

**TREMONTON CITY CORPORATION
CITY COUNCIL MEETING
OCTOBER 1, 2019**

Members Present:

Diana Doutre

Lyle Holmgren

Jeff Reese

Bret Rohde

Lyle Vance

Roger Fridal, Mayor

Shawn Warnke, City Manager

Linsey Nessen, City Recorder

CITY COUNCIL WORKSHOP

Mayor Fridal called the October 1, 2019 City Council Workshop to order at 6:03 p.m. The meeting was held in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Those in attendance were Mayor Fridal, Councilmembers Doutre, Holmgren, Reese, Rohde, and Vance, City Manager Warnke, and City Recorder Nessen. The following Department Heads were also present: Public Works Director Paul Fulgham, Police Chief Kurt Fertig, and Building Official Steve Bench.

The following items were discussed out of order.

1. Discussion of the proposed Aspen Ridges Townhome project located at approximately 250 West Rocket Road and the draft Aspen Ridges Overlay Zone District

Manager Warnke said Sadler Construction developed Tremonton Pines between the canal and railroad tracks on 600 South going north. They did a great job with that development and targeted a specific market with some great amenities. They approached the City about rezoning a property they are looking to purchase, which is located kind of within that same corridor. It is north of Rocket Road and sits between the canal and railroad tracks. It has been annexed into the City. The current zoning is half-acre lots, but they are proposing a townhome project. The Planning Commission held a public hearing and had good participation by the public expressing their concerns. City staff has written an overlay ordinance to address those. Sadler Construction wants to get a sense of what the Council wants since it is a legislative decision. It would go back to the Planning Commission for a public hearing.

Manager Warnke said residents say they preferred larger lots because they think that creates stronger land values, but that is not always the case. There is concern about the density that is being proposed, but I think this is a good location for it. Our code requires a 10 foot landscaped buffer for multi-family projects. By having the trail corridor, there is 20 feet plus the 80-foot canal width to the east and on the opposite side you have a 100-foot rail corridor. The public brought up an issue about traffic and roads, but it is a great

location. Rocket Road is classified as a minor arterial, Tremont Street is a major arterial, and 600 South is a collector road. They surround this property so it is a good location to receive additional traffic. I do hope we can connect this project all the way to 600 South. When there is this much density I think a trail like the rail trail corridor would service this type of development and we have talked about trying to incorporate it. This would allow a large group of people access to an alternative form of transportation that is designed and focused on trying to move people to the shopping district on Main Street and a safe route to school. I am impressed with the product type, which is something we do not have within the City. Having housing options at different prices makes a great community and attracts different types of people at different stages of life. Some of the amenities they propose are a clubhouse, theater room, a fitness center, pool, Jacuzzi, and playground. The building type will be masonry material for some nice townhomes built for all walks of life. The end units are main floor living with bigger units in the middle. Sizes range from 1,400 to 3,000 square feet with garages.

Manager Warnke said there was not a zoning district to fit this type of zone. The 16 dwelling units per acre was proposed, but the plan is to do 10 units per acre. What we are proposing for this project is an overlay district. The underlying zoning would be RM-16 with an overlay district that adds supplemental regulations that trump the underlying zoning in certain locations. This would limit it to 10 dwelling units per acre and determine exterior materials. Having a nice product with these amenities brings additional value to the City. This is all written into the overlay to ensure what is being proposed is what is approved. There will be private roads so it would be good to have them run from Rocket Road all the way to 600 South and stub to another public road. If we could work something out with the other property owner north of there, then the two parcels could be developed together and allow master planning to occur. The Planning Commission recommended denying the rezone, but many of the concerns would be addressed through the overlay district. This would go back to them, but the Council ultimately needs to make the decision. After we drafted the overlay ordinance we took it to the Planning Commission and their response was favorable. When asked if the land were to be sold off, Manager Warnke confirmed that the zoning would stay. This is the best opportunity we have to work out some of these issues and to formalize what this project is going to look like. The Council asked about the water table, but other homes in the area have basements and the City's 18-inch drainage line goes through there, which should help. Councilmember Vance said we need housing in this area. There are no entry-level homes and I think this is a good idea. Councilmember Holmgren asked how many units they are proposing, which is about 160 units for purchase.

2. Discussion of the proposed 1000 North Corridor Preservation Overlay Zone District

Manager Warnke said we are planning another overlay ordinance that is meant to address the expansion of 1000 North from 2300 West to Interstate 84. There are many different zoning districts along this corridor that accommodate commercial and residential uses. This tries to protect the corridor from individuals building too close to the road. With the hillside, there needs to be fill-slopes for the road to expand, which is going to be pushed out to support the curb, sidewalk, and gutter. The overlay district will increase the

setbacks to 50 feet. Engineer Chris Breinholt is doing preliminary engineering on the next phases in order to construct the road and help ensure people push their homes back far enough so in the future, as things build out, the City does not encroach on them. At the time of building permit for subdivisions, the City can exact requirements or improvements relative to the demand that the subdivision has on the City. There is a correlation between issuing more building permits and the need to expand the road. For that reason, we will require a fill-slope easement as an exaction to support the sidewalk. Director Fulgham said we will work around existing homes to make their transition into the road not so steep. If we can get them to build behind a certain point, then it saves us from having to buy the fill-slope. This allows us to build a road and taper back into theirs so it is not as steep and we do not have erosion problems. When doing federal highway projects, UDOT makes you obtain things as part of the design so we are trying to get ahead of that. Manager Warnke said the code allows us to exact the fill-slope easement. The setback would be accomplished by adopting this, but it also makes it clear and puts people on notice that this is a corridor we are trying to preserve. They would participate because they are part of creating the demand to expand the road.

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

Manager Warnke said the Bear River Heritage Area is a boundary that is created based upon cultural and historical assets. A few entities from Wyoming, Idaho and Utah came together because they felt this geographic area known as the Bear River has common assets. In a Heritage Area, historical assets are promoted in a way to encourage tourism. For about 16 years there has been this Bear River Heritage Area, but the hope is to make it nationally recognized, which will take an act of congress. The value of a National Heritage Area is that you receive federal funds to promote it. Part of this story for the area are the native Americans, the settlement of the Mormon pioneers, the BR massacre, and the river itself, as well as crafts—anything in that cultural heritage and tourism is promoted. If we are able to get this National Heritage Area created, then we anticipate a minimum of \$250,000, which would allow for a full-time person to coordinate the affairs and promotions. This resolution is to provide support and voice to the congressmen that this is something constituents want. BRAG will oversee it and they do not ask for any funds from us, just political support.

4. ***CLOSED SESSIONS: No closed session was 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 6:52 p.m. by consensus of the Council.

CITY COUNCIL MEETING

Mayor Fridal called the October 1, 2019 City Council Meeting to order at 7:00 p.m. The meeting was held in the Tremonton City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Those in attendance were Mayor Fridal, Councilmembers Doutre, Holmgren, Reese, Rohde, and Vance, City Manager Warnke, and City Recorder Nessen. The following Department Heads were also present: Public Works Director Paul Fulgham, Police Chief Kurt Fertig, and Building Official Steve Bench.

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 Director Fulgham and the Pledge of Allegiance was led by Councilmember Reese.

2. Introduction of guests:

Mayor Fridal welcomed those in attendance.

3. Declaration of Conflict of Interest: none

4. Approval of Agenda:

Motion by Councilmember Holmgren to approve the agenda of October 1, 2019.

Motion seconded by Councilmember Doutre. Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, Councilmember Vance - aye. Motion approved.

5. Approval of minutes – September 3, 2019

Motion by Councilmember Doutre to approve the minutes of September 3, 2019.

Motion seconded by Councilmember Reese. Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, Councilmember Vance - aye. Motion approved.

6. Public comments: Comments limited to three minutes.

Marie McManis moved to the area six months ago and is working on a petition for an off leash dog park, allowing a place for the community to socialize with canines and their owners. She hopes to develop a well-maintained open space that is available to all dog lovers and friends willing to uphold the rules and restrictions. She said parks offer a wealth of benefits to dogs and have been successful in surrounding towns. If they already have an acre area, they would just have to have it fenced, with water available and some benches. She asked on Tremonton Classifieds Facebook page if a park was in the area and received a lot of interest about one being opened.

7. Presentation

- a. Presentation by the Women’s Civic League, GFWC regarding the Holmgren Nature Park and Trail—committee member Kathy Bessinger, Debbie Lee, Phyllis Sorensen, and Lyla Miller

Chairman Bessinger said the Women’s Civic League is excited about the walking path and, as the Community Improvement Project Committee, would like to give a check for \$2,455 to the City. This will pay for three benches that have already been ordered. We will have another \$2,500 to spend toward the walking path for interpretive signage. We saw an update on the walking path plans and think it is a wonderful area that is well planned out and a nice addition to the community. It is nice to have a safe place to walk. We are very excited to be a part of developing this area.

8. Proclamation

- a. Proclamation for Domestic Violence Awareness Month—Penny Evans, Angela Byington, and Teneya Lafors

Penny Evans thanked the Council for their time and welcomed her associates. She said we have an amazing staff and community support—we could not do the work we do without them. She read through their countywide statistics, which reflect how many people they have helped when dealing with domestic violence, sexual assault, child abuse, stalking, dating violence, and other crimes. We help people find safety and succeed to become self-sufficient. The Council was invited to their Domestic Violence Awareness Walk on October 16 in Tremonton at 5:30 p.m. She also reminded them about their fundraiser—Reindeer Games—that helps with their free services. Their main shelter is located in Brigham City, but they have an office in Garland and a victim advocate who comes to Tremonton a couple times a week. We also have a justice court advocate that covers all the justice courts in the County and walks people through that process. I also want to give a shout out to the police department—we could not do our work without the officers. A domestic violence call is one of the most dangerous they can go on and we appreciate their work. She then read the proclamation, which was signed by Mayor Fridal.

Motion by Councilmember Holmgren to proclaim October as Domestic Violence Awareness Month. Motion seconded by Councilmember Doutre. Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, Councilmember Vance - aye. Motion approved.

9. New Council Business:

- a. Discussion and approval of August Warrant Register

Motion by Councilmember Vance to approve the August Warrant Register. Motion seconded by Councilmember Reese. Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, Councilmember Vance - aye. Motion approved.

- b. Discussion and approval of August Financial Statements

Motion by Councilmember Reese to Approve the August Financial

Statements. Motion seconded by Councilmember Doutre. Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, Councilmember Vance - aye. Motion approved.

- c. Discussion and consideration of approving Resolution No. 19-44 supporting the establishment of the Bear River National Heritage Area

Brian Carver from BRAG said what the National Heritage Area Program seeks to do is identify cultural and historical resources within those areas and look for ways to tell that story. Our immediate area does not include any national parks, but we do have a number of national historic sites and monuments, including the Golden Spike National Historic Site, a number of bird and wildlife refuges, and national grasslands and forests within our boundaries. We are working with the three counties in northern Utah and four in southeastern Idaho to become part of the National Heritage Area Program. For the past few years, we have fostered a number of activities to identify and promote these resources and help communities and property owners, on a voluntary basis, look at ways to preserve and enhance historic buildings, sites, and cultural activities. We want to promote activities and create opportunities for people to visit and learn about our unique culture and history. Our current effort is to become part of the National Heritage Area system, which requires an act of congress. Congressman Rob Bishop has prepared a Bear River National Heritage Area Act and we are contacting all the communities in the area to build support and create awareness. He read a list of things this area cannot interfere with and said we are a technical resource to local communities who want to engage in conservation and the promotion of historic resources. Engaging on a national level opens up more resources to us.

Motion by Councilmember Vance to approve the resolution. Motion seconded by Councilmember Holmgren. Roll Call Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, Councilmember Vance - aye. Motion approved.

- d. Discussion and consideration of adopting Resolution No. 19-45 approving Spring Acres Phase 6 Subdivision Development Agreement

Manager Warnke said this is a standard template that has already been recorded. In the special conditions it talks about fee in lieu for streetlights and chip seal specific to this subdivision. They have paid and it has been recorded.

Motion by Councilmember Reese to adopt the resolution. Motion seconded by Councilmember Vance. Roll Call Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, Councilmember Vance - aye. Motion approved.

- e. Discussion and consideration of adopting Ordinance No. 19-11 amending the Tremonton City Land Use Code, including Title I Zoning Ordinance, Chapters 1.03, 1.04, 1.08, 1.19; Title II Subdivision Ordinance, Chapter 2.05; and Title III General Public Works Construction Standards and Specifications

Official Bench said Chapter 3 is the definition chapter and talks about storage sheds being a part of this ordinance. Commercial outdoor would be retail places that store things like lumber. Self-storage enclosed is garage doors or man doors, and outdoor self-storage are places for RVs and boats.

Official Bench said Chapter 4 discusses different committee's duties. The Planning Commission has been the Traffic Advisory Board, but since we have a larger staff and day-to-day things that need to be looked at, it was recommended we remove the Planning Commission as such and setup another board that would consist of the Police Chief, Public Works Director and someone else. The Planning Commission and City Council would still be involved on big issues.

Official Bench said Chapter 8 is the commercial and industrial chapter. In the past, the allowed zoning was mainly in the industrial area; MD-B and MD-G zones. Part of this was to open it up to other areas with a conditional use and site plan approval. Chapter 19 is the supplementary chapter where the self storage ordinance was placed. It talks about regulations that protect the neighborhood and City. There are guidelines on setbacks, security, lighting, and fencing, as well as landscaping, signage, and surface area. Councilmember Reese asked if the existing storage facilities would be grandfathered in, which they would. The Council asked Manager Warnke for his opinion. He said these are reasonably debatable decisions. I am cautious about storage units and where they are placed because I do think they have a more industrial feel to them. As I looked at the purpose associated with each zoning district and the vision of what the land uses are contemplated within that district, I felt most comfortable with it in the MD-B zone, but realize that is a wide range of uses. We did our best to balance needs within the proposed regulations. We tried to keep it away from the Commercial Highway (CH) zone—the main thoroughfare corridors. Councilmember Vance said standardization is something I am concerned with. When someone comes in for a conditional use, are we deciding whether or not they can put that in or are we saying some people have to abide by these stipulations and some do not? Manager Warnke said it is an administrative decision at that point, which means a conditional use takes an additional review and potentially additional conditions. We have created those conditions. We review permit applications and there is an allowance for additional conditions, but it really focuses on reviewing an application against the regulations that have been adopted. Councilmember Vance said I am worried about doing something for somebody and not someone else. There needs to be standards so when someone looks at our policy, they know what we are asking for, no questions asked. Manager Warnke said that is what these supplemental regulations are there for, as well as the standards that are more general and broad in our conditional use chapter. The site plan review would be approved by the DRC board delegated through the code.

Official Bench said Title II talks about easements. There is no longer a need for the 7.5-foot easements around the sides and back of lots. All utilities are out front and this would eliminate heartache for landowners and the City in the future. We would maintain the 15 feet in the front. If the City engineer sees a need for additional easements, that would be part of a subdivision before it is recorded.

Official Bench directed the Council to Chapter 19 and said when the RV Park

came in, the owner requested not allowing tents. We put that in, but an issue arose where a family had paid, setup their tent and were later kicked out and told it was the City's fault. We are striking that and letting the RV Park manage it.

Motion by Councilmember Rohde to adopt the resolution and amend the codes. Motion seconded by Councilmember Reese. Roll Call Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, Councilmember Vance - nay. Motion approved by a 4-1 vote.

- f. Discussion and consideration of adopting Ordinance No. 19-12 creating a new zone district called the Edgewood Overlay Zone and amending the Tremonton City Zoning for four parcels of property (05-043-0070; 05-043-0068; 05-043-0071; and 05-043-0056) that total 34.997 acres more or less be rezoned from Residential RR-1; R1-20; R1-10; and R1-8 to an underlying zone district of Mixed Use (MU) and an overlay zone district of the Edgewood Overlay Zone

Official Bench said this is the vacant property north of Archibald Estates. The developer would like to do mixed housing. The first row of homes would be larger and comparable to those in Archibald's. There will be a street buffer as it goes into the smaller lots with single-family detached homes with garages. The active adult area would have patio style homes with garages and then there would be the townhomes. There would be smaller, private roads that would access the dwelling units. In the ordinance it says that if the single-family dwellings are selling, they would want to amend or ask to take up some of the townhome property for more of those. There is a limit on the number of dwelling units and they will not be bunched together. There will be no commercial, just residential and that is what the overlay ensures.

Motion by Councilmember Reese to adopt the ordinance. Motion seconded by Councilmember Rohde. Roll Call Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, Councilmember Vance - aye. Motion approved.

- 10. Calendar Items and Previous Assignment
 - a. Review of calendar: none
 - b. Review of past assignment: none
- 11. Reports & Comments:
 - a. City Manager Reports and Comments: none
 - b. Development Review Committee Report and Comments: none
 - c. City Department Head Reports and Comments

Director Fulgham discussed the 10th North slope-easements. He said there was a two year hold on applications that has been extended another two years because the highway bill is up for re-proposal and congress has to appropriate the money before we can set aside money for our project, which is usually a five-year period before the money is available. It could be another seven years before we have money. Engineer Breinholt suggested the City get the project designed and, as money becomes available, start on the

2300 West section past the canal using City funds. It is a historical canal so if they can get past it, the City would get by a lot of red tape and higher costs. As funds come, we move forward a little at a time. A project from 2300 West to I-84 will cost about \$5 million.

Director Fulgham said I send a report as we acquire water shares. We are constantly having them available to us and I believe as long as we can afford to buy them we should because they will never lose their value. We are also working out agreements with those who want to sell, but still use them for farming. We could put them in the lease pool so that water is put to the best use. We will send out ideas on how we can adjust the water rates to make them comparable as far as secondary versus culinary. We know we cannot reduce the secondary rates because that is what it takes to make the bond payments, but we could do some things to make them more comparable between the two rates. Councilmember Vance said secondary water costs more than culinary and there is no common sense behind that. We have to change things so secondary water is less than culinary. Director Fulgham said we still have to pay for new infrastructure, which is what drives the cost, not the water. Yes we have to pump it and obtain shares, but it is the pipes we put in to deliver the water that costs the most. Councilmember Vance said we want to encourage people to use secondary and not culinary. If it is cheaper to buy culinary then why would I turn my secondary water on. Director Fulgham said we have the penalty rate. Once it is in front of their house they have a year to connect before they get hit by that rate. The Council agreed it would need to be on a future agenda for discussion. Manager Warnke reminded the Council that we do not know how long it will take to build out this system. The ideal scenario is that people are paying equivalent rates.

d. Council Reports and Comments

Councilmember Vance said I am excited about the Women's Civic Club and their willingness to support and donate money to the trail.

Mayor Fridal commended the Council for their efforts. Not one of you is benefiting by being on the Council. The only reason you do it is to make Tremonton a better place. We have a terrific Council and I thank you. He also invited the Council to the Fire Department's drill night on Thursday night. Manager Warnke said we have engaged someone to do an analysis and look at data for our fire department. We need daytime coverage at the station whether it be part-time or full-time.

Motion by Councilmember Holmgren to move into closed session. Motion seconded by Councilmember Reese. Vote: Councilmember Dautre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, Councilmember Vance - aye. Motion approved.

The Council moved into a closed session at 8:28 p.m.

12. **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 Holmgren to return to open session. Motion seconded by Councilmember Doutre. Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, Councilmember Vance - aye. Motion approved.

The Council returned to open session at 8:55 p.m.

13. Adjournment.

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

The meeting adjourned at 8:55 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 _____ day of _____, 2019.

Linsey Nessen, City Recorder