

**TREMONTON CITY CORPORATION
CITY COUNCIL MEETING
JULY 20, 2021**

Members Present:

Connie Archibald

Lyle Holmgren

Bret Rohde

Rick Seamons

Lyle Vance

Roger Fridal, Mayor

Shawn Warnke, City Manager

Linsey Nessen, City Recorder

CITY COUNCIL WORKSHOP

Mayor Fridal called the July 20, 2021 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 Archibald, Holmgren, Rohde, Seamons, and Vance, City Manager Warnke, and City Recorder Nessen. The following Department Heads were also present: Community Services Director Marc Christensen, Public Works Director Paul Fulgham, Police Chief Kurt Fertig, and Treasurer Sharri Oyler.

1. Review and discussion of the recruitment process for the Police Chief position

Manager Warnke said Chief Fertig has put in his notice to retire on August 13 as he transitions into a new job. We appreciate and will miss him dearly. We have started the recruitment process and posted a job notice. The first round of reviews will be August 7, but will remain open until it is filled. It will be a similar process as we did for the police and fire chiefs with people submitting applications that we screen and the panel will interview those who submit essays. After the first round of interviews we will narrow it down and decide how best to proceed based on the number of candidates.

On the agenda it is proposed that Nick Nessen serve as the Interim Police Chief. He is the administrative sergeant and is there during the typical office hours while patrolling as needed. He is familiar with the administrative side and how the department works. I have asked him to fill the gap and he is more than willing to do that by formal appointment of the Council. This way we will not be rushed in selecting a new chief. The department is well prepared for the transition in part due to what Chief Fertig has done and we have great employees. It will likely take three months. The Council thanked Chief Fertig for his service.

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

While discussing the financial statements, Councilmember Holmgren asked how the COVID Funds factor in. Manager Warnke said Tremonton, and cities throughout Utah, were granted funds to address the impacts of COVID. There are multiple eligible costs

including salaries related to law enforcement, as well as improvements and expenses that addressed the pandemic. We received more revenue than anticipated and those funds have been accounted for. We will have a surplus at the end of this fiscal year, but we are waiting to see what that looks like. Anything in the General Fund above 25% will be distributed to various capital projects. We are waiting for the last sales tax to see how that plays out. We have a \$1.7 million surplus currently due to unexpected federal funds and a large amount of sales tax. Councilmember Vance suggested the \$700,000 be earmarked to buy a well and other sources of water. Manager Warnke said funds for the American Rescue Act could be used for water and sewer projects, but they need to determine what exactly those are. It would be wise to spend this money on long-term projects so generations can benefit from this one time money. Councilmember Vance said people are interested in selling their wells so we ought to sure up those sources. Director Fulgham said we would buy the water rights and drill another well in place of those to bring them up to culinary standards. They will continue those conversations. Manager Warnke said we have until 2024 to use the American Rescue money. The COVID money has met the requirements and will flow to capital projects, but that could be re-prioritized.

In discussing the contract with Minute Taker Jessica Tanner, Manager Warnke said this is an amendment of the agreement. The primary change is that the compensation will increase by 3% for inflation. That amount is granted to City employees and although she is a contract employee, it seemed reasonable to apply the same percentage of increase to the compensation. It is a great situation from the City's perspective and she does a great job in preparing the minutes, which saves the Recorder's office a lot of time. It has worked well and we would like to continue the relationship.

Manager Warnke said there is an agreement for animal control services with Tremonton and Brigham City, which is something we have done for years in the off chance we would need to use their shelter. This agreement sets the parameters in which we would compensate them for the use of their shelter if ours were at capacity.

Manager Warnke said the Mexican restaurant in town, El Chilito (119 West Main Street), would like to have an on premise beer license. They have gone through the Department of Alcoholic Beverage Control at the State and received that license. They now need to comply with our ordinance. The only discrepancy we see in what is being proposed is the proximity requirement to our parks. However, there is a provision that allows you to permit a beer license, after holding a public hearing. The Council was excited to have the business in town and agreed to set up the public hearing for consideration.

The Council was reminded about the Hay Days celebration and that they would be serving breakfast on Saturday morning. They also discussed the other events.

There will be a public hearing on August 3 to discuss Truth in Taxation. The Council discussed this and decided it would be beneficial to review the County Auditor's presentation from last year since he will not be available to attend the hearing that day. They suggested holding a meeting before then where he could help educate the Council on the process. Manager Warnke clarified that the only increase Tremonton receives is

revenue from new growth unless they go through the Truth in Taxation process to change the rate. That is being proposed to increase revenue to fund ongoing fire operations.

Chief Fertig's open house will be August 13 and there will be a dinner on the 12 at Iron Gate Grill located at the golf course in Brigham City. The Mayor's party will be on August 16.

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 6:53 p.m. by consensus of the Council.

CITY COUNCIL MEETING

Mayor Fridal called the July 20, 2021 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 Archibald Holmgren, Rohde, Seamons, and Vance, City Manager Warnke, and City Recorder Nessen. The following Department Heads were also present: Community Services Director Marc Christensen, Public Works Director Paul Fulgham, Police Chief Kurt Fertig, and Treasurer Sharri Oyler.

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 Archibald and the Pledge of Allegiance was led by Scout Group 126.

2. Introduction of guests: Mayor Fridal welcomed those in attendance, including a group of scouts.
3. Declaration of Conflict of Interest: None.
4. Approval of Agenda:

Motion by Councilmember Archibald to approve the agenda of July 20, 2021. Motion seconded by Councilmember Holmgren. Vote: Councilmember Archibald - aye, Councilmember Holmgren - aye, Councilmember Rohde - aye, Councilmember Seamons - aye, Councilmember Vance - aye. Motion approved.

5. Approval of minutes – June 15, 2021

Motion by Councilmember Vance to approve the minutes of June 15, 2021. Motion seconded by Councilmember Rohde. Vote: Councilmember Archibald - aye, Councilmember Holmgren - aye, Councilmember Rohde - aye, Councilmember Seamons - aye, Councilmember Vance - aye. Motion approved.

6. Public comments:

Resident Joel Wood said my wife worked at the Darryl building for 25 years and that was a devastating loss for everyone. I am grateful for our fire department, volunteers, and first responders. They did a tremendous job and I am very proud of them. I asked the Fire Chief where those firefighters I grew up idolizing were and he made the comment that they are retired. When I saw those firefighters I said I could not believe you are retired from the department and they said we did not retire we are being pushed out because we are old. That bothered me to the core to hear this from those heroes. I do not understand what is going on, but the comments I heard were very disturbing. When I heard they were forced out that bothered me. If they are getting to where they cannot serve, then we as a community need to plan events around these retirements so they can understand the difference they made. They are the heroes of our community.

Resident Mike Leighner asked why you are watering the baseball diamond by the hospital constantly when everyone else is trying to conserve water. Mayor Fridal said this is not a time to answer questions we just listen. Mr. Leighner said the State has asked residents to cut back on water so why are you not doing the same? This is a good small town and our EMS are fantastic.

Resident William Pickett asked if there is a water shortage in Tremonton. I am not sure I can agree there is. We hear it from the press and calls from the City to cut back on watering, but do we really have a water shortage? Does the City look at the well logs to find out what the levels are and have they been dropping? What are you doing about it? If we have a water shortage then why is the City still passing out water meters for new construction like candy? Thank you for your time.

Resident Shannon Butler said we have all these homes that are being built and we do not have water. Where is it going to come from and when are we going to know answers to these questions if not tonight? All these people are moving in and we have a school system that is already overloaded. There are no businesses. You have to leave town if you want a pair of tennis shoes. Are any businesses coming into town?

The Council told these residents they could setup a time to meet with Director Fulgham to have their questions answered and to stick around until the end of the meeting to hear his report. They were thanked for expressing their concerns.

7. New Council Business:
 - a. Discussion and consideration of adopting May Financial Statements

Motion by Councilmember Archibald to approve the May Financial Statements. Motion seconded by Councilmember Seamons. Vote:

Councilmember Archibald - aye, Councilmember Holmgren - aye, Councilmember Rohde - aye, Councilmember Seamons - aye, Councilmember Vance - aye. Motion approved.

- b. Discussion and consideration of adopting May Warrant Register

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

- c. Discussion and consideration of the appointment of Nick Nessen as the Tremonton City Interim Police Chief starting August 13, 2021

Motion by Councilmember Vance to appoint Nick Nessen to be the Interim Police Chief. Motion seconded by Councilmembers Rohde and Archibald. Vote: Councilmember Archibald - aye, Councilmember Holmgren - aye, Councilmember Rohde - aye, Councilmember Seamons - aye, Councilmember Vance - aye. Motion approved.

- d. Discussion and consideration of adopting Resolution No. 21-29 amending a Professional Service Agreement between Tremonton City and Jessica Tanner for the creation of written minutes for public meetings for Tremonton City's public bodies

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

- e. Discussion and consideration of adopting Resolution No. 21-30 approving an agreement for animal control services between Tremonton City and Brigham City

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

- f. Discussion and consideration of approving an on-premise Beer License for El Chilito Mexican Restaurant located at 119 West Main Street

Motion by Councilmember Rohde to setup a public hearing on August 17, 2021, to discuss the matter. Motion seconded by Councilmember Vance. Vote: Councilmember Archibald - aye, Councilmember Holmgren - aye, Councilmember Rohde - aye, Councilmember Seamons - aye, Councilmember Vance - aye. Motion approved.

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

Hay Days will be held this weekend.

- b. Review of past assignments: None.

9. Reports & Comments:

- a. City Manager Reports and Comments

- 1. Truth in Taxation Public Hearing for August 3, 2021

Manager Warnke said we have advertised for it and will hold a hearing that day, which would be the only item on the agenda. It is not scheduled for any action. That will be considered during the August 17 City Council Meeting.

- b. Development Review Committee Report and Comments

- 1. Current Development Projects

Manager Warnke told the Council of ongoing development applications that have been submitted. One includes a car wash on Main Street (1650 West). The River's Edge development is working on annexation. They have submitted an application, but need to update the map. There will be an upcoming action item for a resolution to consider accepting the annexation petition. If accepted it would go through the public noticing process. They are currently pursuing a subdivision that is already in the City's incorporated limits and are working on a final plat. As part of the annexation process we will approve a pre-annexation agreement with conditions for infrastructure that are needed to service this development. The big item is a secondary water system on the east side of the property. They will dedicate a pump station to the City. We are working on having them construct that and water mains that would supply water throughout their development. The City would participate in the upsize, but as part of the pre-annexation agreement they would be responsible for constructing the infrastructure with the City doing an impact fee reimbursement agreement. Once they do the distribution system, it will allow us to continue extending through Holmgren Estates and on.

- c. City Department Head Reports and Comments

- 1. Water Report- Paul Fulgham

Director Fulgham said we send a monthly report showing our water production and sources. We utilize springs, which do not store water, so what is not pumped naturally goes to the river. They are down a bit. During the fire we made sure all our sources were in production. They fought that fire for four hours and we lost three to four inches in the water tanks. We held our own, but put the statement out to residents to conserve because we did not know where it was going to go from there. We used four fire hydrants, two ladder trucks, and two fire engines to pump nearly

1 million gallons of water. Our tanks were able to maintain 50% during the entire fire.

Director Fulgham said comparisons are shown from month to month and year to year as we currently serve 3,430 units. I read our meters every Friday. At this point, 544 units have hooked onto secondary water, which is one reason we are able to maintain more water in our tanks. For every one we add to secondary we can add three more homes. Most of these homes being built are coming online with secondary. That means we can grow in the future because it is freeing up that much more culinary water for indoor use. By the start of next year's season we will have around 1,000 homes on secondary. By the end of the next year we should have another 500 (service areas 4 and 5). In the summer, 75% of our production goes on lawns and gardens. We are growing, but holding our own. One question that was asked is why we are asking people to conserve if we have water and that is because our Governor has mandated that. Our water belongs to the State of Utah. We have a right to use it as long as we put it to beneficial use, otherwise they can take it away. The canal company is cutting us back so Monday afternoon until Wednesday morning the secondary water system is shut down. The majority of our parks are on secondary water and some are using sub surface water. I submit a report to the State every year and we build our water system to handle peak day demand in June, July, and August. During other times of the year we have plenty of water storage and capacity.

2. Wastewater Report- Paul Fulgham

Director Fulgham said we are rebuilding the air rotors and limping by since we are down to three. They have lived their life and the bearings are worn out. They will be here next week. We will start taking it down and repairing it. It will take two weeks to repair one and then we will take the other side down. It is split into two so we can keep one basin going and continue treating wastewater.

d. Council Reports and Comments

Councilmember Vance brought up the Truth in Taxation process and making sure the Council has an understanding of that process from the County Auditor before their meeting on August 3. Manager Warnke said the auditor is very responsive and will answer questions. I will send over his presentation for the Council's review.

Manager Warnke then gave a quick overview for the public in attendance as to why this property tax increase is needed. Over time our call volume has increased and we anticipate it will continue to. Currently we have a volunteer system for the fire department. Previous to being on-call, people had pagers and so we never knew who was coming. Under this new staffing model we will know who is available. With the on-call system not all the shifts are being filled so we still

have holes in our coverage. We need to migrate to a system where individuals at the fire station staff the first call. We would hire six full-time firefighters and one part-time so we would have a crew of three to take the first call. The second call would rely upon the heroes in our community, who have served for many years. It has been a long conversation discussed and studied over multiple years. We have done things within our control to mitigate the additional resources that we need. We have a gap of \$200,000 and that is what the proposed property tax would do.

Councilmember Holmgren said we planted trees at the cemetery and some of them are suffering a bit. We need to do more watering on those trees.

Councilmember Rohde said I was a little concerned over the comment about the firefighters feeling pushed out. I can understand why they feel a bit threatened and wonder if our Fire Chief is aware of those feelings. Can we have that discussion with him? I thought the things we are doing is at their request. They are burned out and everything we are doing is to help them. With everyone who retires in these positions we need to recognize them. Manager Warnke said the survey from the fire department showed that 80% of them could not give more and wanted help in providing services. Their preferred way to be recognized is with an axe as they near retirement. The City has purchased and distributed those.

Councilmember Seamons said the fire department, and everyone involved, did a great job on that fire.

Mayor Fridal echoed his response and said that was a terrific job of interagency support between Tremonton, Garland, and Brigham City to save that block.

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

The Council moved into a closed session at 8:02 p.m.

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

The Council returned to open session at 8:10 p.m.

11. Adjournment.

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

The meeting adjourned at 8:10 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 17th day of August, 2021.

Linsey Nessen, City Recorder