

**TREMONTON CITY CORPORATION
CITY COUNCIL MEETING
August 19, 2014**

Members Present:

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

CITY COUNCIL WORKSHOP

Mayor Fridal called the August 19, 2014 City Council Workshop to order at 6:02 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, Reese, Rohde, and Wood, City Manager Shawn Warnke, and Recorder Darlene S. Hess. The following Department Heads were also present: Zoning Administrator Steve Bench, Recreation Director Marc Christensen (arrived at 7:14 p.m.), and Police Chief David Nance. Councilmember Holmgren was excused.

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

The Council reviewed the August 19, 2014 Agenda with the following items being discussed in more detail:

Vacating public utility easements and reconfiguring property lines – Zoning Administrator Bench stated that it is recommended that the property lines of the City's drainage pond and Rocky Mountain Power's "L" shape parcel located along Interstate 15 (Bear River Health Department Subdivision) be reconfigured to make a one-half mile landscape buffer along the freeway. Because it involves a public utility easement, it must be vacated by the Council and replatted. None of the surrounding properties will be affected by this change.

Manager Warnke stated that Rocky Mountain Power is interested in the reconfiguration of their property lines. They were given notice of the tonight's Public Hearing which addresses this issue. If the Council chooses to move ahead with the configuration of this property, it should be made conditional upon Rocky Mountain Power signing the Quit Claim Deed which deeds their 4.5 acre portion of the property to Tremonton City. Tremonton City will then issue a Quit Claim Deed to Rocky Mountain Power for 4.5 acres, creating rectangular parcels for both the City and Rocky Mountain Power.

Manager Warnke explained that Young Electric Signs Co. (YESCO) leases ground from the City for two billboards. They were also given notice of the reconfiguration.

Administrator Bench stated that YESCO was provided with the most current plat. They don't have any issues with the reconfiguration as long as they still have access to service their billboards.

Warrant Register – Councilmember Rohde asked who Custom Applications is and was told that they are the City's lawn care provider. Mayor Fridal said that he was approached by someone who would like a chance to bid on lawn care service the next time it comes up for bid. Other local vendors who would like to be included on the City's Bid List were discussed.

Someone to serve on the Planning Commission – Councilmember Rohde told the Council that Arnold Eberhard is willing to serve on the Planning Commission. He will be present this evening. There is one more opening. An individual has been approached, and he is considering it. He will let Councilmember Rohde know after the first of September.

Manager Warnke clarified that the term that the two new Planning Commission appointees will be filling the remainder of terms which will end in January 2015. They could then be considered for re-appointed for a three year term. The purpose of filling the remainder of terms of this is to maintain a staggering of dates upon which appointments expire.

Ordinance No. 14-12 amending Title 1 Zoning Code – Administrator Bench stated that the Planning Commission is constantly striving to keep up with things and looking at Codes that are different and better. In so doing, several changes have been made to Chapter 1.03, Definitions, Chapter 1.17 Off-Street Parking Regulations, Chapter 1.18 Landscaping, Buffering, and Fencing Regulations, Chapter 1.19 Supplementary Regulations, and Chapter 1.27 Sign Permit. Administrator Bench reviewed the changes.

Administrator Bench noted that for Zoning Code 1.19.065 Keeping Chickens, fee's and license requirements were removed, but an application is required so the City can have names and addresses of ownership so that wandering chickens can be returned to their rightful owner.

The changes to Chapter 1.27 Sign Permit and the reduced sign sizes were discussed. Councilmember Reese commented that he feared this would take away the rights of business owners. It was discussed whether businesses would even want larger signs. Manager Warnke commented that this goes back to the fundamental issue of what Planning and Zoning which is creating land use regulations to achieve a character of a district or zone. For instance, in a Commercial Highway (CH) Zone, the idea is that the businesses are reaching out to more auto traffic. A larger sign next to the freeway is more appropriate than it would be in other areas of town. Manager Warnke recommended doing less and then going back and opening it up – keep what is working and fix what is not.

Administrator Bench explained that Community Event sign regulations were added. A Community Event sign would be something that is advertised which is of interest to the entire community, such as a craft fair, or educational programs promoted by the Box Elder County School District, and which is held in Tremonton City. One of the requirements is that the sign be removed within forty-eight hours following the event. Councilmember Rhode said that he doesn't think other cities should be prevented from advertising within Tremonton City. He worries that it will cause contention and hard feelings. Councilmember Wood agreed. People from the entire area, shop in Tremonton. He feels that part of the Ordinance should be scratched. Councilmember Rhode added that other cities should be allowed to place signs in Tremonton, but they would have to live by the rules, including not being allowed to remove someone else's sign and replace it with theirs. Mayor Fridal said that he has a problem with signs placed in Tremonton by other cities for programs that are in direct competition with programs Tremonton offers and for which the City is spending a lot of money.

2. Update regarding the process to receive public input by ballot on creating a public private partnership between Tremonton City and a private entity to build and manage a fiber optic network

Mayor Fridal commented that he has been meeting significantly over the last couple of weeks regarding fiber optics and receiving public input by ballot. The Ogden Standard Examiner had an article about this today, and they said that creating a public private partnership to manage a fiber optic network could not be put on the ballot. According to the Lt. Governor's Office, a non-binding election item cannot be placed on the official November ballot. If Tremonton and the other UTOPIA Cities still want to hold an election, it would have to be a special election, and it would cost the City a lot of money. Macquarie would do the advertising for the election, but they wouldn't pay the election costs.

Councilmember Wood questioned whether Tremonton has agreed to holding an election. Mayor Fridal stated that the other UTOPIA Cities have agreed to an election. It would be done by mail-in ballot, so it will cost the cities postage and ballot preparation costs.

Tremonton will need to come up with the language that would appear on the ballot. There is a huge division between the six member cities right now because they think First Digital is making promises they can't keep. It is almost like UTOPIA again. Macquarie is making promises that will be painful, but they can keep them.

There is a possibility that UTOPIA Cities, Centerville and Murray, will be coming back on board. They like giving the people a choice.

The meeting adjourned at 6:58 p.m. by consensus of the Council.

CITY COUNCIL MEETING

Mayor Fridal called the August 19, 2014 City Council Meeting to order at 7:08 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, Reese, Rohde, and Wood, City Manager Shawn Warnke, and Recorder Darlene S. Hess. The following Department Heads were also present: Zoning Administrator Steve Bench and Police Chief David Nance. Recreation Director Marc Christensen arrived at 7:14 p.m. Councilmember Holmgren was excused.

1. Opening Ceremony:

Mayor Fridal informed the audience that he had received no written or oral request to participate in the Opening Ceremony. He asked anyone who may be offended by listening to a prayer to step out into the lobby for this portion of the meeting. The prayer was offered by Councilmember Doutre and the Pledge of Allegiance was led by Councilmember Reese.

2. Introduction of guests:

Mayor Fridal welcomed all those in attendance.

3. Approval of Agenda:

Motion by Councilmember Wood to approve the agenda of August 19, 2014. Motion seconded by Councilmember Reese. Vote: Councilmember Doutre - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

4. Approval of minutes – August 5, 2014:

Motion by Councilmember Rohde to approve the minutes of August 5, 2014. Motion seconded by Councilmember Wood. Vote: Councilmember Doutre - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

5. Public comments: Comments limited to three minutes:

There were no public comments.

6. Public Hearing:

Mayor Fridal called a Public Hearing to order at 7:12 p.m. to consider an easement abandonment. There were eight people in attendance.

- a. On the vacating of public utility easements, amending, extending and reconfiguring of property lines and public utility easements for land that was originally platted as a part of the Bear River Health Department Subdivision located at 2000 West, Tremonton, Utah.

Zoning Administrator Bench explained that a few years ago, the Bear River

Health Department wanted to build on 2000 West. They later changed their mind and built where they are now. Originally, a subdivision was done for the Health Department. It was an unusually shaped lot because the City had a retention basin and so the Health Department's property was "L" shaped to fit around the retention basin. In order to make the property more attractive, the City started the process of reconfiguring the property lines. The retention basin was changed from a 4.5 acre square to a 4.85 acre piece which goes along Interstate 15 for almost one-half mile. This made the opportunity to square up the City's piece of property and come up with a 5 acre parcel closest to Main Street and a 4.5 acre parcel that is currently owned by Rocky Mountain Power. The remainder of the property, 19.12 acres, belongs to Tremonton City.

The original plat contained a public utility easement which now needs to be vacated by the City Council. Rocky Mountain Power is on board with this change, but they still have to go through their internal approval process. Young Electric Sign Company (YESCO) has some signs along the freeway on this property. They have no issues with the reconfiguration as long as they can continue to maintain their signs.

Mayor Fridal closed the Public Hearing at 7:15 p.m.

7. New Council Business:

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

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

- b. Discussion and consideration of approving the June 2014 Financial Statement.

Motion by Councilmember Reese to approve the June 2014 Financial Statement. Motion seconded by Councilmember Doutre. Vote: Councilmember Doutre - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

- c. Discussion and consideration of the City Council appointing an individual to serve on the Planning Commission

Councilmember Rohde stated that Arnold Eberhard has graciously offered to fill Rosa Gonzales' term and serve on the Planning Commission.

Motion by Councilmember Reese to appoint Arnold Eberhard to serve on the Planning Commission. Motion seconded by Councilmember Wood. Vote: Councilmember Doutre - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved. Mayor Fridal added that this appointment goes until January 2015. Hopefully, at that time, Mr. Eberhard will want to serve for another term.

- d. Discussion and consideration of adopting Ordinance No. 14-12 amending Title 1

Zoning Code, Chapters 1.03, 1.17, 1.18, 1.19 and 1.27

Administrator Bench briefly reviewed the changes that are being proposed:

Chapter 1.03 Definitions

- Change “Road Master Plan” to “Transportation Master Plan.”
- Amend definition of “Marquee and Marquee Sign.” a Marquee and a Marquee Sign are two different things. A Marquee is a structure.
- Amend the definition of “Snipe/Bandit Sign.” Those are the signs that are placed at various places during the night. The penalties for Snipe/Bandit Signs were added to the Code.
- Relocate “Wind Sign” definition to “On Premise Temporary Signs” definition.

Chapter 1.17 Off-Street Parking Regulations

- In the section where it talks about ADA Parking, dimension of inches for parking spaces was changed to feet.
- Correction to the requirement of landscape islands based on the number of parking spaces.

Chapter 1.18 Landscaping, Buffering and Fencing Regulations

- Amendments to 1.18.035 table Required Buffer Widths and Improvements for uses permitted in a Commercial Zone and uses permitted in a Residential Zone if they are next to each other. Ground cover and a fence or wall would be the improvement requirements. Between like uses, a wall, fence or berming would be required. For parking areas and public streets, the required improvement would be trees and berming.

Chapter 1.19 Chicken Ordinance

- 1.19.065 Keeping Chickens – fee and licensing requirements have been removed. An application is required to provide a name and address so the City will know where the chickens belong.

Chapter 1.27 Sign Permit

- Added wording of Direct or Indirect to sign type illumination.
- Reduced “on Premise Free Standing Sign” size in the Public Facility and mixed Use Zones from forty-eight (48) square feet to thirty-two (32) square feet, to match other existing zones.
- Reduced “On Premise Free Standing Sign” height from ninety (90) feet to (36) feet in height west of 1650 West within the Commercial Highway (C-H) zone.
- Amended “Wall Signs” to allow two (2) wall signs per building.
- Reduced the height of “Electronic Message Displays” where used as a monument sign from eight (8) feet to six (6) feet thus being the same height as a regular monument sign.
- Amendments to Section 1.27.050 J, “Community Event Signs” – the Council requested that Item J.1 be tabled. It will be taken back to the Planning Commission for further work.

Motion by Councilmember Rohde to adopt Ordinance No. 14-12 amending the Zoning Code Chapters 1.03, 1.17, 1.18, 1.19, 1.27, removing Item J.1 from 1.27.050. Motion seconded by Councilmember Reese. Roll Call Vote: Councilmember Doutre - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

- e. Discussion and consideration of adopting Ordinance No. 14-13 repealing Title 10, Part 10-240, Section 10-245 Keeping Animals

Zoning Administrator Bench stated that 10.245 of the Revised Ordinances just talks about the number of animals that can be kept and conflicts with Title 1 of the Zoning Ordinance. It is in the best interest of the City that 10.245 be eliminated from the Revised Ordinances of Tremonton City.

Motion by Councilmember Wood to adopt Ordinance No. 14-13. Motion seconded by Councilmember Reese. Roll Call Vote: Councilmember Doutre - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

- f. Discussion and consideration of adopting Ordinance No. 14-14 authorizing the vacating of public easements, amending and extending and reconfiguring of property lines and public utility easements for the Bear River Health Department Subdivision

Motion by Councilmember Rohde to adopt Ordinance No. 14-14 on the condition of Rocky Mountain Power signing the Quit Claim Deed. Motion seconded by Councilmember Doutre. Roll Call Vote: Councilmember Doutre - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

- g. Discussion and consideration of adopting Ordinance No. 14-15 adopting a Special Events Permit

Manager Warnke explained that this Ordinance deals with several different issues that are requested from time-to-time. There are two related special events that follow on tonight's agenda. Special events such as musical entertainment, concerts on City property, races, fireworks programs at a time other than those authorized by State Statute, inflatable recreational devices, rides, mechanical bulls, etc., on City property, and filming on City property, would require a Special Events Permit. The process is that someone who is planning a special event would submit a letter to the City addressing all the issues that are included in the Ordinance as far as health, safety, and welfare, along with an overview of the event and how it is being organized and directed. They would then attend a Council Meeting to seek approval for their special event.

Manager Warnke said that he would suggest a change to the Ordinance. One of the Special Event requests before the City is a commercial film crew from out of state. Because of this, Manager Warnke proposes that the mandatory attendance of the applicant, or his/her representative, before the City Council be stricken from the Ordinance as it is currently written.

Manager Warnke told the Council that the application can be approved as submitted; it can be approved conditionally, or denied. What needs to be looked at is preserving the public health, safety, and welfare.

There is an attempt in the Ordinance to make clear that every special event is unique and there should be no presumption of approval. Applications will be

reviewed and approved by the Council on a case by case basis. If the Council denies an application, there is no remedy for the applicant to appeal. The Ordinance also allows for the revocation of the approval if, for some reason, the applicant misrepresented something, or it comes to the point where it is affecting the health, safety, and welfare of the community.

This Special Event Permit doesn't absolve those individuals from getting other governmental permits, for example, the County Health Department issues Mass Gathering Permits.

There are some special considerations associated with some of these special event types. One would be insurance; another would be listing the City as an additional insured; in some cases a special event may require additional law enforcement or fire personnel to attend the event on standby. For Fireworks Programs, a \$3M general liability insurance policy is required with Tremonton City being listed as an additional insured. The Ordinance also designates appropriate places for a Fireworks Program. Fireworks Programs will not be allowed in close proximity to areas of the City's Wildland Urban Interface or agriculture areas that are planted in crops that may be flammable.

Manager Warnke recommended that the Council consider amending the Draft Ordinance to make it clear that the City does not sponsor any Inflatable Recreational Devices, Rides, Mechanical Bulls, etc., as inflatable rides are exclusions in the City's insurance policy. If they add the additional insured, one way to eliminate that additional insured protection is to have the City co-sponsor the event. The other way is, the City is listed as additional insured, but only the City is named in a lawsuit. Tremonton sponsored Special Events would be exempt from this Ordinance, as would the Box Elder County Fair Parade and activities that occur on the Box Elder County Fairgrounds.

Motion by Councilmember Wood to adopt Ordinance No. 14-15 with the clarification that the organizer is not mandatory to be at City Council for approval and that inflatable rides are limited to governmental or civic entities. Motion seconded by Councilmember Doutre. Roll Call Vote: Councilmember Doutre - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

- h. Discussion and consideration of approving a Special Event application for a Fire Works Program within Tremonton City limits

Councilmember Reese commented that he had read this request and it goes right along with Ordinance No. 14-15.

Motion by Councilmember Reese to approve the Special Events Application for fireworks within the City limits. Motion seconded by Councilmember Rohde. Manager Warnke clarified that there are a few standards that would come into play. Mr. Austin tried to write those standards into his request letter. One requirement is that the applicant, Tom Austin, provide general liability insurance. The fireworks location would be in conflict with the Wildlife Urban Interface so Manager Warnke anticipates that the Council would want to find a more suitable

location. Mayor Fridal invited Mr. Austin to come to the microphone. Mr. Austin stated that the location would, indeed, be within the Wildlife Urban Interface, but, as was stated in their letter, they are willing to relocate the program. The other location they have in mind would be the Fairgrounds, where the City firework display is normally done. Mayor Fridal told Mr. Austin that he would have to get permission from Jan Rhodes, Fairground Manager. Mr. Austin said that he hasn't had time to speak to her, but, he feels they have covered all the other City requirements. Councilmember Reese **amended the Motion** to include the requirement that the fireworks display be held at the Fairgrounds and that all the requirements of the Ordinance be followed. Vote: Councilmember Doutre - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

- i. Discussion and consideration of approving a Special Event application for commercial film crews on City property

Manager Warnke explained that this is a request from a film company that will be in the City for two days. They will do about one and a half hours of filming of two individuals having a conversation in Shuman Park. If anyone happens to walk by that doesn't want to be on film, they will wait for them to pass before continuing filming. They will also be taking some shots of Tremonton, as well, on the second day.

They have a certificate of insurance listing Tremonton as additional insureds.

Motion by Councilmember Rohde to approve a Special Event application for a commercial film company. Motion seconded by Councilmember Reese. Vote: Councilmember Doutre - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

8. Comments:

- a. Administration/City Manager Advice and Consent.

- 1) Utah League of Cities and Towns (ULCT) Annual Conference – Sept. 10 through 12.

Recorder Hess needs to know who will be attending so that reservations can be made as soon as possible.

- 2) Tremonton City's nomination for Board Member for Utah League of Cities and Towns (ULCT) is due August 29, 2014

Manager Warnke told the Council that nominations are open for the ULCT Board of Directors. If anyone is inclined to make a nomination, the deadline is August 29, 2014. Mayor Fridal asked if anyone would be interested in serving on the Board. Councilmember Rohde said that he may be interested depending on the time involvement.

Mayor Fridal commented that the committee to study fiber optics expects the committee members to spend four to eight hours per day at least four

to five days per week on this issue. There are two mayors who donate sixty hours per week. This is a huge commitment because it is such a big deal that they are working on.

b. Council Reports:

There were no Council Reports.

Manager Warnke clarified that the scheduled Closed Session will only be dealing with litigation and not with the character, professional competence or physical or mental health of an individual.

Motion by Councilmember Rohde to move to Closed Session for the purpose of discussing pending or reasonable imminent litigation. Motion seconded by Councilmember Reese. Roll Call Vote: Councilmember Doutre - aye, Councilmember Reese - aye, Councilmember Rohde – aye, and Councilmember Wood - aye. Motion approved.

The Council moved into closed session at 7:53 p.m.

9. Closed sessions:

- a. To discuss the character, professional competence or physical or mental health of an individual - not discussed in Closed Session.
- b. Strategy to discuss pending or reasonable imminent litigation

Motion by Councilmember Wood to return to open meeting. Motion seconded by Councilmember Rodhe. Roll Call Vote: Councilmember Doutre - aye, Councilmember Reese - aye, Councilmember Rohde – aye, and Councilmember Wood - aye. Motion approved.

The Council returned to open session at 8:11 p.m.

Councilmember Wood asked Director Christensen if the two benches are about ready to be installed at the Splash Pad. Director Christensen replied that they are. The water is turned off on Labor Day. They will be installed after that.

Councilmembers Doutre and Rohde discussed a complaint about low water pressure on the hill. Councilmember Rohde wonders if it is an adjustment problem. He will do some investigation and let Councilmember Doutre know so she can get back with them, as well.

Councilmember Doutre also asked what the Council will be doing for the Fair Parade. Mayor Fridal replied that the Council will have a lot of candy because candy was purchased for the Wheat and Beet Days Parade, and then the Council wasn't able to participate. Several four-wheelers have been arranged for. The Council will meet at the City Offices at 4:15 p.m. It was suggested that the Council get matching shirts for next time.

10. Adjournment.

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

The meeting adjourned at 8:15 p.m.

The undersigned duly acting and appointed Recorder for Tremonton City Corporation hereby certifies that the foregoing is a true and correct copy of the minutes for the City Council Meeting held on the above referenced date. Minutes were prepared by Norene Rawlings.

Dated this _____ day of _____, 2014.

Darlene S. Hess, Recorder