

**TREMONTON CITY CORPORATION
CITY COUNCIL MEETING
October 6, 2015**

Members Present:

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

CITY COUNCIL WORKSHOP

Mayor Fridal called the October 6, 2015 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 Fridal, Councilmembers Holmgren, Reese, Rohde, and Wood, City Manager Shawn Warnke, and Recorder Darlene S. Hess. The following Department Heads were also present: Fire Chief Steve Batis (left at 6:55 p.m.), Public Works Director Paul Fulgham, Police Chief David Nance, and Treasurer Sharri Oyler (arrived at 6:09 p.m.). Councilmember Doutre was excused.

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

The Council reviewed the October 6, 2015 Agenda with the following items being discussed in more detail:

Mayor Fridal commented that he will play a patriotic song for City Council instead of reciting the Pledge of Allegiance.

Amending the Budget. Manager Warnke noted that the budget would be amended to reflect grants and changes regarding health care benefits. The Parks and Recreation Department received donations and revenue from special events and it was proposed that some of the revenue be recognized in the budget and be invested in park improvements. The pavilion at North Park is in need of repairs as the posts are splitting. The Public Works Department would create new steel posts to replace the wood posts and the entire pavilion will be renovated. It was proposed that some of the park benches and tables be replaced at Shuman Park and North Park. The new tables will cost \$700 a piece but will last a long time and have no maintenance and be more sanitary.

It was proposed that in the budget that revenue from the Recreation Trails Program Grant be adjusted in Fund 26 and used to purchase a lot and make improvements for a trailhead. Additional funds were proposed for the acquisition of the adjoining lot to provide more

open space and possibly for the grading of a storm drain pond. The revenue for the additional lot for open space will come from a loan from the Capital Projects Fund. The terms of the loan will be set according to market conditions with some guidance from the State Auditor. The only revenue in Fund 26 is from Impact Fees, grants, or transfers from other funds.

There was discussion regarding a CMAQ (Congestion Mitigation and Air Quality) funds for \$140K which requires a \$10K match that will allow the City to acquire new cleaner burning vehicles. The City budgeted for a replacement Meals on Wheels vehicle. With the CMAQ (Congestion Mitigation and Air Quality) funding, the City will also be able to purchase a vehicle for administration and a new Recreation vehicle. The funding requires the vehicles to emit less pollution. The City is working on getting a Buy America waiver. There is a meeting set up next week regarding the procurement process and the vehicles could be purchased in the near future.

Last year the Council authorized the expansion of the 1000 North road project to the East. Funds were budgeted last year to pay for the expansion but it was not billed then. The amount has been amended to this year's budget.

Utility Bill Write-off. Treasurer Oyler explained that the list includes a few accounts that were not listed on the last write-offs. The accounts have been with the collectors for the last year.

Resolution No. 15-37. Director Fulgham explained that because MOM Brands Company, LLC had a change in ownership and name, a new permit needed to be reissued for Wastewater Pretreatment. Based on historical data the discharge limit for MOM Brands Company, LLC was lowered which helped delay the timing for some future Capital Facilities Project at the Waste Water Treatment Plant. The monthly average was lowered but the daily average increased which should help MOM Brands stay in the parameters of the discharge limit without excessive penalties. The agreement would be good until 2018.

Resolution No. 15-38. Manager Warnke explained that the original Resolution which approved the acquisition of property for the trailhead, be amended to give the Developer some assurance moving that the City will acquire two lots. This assurance may be helpful for the Developer in obtaining financing. The City will be purchasing an additional lot for \$45K. The green space, which is contemplated, is not a permitted use with the RTP (Recreational Trails Program). The lot purchased for the trailhead has very little green space with the parking and restrooms. On the additional lot the City can also regrade the existing Storm Water Detention Pond providing more usable green space. The RTP grant will pay for the original lot that will be used for the trailhead but not the additional lot for green space. Furthermore, the City cannot use the additional lot funds as the match for the grant.

The agreement stipulates a timeline on the acquisition of the lots. The lots must be recorded by the end of January 2016 and the subdivision improvements being completed by the end of June 2016. Because the RTP grant funds are attributed to Federal Funds, there is documentation that must be done. A lot of the necessary documentation has been done with the LeRay McAllister Funds so the City can expand on those studies.

Councilmember Holmgren stated that the improvements around the Trailhead can be started anytime after it's recorded. It would be best to wait until the curb and gutter are completed so the grades are known. Manager Warnke noted that environmental work must be done and City Engineer Chris Breinholt must prepare a bid document so that the improvements can go out to bid. The final wetland delineation was finished yesterday and submitted to the Army Corp. engineer. There will be .06 of an acre that would be encroaching on the wetland area with .1 acres being the threshold for mitigation. Councilmember Holmgren explained there is only one little area on the south end of the trail that will be an issue.

The next step is to stake the trail. It has not been done yet as there are horses there. Councilmember Holmgren noted that once it is staked, fence posts could be put in to mark it. The horses could not push over the fence posts. The plan is to have City Council members volunteer in the spring and start the grading on the trail. In the best case scenario, people could be using the trail in the fall of 2016 or by the spring of 2017.

Resolution No. 15-39. Manager Warnke explained that the Court must recertify every four years. It is time to recertify and everything appears to be in order.

Resolution No. 15-40. Manager Warnke stated that the developer is ready to sign the Impact Fee Reimbursement agreement and the City and Developer will participate in the last section of fencing for the trail. The calculation would be based on \$20 a linear foot for a high end chain link fence. The City's portion would be \$6K and would keep people where they need to be and divide the developed lots from the trail corridor. The City may want to consider additional fencing around the canal.

Resolution No. 15-42. Manager Warnke explained that the State is involved in acquiring LiDAR data. LiDARs use a remote sensing technique where lasers are broadcasted down from airplanes flying overhead and bounce back. The resolution is within six inches. LiDAR data is so sensitive that it can also identify different types of vegetation. The data could be used to develop grading plans, flood plains, wetlands, and a variety of different purposes. There will be a vegetation model and ground model made from the LiDAR data.

Director Fulgham stated that the City participated six years ago with a two foot addendum, whereas this one will be within six inches of elevation. With the data provided by the LiDAR, the City would not need to send City Engineers on site when doing design work. It would help with designing storm drain systems and sewer lines. There is newer technology available now that will give the City a better picture. Director

Fulgham would like to see data for the areas included in the City's Annexation Policy. Manager Warnke noted that since there is such a large area included, the City could get a good rate.

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

The Council moved into closed session at 6:52 p.m.

3. **CLOSED SESSION:**

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

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

The Council returned to open session at 7:05 p.m.

The meeting adjourned at 7:06 p.m. by consensus of the Council.

CITY COUNCIL MEETING

Mayor Fridal called the October 6, 2015 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 Fridal, Councilmembers Holmgren, Reese, Rohde, and Wood, City Manager Shawn Warnke, and Recorder Darlene S. Hess. The following Department Heads were also present: Public Works Director Paul Fulgham (left at 7:05 p.m. and returned at 7:28 p.m.), Police Chief David Nance, and Treasurer Sharri Oyler (left at 7:41 p.m.). Councilmember Doutre 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 Lyle Vance and Mayor Fridal played two patriotic songs by Lee Greenwood.

2. Introduction of guests:

Mayor Fridal welcomed all in attendance.

3. Approval of Agenda:

Mayor Fridal asked if there were any changes or corrections to the Agenda. No comments were made.

Motion by Councilmember Wood to approve the agenda of October 6, 2015. Motion seconded by Councilmember Rohde. Vote: Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

4. Approval of minutes – September 1, 2015:

Mayor Fridal asked if there were any changes to the minutes. There were no comments.

Motion by Councilmember Reese to approve the minutes of September 1, 2015. Motion seconded by Councilmember Holmgren. Vote: Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

5. Public comments: Comments limited to three minutes:

David Kilfoyle told about a presentation called “The Pride of our Nation”. The presenter brings information regarding different wars and stories of people that dedicated their lives, like the Borgstrom brothers from Thatcher. A presentation will be held on October 17, 2016 at the Senior Center at 1:00 p.m. The presenter is Mark Hudson from Illinois. Mr. Hudson will come earlier to speak to Mrs. Debbie Long about her uncles, the Borgstrom brothers regarding the presentation. Mr. Kilfoyle would like to have a large crowd, preferably 100 people, for the presentation. It has been advertised in Brigham City and Tremonton. There will be an article in the newspaper on October 14, 2015. Mr. Kilfoyle asked the Council to provide snacks for the event, preferably something that diabetics could eat. The Council committed to provide refreshments for the event.

6. Public Hearing:

Mayor Fridal called a Public Hearing to order at 7:19 p.m. to consider amending the Budget. There were 14 people in attendance.

- a. To consider amending the Budget entitled “The Tremonton City Annual Implementation Budget 2015-2016 (General Fund, Capital Fund(s), Enterprise Fund(s), and Special Fund(s)), for the period commencing July 1, 2015 and ending June 30, 2016”

Manager Warnke stated that annually the City Council adopts a budget. It is envisioned that the budget, at the time of adoption, is the City's best estimate of revenues and expenses. Throughout the year, as the need arises, the City holds public hearings to amend the budget.

Manager Warnke stated it is being proposed that the budget be amended. Some of the significant changes to the budget relate to grants that the City is the recipient of, such as a grant to help purchase cleaner burning vehicles. Another grant is for recreation and trails projects to help develop the trailhead to provide access down to the Malad River Bottoms. The City received the grant, which amounts to about \$61,000 to help with that effort and for acquiring the needed property for the trailhead. The budget also includes acquiring some property adjacent to the trailhead for some greenspace on the east side of the Malad River at approximately 300 North 700 East.

Manager Warnke stated there are also some miscellaneous projects proposed in the budget amendment to improve City parks based on some revenue the Parks and Recreation Department generated through special events and the City is proposing to recognize this revenue and use the funds for park improvements.

There were no public comments. Mayor Fridal closed the Public Hearing at 7:22 p.m.

7. Request(s) to be on the agenda:

- a. Domestic Violence Awareness Month October 2015 – Penny Evans of the New Hope Crisis Center

Penny Evans thanked Tremonton City for their support and especially the Tremonton Police Department because without the local law enforcement, they wouldn't be able to do their jobs and the Police Department does a great service in helping victims in this area. Angela Byington is now a victim advocate based at the Garland Center once a week who also teaches life skills classes and holds support groups there as well. It is nice to have that presence in this area as well.

Ms. Evans reviewed a few of their statistics for the year: staff members responded to 3,780 crisis calls; served 518 women, 622 children, and 179 males who were impacted by domestic violence and child abuse, dating violence, stalking, and other types of abuse; and housed 35 women and 23 children for a total of 1,724 bed days. The New Hope Crisis Center does a lot of work, but unfortunately their service is needed.

Ms. Evans also invited the Council to their Awareness Walk in Tremonton on October 13th starting at 5:00 p.m., which they do to raise awareness on domestic violence and to honor survivors and victims of domestic violence. There will also be an Awareness Walk in Brigham City on October 8th including a candlelight

vigil to honor a woman from Box Elder County who lost her life to domestic violence.

Ms. Evans read the Proclamation and asked the Mayor to declare October as Domestic Violence month.

Motion by Councilmember Reese to allow the Mayor sign the Proclamation. Motion seconded by Councilmember Wood. Vote: Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

8. New Council Business:

- a. Discussion and consideration of approving utility bill write-offs for non collectable accounts

Treasurer Oyler stated these are old utility bill accounts that customers haven't paid that need to be written off. The City did all the collecting on them they could before sending them to collections, for over a year, and has not received anything more on the accounts.

Motion by Councilmember Holmgren to consider approving the utility bill write-off for non-collectable accounts. Motion seconded by Councilmember Reese. Vote: Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

- b. Discussion and consideration of adopting Resolution No. 15-36 amending the Budget entitled "The Tremonton Annual Implementation Budget 2015 – 2016 General Fund, Enterprise Fund(s), Capital Funds(s), Capital Funds(s) and Special Funds(s) for the period commencing July 1, 2015 and ending June 30, 2016"

Motion by Councilmember Wood to adopt Resolution No. 15-36. Motion seconded by Councilmember Rohde. Roll Call Vote: Councilmember Rohde – aye, Councilmember Wood – aye, Councilmember Reese – aye, and Councilmember Holmgren – abstain for conflict of interest. Motion approved.

- c. Discussion and consideration of adopting Resolution No. 15-37 authorizing the update and renewal of the MOM Brands Company, LLC Wastewater Pretreatment Agreement to discharge to the Tremonton City publically owned treatment works (POTW)

Motion by Councilmember Reese to adopt Resolution No. 15-37. Motion seconded by Councilmember Holmgren. Roll Call Vote: Councilmember Rohde - aye, Councilmember Wood - aye, Councilmember Reese - aye, and Councilmember Holmgren - aye. Motion approved.

- d. Discussion and consideration of adopting Resolution No. 15-38 amending Resolution No. 14-24 which approved an acquisition agreement between Holmgren Properties LLC and Tremonton City for the acquisition of land in the vicinity of 300 North and 700 East for the purpose of providing a trailhead and off-street parking for the City's owned conservation easement and trail easement for the Malad River Bottoms. (The purpose of amending the acquisition agreement is to purchase additional property to develop a park space adjacent to the trailhead and off-street parking areas.)

Motion by Councilmember Rohde to move forward with Resolution No. 15-38. Motion seconded by Councilmember Wood. Roll Call Vote: Councilmember Rohde – aye, Councilmember Wood – aye, Councilmember Reese – aye, and Councilmember Holmgren – abstain for conflict of interest. Motion approved.

- e. Discussion and consideration of adopting Resolution No. 15-39 requesting the recertification of the Tremonton City Justice Court from the Justice Courts Standards Committee and the Utah Judicial Council

Motion by Councilmember Holmgren to adopt Resolution No. 15-39. Motion seconded by Councilmember Reese. Roll Call Vote: Councilmember Rohde - aye, Councilmember Wood - aye, Councilmember Reese - aye, and Councilmember Holmgren - aye. Motion approved.

- f. Discussion and consideration of approving Resolution No. 15-40 approving an Impact Fee Reimbursement Agreement for dedication of land (parcels numbers: 05-062-0084, 05-062-0088 and a portion of parcel number 05-062-0091) for System Improvements for a Trail System

Motion by Councilmember Holmgren to adopt Resolution No. 15-40. Motion seconded by Councilmember Rohde. Roll Call Vote: Councilmember Rohde - aye, Councilmember Wood - aye, Councilmember Reese - aye, and Councilmember Holmgren - aye. Motion approved.

- g. Discussion and consideration of adopting Resolution No. 15-41 a Federal Aid Agreement associated with the Congestion Mitigation Air Quality (CMAQ) funding for Tremonton City's acquisition of low emission vehicles

Manager Warnke stated the City and Box Elder County have been declared by the Environmental Protection Agency (EPA) to be in a non-attainment area as it relates to air quality. There are a lot of restrictions that come with this non-attainment area but there are also some federal funds available to help address air quality and congestion on freeways and road networks.

Manager Warnke stated the City applied for and received \$150,000 in CMAQ funding for low emission vehicles that will be used to replace some older vehicles in the fleet with more efficient vehicles. Three of those vehicles will be the Meals-on-Wheels vehicles, one vehicle purchased for the administration at the City Offices that will be available to use for any purpose such as training and meetings, and one purchased to replace a Parks Department truck. The City is required to match 6% of the funding equaling \$10,000.

Motion by Councilmember Wood to adopt Resolution No. 15-41. Motion seconded by Councilmember Reese. Roll Call Vote: Councilmember Rohde - aye, Councilmember Wood - aye, Councilmember Reese - aye, and Councilmember Holmgren - aye. Motion approved.

- h. Discussion and consideration of adopting Resolution No. 15-42 participating in the 2016 State of Utah Multi-Agency LiDAR acquisition for land use, mapping, and environmental management and authorization to sign a validation of proposed funding partner form

Manager Warnke stated the current Resolution is written so the City would participate in getting all of the incorporated limits finished, but proposed being allowed to re-write the Resolution to require the data for the entire City's planning area, which includes land declared in the Tremonton City Annexation Policy Plan. Remote Sensing is the technology used that will measure elevation and vegetation on the ground through a fly-over from an airplane using a laser light. It is really reasonable to participate and get the data now because of the volume of data the State is asking the contractor to provide. The cost to the City would be right around \$5,500.

Motion by Councilmember Holmgren to adopt Resolution No. 15-42 and have the State do the mapping including all the planning area. Motion seconded by Councilmember Reese. Roll Call Vote: Councilmember Rohde - aye, Councilmember Wood - aye, Councilmember Reese - aye, and Councilmember Holmgren - aye. Motion approved.

9. Comments:

- a. Administration/City Manager Advice and Consent.

- 1) Manager Warnke reminded the Council of the upcoming Meet the Candidates open house. Mayor Fridal asked if each candidate would be making a presentation. Manager Warnke stated he thought it was just an open house format.

Manager Warnke also stated there will be the holiday open house for employees on Tuesday, November 24th from 2:00 p.m. to 5:00 p.m.

b. Council Reports:

Councilmember Holmgren stated earlier in the day he went around with a photographer taking pictures of important sites throughout the City. In November, the City is hoping to roll out a new website and the pictures will be a part of that. The crowing moment of the day was recreating a photo of downtown Tremonton Main Street taken around 1958 with three girls standing in the crosswalk and a policeman holding a sign. The original picture was taken to be sold as a postcard of Tremonton.

Councilmember Reese gave kudos to the Fire Department for achieving an ISO Rating of 3. That is a big accomplishment and what it does for each citizen of the City is lowers their insurance rates on their home. It also puts the Fire Department in the upper 10% of Fire Department efficiency. Between 2010 and 2015 the Fire Department was an ISO Rating 4 and this year they made it to an ISO Rating 3.

Councilmember Wood seconded Councilmember Reese's comments about the Fire Department.

Councilmember Rohde stated that when the City Council was at the Utah League of Cities and Towns Conference in Salt Lake, he spoke with someone from Brigham City who suggested reaching out to the Utah Transit Authority (UTA) to see if there are any possible bus routes the City could get here to help citizens who are commuting south to work and encouraged the City to reach out to UTA and see if that is available.

Councilmember Rohde stated the City is doing a lot of good things and he is excited about the bike trails and walking trails that help encourage citizens to be healthy and get out and walk and feel safe on City roads and encouraged the City to continue moving forward with the trails and looking for ways to increase the health of the community.

Councilmember Rohde had the opportunity to speak with the Garland City Mayor and was encouraged with his words of wanting to collaborate and bring together the relationship between Tremonton and Garland and encouraged the City to reach out and continue to move forward to improve relationships with them.

Mayor Fridal stated he was expecting more citizens at the meeting tonight to make public comments concerning the recent accident in the crosswalk on Main Street. The City has some issues with children crossing the street when it is busy

and the City should look in the future at ways of making it safer for our pedestrians crossing the street.

Councilmember Reese stated he has sat at the corner two different times while there has been a busy flow of cars and 40% of those people driving through town were on cell phones. It is going to be a combination of a lot of things needed to fix these problems at the crosswalks. Mayor Fridal stated it is a significant problem and should be addresses in the relatively near future to minimize the accidents happening.

Councilmember Holmgren stated Main Street is a Utah Department of Transportation (UDOT) road and that brings all of its own issues and regulations, but the City needs to approach UDOT about children getting hurt on that road. The issue is something that needs to be addressed.

10. Adjournment.

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

The meeting adjourned at 7:50 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 Cynthia Nelson and Linsey Nessen.

Dated this _____ day of _____, 2015.

Darlene S. Hess, Recorder