect. We have never done that. Usually when they start having problems, they come to us to hook in. That would be done at their expense and generally they pay an impact fee just like any new connection. Septic tanks work until they do not. Mayor Holmgren said thank you for taking time to update and educate us.

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

The Council discussed a permit agreement between Autoliv and the City. Director Fulgham said this is a standard renewal that we do every three years. Nothing has changed on the permit or their effluent. We have three industrial users that do this including Post, West Liberty and Autoliv. Autoliv is a minor user, but they came to us to be a good player. They wanted a pretreatment agreement.

The Council then discussed an agreement with Squire to provide audit services. Director Roberts said last year's audit had some frustration and was delivered late, again. We put the auditors on notice that we were expecting timely delivery. After last year's audit, I told them we were going to go out to bid. We developed a scoring matrix and scored the

proposals based off what they submitted. The key thing was that Squire Company brought more technical experience to the table. Our previous ones had a lower fee, but the Squire Company has a more professional approach based off what we have seen them do with other entities. They will deliver on time. We came to the conclusion that the City would be better served by switching auditors. Cost is \$31,000. We pay a little bit more, but I think we will find less disruption to staff and a better product overall, with better service.

In reviewing amendments to land use code, Manager Christensen said we went through a public hearing process to change the definitions in our land use code. The Planning Commission had discussions on it and was concerned with the way the definitions were written. I forwarded that to City Attorney Dustin Ericson to see if he had any concerns. He had none. This will allow restaurants on Main Street to apply for a beer license. When the State looks at it, they will not consider Midland Square as a park based off this definition. It will be considered as a community gathering area.

Manager Christensen then discussed an annexation with the Council. He said this is accepting or denying the Kay Meadows subdivision annexation petition. The County has a new ordinance that says anytime a land use application comes before them, if it is within our future annexation boundary or right next to our boundary, then they will deny that application and force the person making it to petition for annexation into the City. Through that process it comes to the Council for consideration. This is a single home development that is not in our future annexation boundary but is next to our current annexation. After the development review committee discussed it, we came to the conclusion that it does not make sense to make him annex into the City since he is outside our future annexation line. He would prefer this since he already has water and will do a septic tank.

3. *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*

The meeting adjourned at 6:56 p.m. by consensus of the Council.

CITY COUNCIL MEETING

Mayor Holmgren called the May 21, 2024 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 Holmgren, Councilmembers Estep, Hoedt, Rohde, and Westergard, City Manager Christensen, and City Recorder Nessen. The following

Department Heads were also present: Public Works Director Paul Fulgham, Police Chief Dustin Cordova, Fire Chief Brady Hansen, and Main Street Manager Sara Mohrman. Also in attendance was Finance Director Curtis Roberts. Councilmember Vance was excused.

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 Manager Christensen and the Pledge of Allegiance was led by Jace Bourgeous.

2. Introduction of guests: Mayor Holmgren welcomed those in attendance.
3. Declaration of Conflict of Interest: None.
4. Approval of Agenda:

Motion by Councilmember Rohde to approve the agenda of May 21, 2024. Motion seconded by Councilmember Westergard. Vote: Councilmember Estep - aye, Councilmember Hoedt - aye, Councilmember Rohde - aye, Councilmember Vance - absent, Councilmember Westergard - aye. Motion approved.

5. Approval of minutes – April 25, 2024, May 7, 2024, and May 15, 2024

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

6. Presentation: Youth City Council Report – Youth Mayor David Bourgeous and Youth City Manager Beckham Saunders

Mr. Bourgeous said I am the outgoing mayor of the Youth City Council. Tonight, we wanted to show you what the Council has done. This past year we had 21 members, ranging in grades 9-12. Our group has been awesome. We have kids involved in all sorts of high school activities. Many of us also have jobs and church callings. With all our different backgrounds, we made an excellent group. We have given 321 hours to the community this year and helped at 17 different events. These included hanging up lights, the summer kickoff party, planting flower pots and putting them on Main Street, the 24th of July, the turkey trot, daddy-daughter dance, and a Christmas extravaganza. We also had two events we organized. I planned for us to make refugee kits. We made 30 different kits and were able to write a grant from a local business.

Mr. Saunders said for my activity, we carved pumpkins and donated them to the Women's Civic League, which lined the sidewalks of Library Park. We learned that we all have different outlooks and talents that helped us accomplish a lot. In March, we were able to go to a leadership conference at USU with other youth councils across the State.

At the conference, we learned how to communicate with others and build relationships and make our communities better. It is hard to put a price on the contribution of the Youth City Council to our community. As youth, we have gained and developed lots of skills and leadership skills. We have learned to work together. This is going to bless all our members in our futures. We are glad we could be a part of the Council and serve these past years. Thanks for supporting us and letting us be a part of the Council.

Mayor Holmgren said I have had the opportunity to work with many of these young men and women. I am always so impressed with your willingness to help. That is important. Wherever life takes you, this is the kind of thing that really makes a difference in the community you end up in. To be able to serve and make your community better—that is what it is all about. You have got such a great beginning here. Plan on continuing that as you go through life.

7. Swearing In: 2024-2025 Youth City Council Members

Recorder Nessen lead them through the swearing in. Mayor Holmgren presented scholarships (\$500 each) to David Bourgeous and Beckham Saunders. He said David has been the current Youth City Council Mayor this year and a member for five years. This year he donated 29 hours, arranged a humanitarian project and conducted meetings. He is graduating from Bear River High School and headed to Paraguay in August to serve a mission. Beckham has been the current project manager and has been a member for three years. This year he donated 27 hours, coordinated and helped with the pumpkin walk and has helped with projects. He will head to Washington State in September to serve a two-year mission. Both have gone the extra mile in helping the Youth City Council and are hard workers who have developed great leadership skills. Congrats to them both. We also want to thank Caroline Bourgeous for all the hours she spent working with the youth. You have done such a great job. We appreciate it so much.

8. Public comments:

Bill Bourgeous said I want to thank the Council for supporting the youth. I know not all cities do it and I think it is a wonderful thing. Thank you for supporting them.

9. New Council Business:

- a. Discussion and consideration of adopting Resolution No. 24-28 approving an Industrial User Wastewater Discharge Permit Agreement between Autoliv and Tremonton City

Director Fulgham said this is just a renewal we go through every three years. Autoliv is a small user. They have a line where they might have explosive components, so they have a small treatment unit that goes through and skims those off. That goes into a 55-gallon drum and then the effluent goes out to the sewers. It is about 200 gallons a day. They wanted to have a pretreatment agreement. We did that roughly six years ago when we put that together. This is just an every three-year renewal. Nothing has changed on their limits.

Motion by Councilmember Estep to adopt the resolution. Motion seconded by

Councilmember Rohde. Roll Call Vote: Councilmember Estep - aye, Councilmember Hoedt - aye, Councilmember Rohde - aye, Councilmember Vance - absent, Councilmember Westergard - aye. Motion approved.

- b. Discussion and consideration of adopting Resolution No. 24-29 approving a Professional Services Agreement with Squire to provide Audit Services for Tremonton City for the fiscal years ending June 30, 2024 through 2028

Director Roberts said as a city, we decided to put the audit out for bid. After receiving proposals, the City Manager, City Recorder and myself put together a scoring matrix. The results of that scoring matrix indicated that Squire presented the highest value. We make the recommendation to the Council that we enter into a professional services agreement with them to provide audit services. Councilmember Rohde asked what happens if they do not meet our expectations during this contract. Director Roberts said this contract has the ability for either to terminate and we would go back out for bid. It is not an exclusive contract. It does allow for each year to be renewed individually.

Motion by Councilmember Westergard to approve the resolution. Motion seconded by Councilmember Hoedt. Roll Call Vote: Councilmember Estep - aye, Councilmember Hoedt - aye, Councilmember Rohde - aye, Councilmember Vance - absent, Councilmember Westergard - aye. Motion approved.

- c. Discussion and consideration of adopting Ordinance No. 24-07 an ordinance of Tremonton City approving amendments to the Tremonton city land use code, including Title I chapter 1.03 – Definitions

Manager Christensen said this had to go through a public hearing process, which happened last Tuesday at Planning Commission. Planning Commission had a good conversation about it and recommended it to the Council. They wanted to make sure our attorney also reviewed the wording and definitions. He did and has no concerns. So instead of all our outdoor space being considered a park, we have added community gathering areas. When a business wants to apply for a beer license, the State will look at the proximity of schools, churches and public parks. This will reclassify Midland Square as a community gathering area, which is downtown. This could allow more restaurants downtown to serve beer.

Motion by Councilmember Hoedt to adopt the ordinance. Motion seconded by Councilmembers Westergard and Estep. Roll Call Vote: Councilmember Estep - aye, Councilmember Hoedt - aye, Councilmember Rohde - aye, Councilmember Vance - absent, Councilmember Westergard - aye. Motion approved.

- d. Discussion of accepting or denying the Kay Meadows Subdivision Annexation Petition

Manager Christensen said this individual wants to build a house in East Tremonton. It borders the City boundary, which has triggered an ordinance for the County. Before they will review his application, he has to go through a petition to

annex into Tremonton since it is right next to our boundary line. City staff reviewed it. It has to come to the Council as per their ordinance. The sewer line is very far away and is outside our future annexation boundary. We recommend the Council deny the petition for annexation. That is the hope of the property owner as well. He has utilities and services through other means.

Motion by Councilmember Rohde to deny the application for annexation as stated. Motion seconded by Councilmember Estep. Vote: Councilmember Estep - aye, Councilmember Hoedt - aye, Councilmember Rohde - aye, Councilmember Vance - absent, Councilmember Westergard - aye. Motion approved.

10. Calendar Items and Previous Assignment

a. Review of calendar

Mayor Holmgren said May 27 is our Memorial Day celebration at the cemetery. I want to thank our Public Works department for going above and beyond to make sure that was completed. We are going to be commemorating the Borgstrom boys. This is 80 years from the summer that all four were killed during World War II. The City had promised to do something special for them and that was 80 years ago. It is time. We have a structure being placed over the four brothers. Local artist, Val Lewis, has constructed a bald eagle with a seven-foot wingspan. This eagle will be placed over the boys as if it was watching over them. Governor Cox will be in attendance, along with the family. It is going to be very special. This is a time when we are able to recognize those who served and made the ultimate sacrifice for our Country. Please come at 9 a.m. We will have the Reflections singing and the honor guard, Post 76, will be doing their tribute to the fallen soldier with a 21-gun salute.

Mayor Holmgren said we need help with the library's summer kickoff party from 4-6 p.m. We are going to be serving hot dogs and hamburgers. We also have the Farmer's Market the first Saturday in June.

b. Review of past assignment: None.

11. Reports & Comments:

a. City Administration Reports and Comments

Director Roberts said it is required by State law that the City administration do a fraud risk assessment. Typically, we have done this in the fall. However, with the changes we have with our City Manager it felt appropriate to accelerate that. For the size of entity that we are it does not make sense to have a formal internal audit function. We have never gone through with the additional costs that would bring. The city used to have an audit committee comprised of councilmembers, but that disbanded. We could bring that back to meet four times a year. We have a score of 355. That puts us in a very low risk category. We are only required to present this to you. There is no action that the Council takes. It is more of a notification process that we have done this and where the City stands.

With this being Manager Christensen's last meeting before he heads to his new job, he said thank you. Working with each of you has been great. I appreciate what the City has done. The City has a bright future. I want to update you on the search for a new City Manager. A conditional offer letter has been sent and agreed upon. He is doing the background check, drug test and physical that all City employees complete. There just has not been a final offer signed. However, we anticipate all of those coming back clean. If so, then he can sign that offer and give his employer two weeks' notice. We anticipate him arriving June 10.

b. Development Review Committee Report and Comments

Manager Christensen said a lot is happening. We have DRC tomorrow and will discuss a new phase for Harvest Acres that includes single-family homes. We want to approve a new schedule for DRC and have it every other week. It would be the day after Council meetings. We plan to have staff meetings on the off-Wednesdays. This would give the DRC more time to review things, which helps because we can only go through an official review at DRC four times before we have to allow it. This will help staff outside the meeting and to have more substantial meetings.

c. City Department Head Reports and Comments

Director Fulgham said Blaine Rupp promised me that the intersection at 1200 South and Tremont Street will be done Thursday. We can then get that intersection swept and cleaned before Memorial Day. Secondly, many of you have heard about the County's culvert failure. We have a water line that goes across it and we are working with the County. We capped our line on the east side of the canal for now. We will be able to deliver our water throughout the season. The County has been good to work with. They will hold us harmless. For now, they will replace that temporarily and then replace it permanently once they get a new culvert in. Luckily, no one is without water.

Chief Cordova said the Logan chief wants to share his gratitude and appreciation for us and our support during the officer involved shooting. We are helping with the investigation and it looks pretty good. I also want to thank you for your support in that last budget meeting. We really do appreciate it. The troops are feeling good about that. Thank you, Manager Christensen, for all you did for the City. It has been a pleasure to work with you.

Chief Hansen said I want to give you an update on the Mack's Family Drive-In restaurant fire. The State fire investigator helped us with the investigation. That has gone really well. The insurance company also sends a fire investigator. They are going to pay for the restoration of the restaurant, but the insurance company believes that the company that cleaned the grease hood, has culpability for the cause of that fire. The insurance company will pay, but they are stopping restoration while the two insurance companies—the one that insures the hood

cleaning company and the one that insures the building—argue who ultimately is going to pay. That is an unfortunate development. There will be no more restoration or cleaning until those two insurance companies figure out who is paying for the loss. The insurance company that insures the building will pay for the loss, but they want to go after the hood cleaning company to recoup some of the cost. That will put the brakes on redevelopment. A keystone business on Main Street is going to be out of commission for several months before they can start cleaning.

Chief Hansen said I also wanted to propose something to the Council. I wear the hat of fire chief and emergency manager. An emergency management function training happened in St. George a couple weeks ago. I intended to go, but canceled at the last minute because I had fire chief duties that were more pressing. I do have a member of the fire department who has strongly expressed interest in taking that role. He could more easily focus on that. I have a great deal of confidence in him and he would enthusiastically take that role, making sure we are doing all the things that I know I am not doing as a city emergency manager. Councilmember Rohde said I feel like we need to get an emergency person in place to work with the communities. If something happens, we are not going to know who to communicate with. Chief Hansen said I am happy to attend the emergency management meetings and to learn, but on the day of a bad incident, I would have to pick which job I am going to do—the emergency manager or fire chief. If we have talented people interested in carrying that responsibility, that could focus during an incident and take on some of that planning, we should use them. Nate Christensen is one of our part-time captains and has a long history of good leadership, enthusiastic emergency response and a good reputation. He has expressed a strong interest in taking that on. I just wanted to float that as an idea. I think if we had someone who could focus on that holistically that wants to do it and is a good leader, that might help improve our emergency management situation.

d. Council Reports and Comments

Councilmember Estep said we are getting a lot of complaints about the mowing and edging at the cemetery. Manager Christensen said in the contract, it states that, leading up to Memorial Day, they will have it looking good. Other than that, it is done every other week. Councilmember Estep added a thank you to Manager Christensen. You have done a great job with the Parks and Rec. I believe you brought that up many levels since you have been here. If you would have stuck around, you could have brought the City Manager up several levels, too. We do wish you the best of luck and will miss you. Thank you.

Councilmember Rohde said thanks Manager Christensen. He then asked how they could better handle the dumpsters associated with clean-up day. Director Fulgham said we need to look at it. When it is on a weekday, we can keep a better eye on it. We could maybe put them at the public works so someone can watch them, but that is manpower. When we get the bill, we will re-evaluate it. We used

to only do it once a year, now we are doing it twice a year. We can maybe control the matter and keep it for the citizens that are actually paying for it. I agree that looking into a different solution might be needed. Councilmember Rohde said for the next meeting can we add a follow-up on the town hall meeting and where we go from here as part of that workshop? Someone needs to follow-up with the State on churches. We ought to find out what we can do to encourage more restaurants downtown. Mayor Holmgren asked if Councilmember Hoedt would be willing to continue the work he has done with that. He agreed.

Councilmember Westergard said I just want to thank Manager Christensen. I am new to it, but I have been around for a while and thanks for what you do.

Councilmember Hoedt said I also want to thank Manager Christensen for all you have done for the City. You have trained me quite a bit and I sincerely appreciate that. You have provided education to me. I wish you and your family all the best. On June 18, we have to finalize the budget. Will there be any more discussions between now and then? Manager Christensen said we will have a regular meeting on June 4, and then on June 18, we adopt the final. I have added what was proposed and will have a memo with the highlighted additions. Councilmember Rohde said maybe on the next agenda, can you put a placeholder to discuss the budget. Manager Christensen said yes, and if you have comments or concerns you would like to discuss, then we can have something ready. May 31, is my last day. Councilmember Hoedt also reminded the Council about a Bear River Regional event. A workshop will be on June 5, in Brigham City. Also, I received a concern about the market taking place and somebody who tried to get a space and was not given one. They wondered if there is an appeal process. I would like to talk to Main Street Manager Mohrman later about that.

Mayor Holmgren said I wanted to take this opportunity to give a shout out to Councilmembers Rohde, Vance and Hoedt and their great job monitoring the town hall meetings. We were able to make some progress. There is a lot going on in our City. We appreciate very much all of your efforts and the efforts of our staff. I want to thank our public works for a great job of getting this ready to go on Memorial Day. I have no doubt things will look great. Manager Christensen I want to thank you. You have been a great friend and a great work associate. You are somebody I can always count on. We appreciate you very much and wish you the very best in your endeavors in sunny St. George. When we go down for League of Cities and Towns, we will look you up. We do appreciate you very much and wish you the very best.

12. **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*
- 13. Adjournment.

Motion by Councilmember Rohde to adjourn the meeting. Motion seconded by Councilmember Estep. Vote: Councilmember Estep - aye, Councilmember Hoedt - aye, Councilmember Rohde - aye, Councilmember Vance - absent, Councilmember Westergard - aye. Motion approved.

The meeting adjourned at 7:59 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 4th day of June, 2024.

Linsey Nessen, City Recorder