

**TREMONTON CITY CORPORATION
CITY COUNCIL MEETING
AUGUST 17, 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 August 17, 2021 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 Archibald, Holmgren, Rohde, Seamons, and Vance, City Manager Warnke, and City Recorder Nessen. The following Department Heads were also present: Fire Chief Robert LaCroix (arrived at 6:04 p.m.), Community Services Director Marc Christensen, Public Works Director Paul Fulgham, Interim Police Chief Nick Nessen, and Treasurer Sharri Oyler (arrived at 6:02 p.m.).

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

Mayor Fridal suggested they do Public Comment after the New Council Business in order to allow citizens to have their questions answered by City Staff after the meeting since they do not talk during public comment.

The Council discussed ratifying the Tremonton Place Phase 3 Development Agreement, which is located off Tremont Street on the south end of town. Manager Warnke said it is a single-family subdivision with 10,000 square foot lots. The Special Conditions section associated with the development are pretty standard. Code allows City staff to record plats and development agreements as long as there is nothing unique. Director Fulgham said two lots are encumbered by dirt that they are removing. All the lots will have a home on them within the next month. They have piped and filled in the ditch behind the properties.

The Council then discussed ratifying the Archibald Estates Plat K Development agreement. Manager Warnke said this plat is located on the far east side of Archibald Estates and butts up against property that Envision Estates owns. The stub road going through has been eliminated for several reasons, but the most significant is because it was in close proximity to the collector road. As part of this development they are dedicating a pump station for Service Area 5 (located at 1000 North 1000 West). This has also been recorded. They are resolving it, but there was a 10-acre parcel strip that runs just along the side of Envision Estates' property. Councilmember Holmgren said with all this

development people say we are throwing out building permits like we are throwing out candy in a parade. I know that is not the case and a lot of work goes into planning this. How is our water supply? Director Fulgham said we know how much water we have and we know what a home uses, especially if it is a home without secondary. We can build three homes with secondary versus one home without. That is why it is important to have the majority of homes coming in with secondary water. I was doubtful we as a community would conserve, but our numbers show our residents are conserving water. We are doing well. Our usage is down and we have been able to maintain water in our tanks this summer.

The Council discussed a resolution to ratify an amendment to their agreement for Consolidated Dispatch Services in Box Elder County. Manager Warnke said this is an agreement Mayor Fridal has already signed and was approved some time ago. There was a defect in the agreement that was identified through a legislative audit. It was passed with correcting that deficiency and has been sent out to all the partners to sign. A central dispatching service provides dispatch for all public safety calls in Box Elder County. This is a cooperative agreement between all the governmental entities and is funded through the Department of Public Safety and Box Elder County. Everyone with a phone line pays a tax to help fund the emergency dispatch. The agreement contemplates that fees could be assessed to all the participating entities to help bolster and provide resources, but it has not happened. The deadline was at the end of July and for that reason we signed it. For this next fiscal year there are no fees from the City to support this, they will continue to use the same funding source as before.

Manager Warnke said we need to adopt the Proposed Tax Rate Increase for the 2021 tax year to stay on task with the schedule for the property tax system. Councilmember Rohde confirmed that 100% of the tax the City is requesting would go to the fire department for additional staffing.

The Council then discussed a resolution to provide a written objection, consistent with Utah Code regarding a concept plan for the King & Hancock Trucking complex located along Canal Bank Road in unincorporated Box Elder County. Manager Warnke said we are starting to see development pressures outside our incorporated limits. They are inside the County, but within our declared annexation area. When that occurs, the State Code requires the County to give us notification and allows us to provide written comments. They have put together a concept plan and are installing water improvements from Garland City. Canal Bank Road connects into 1000 North and parallels I-15. Frontage roads are owned by UDOT, but the City is responsible for maintenance. It is not currently developed to UDOT specification and for that reason we are having a geo tech survey done to sample the road to see how it was constructed and what the soils are like to provide us with a written analysis. We are waiting on those findings to see what capacity it can bear. The other issue is about the actual intersection width on 1000 North. That width needs to accommodate truck traffic, a turning radius, and a larger receiving lane on Canal Bank Road. It is close to UDOT facilities and they have protection strips that restrict traffic so there is not a lot of congestion around the on and off ramps. There is currently access across the street. We might need to coordinate with UDOT to see what

they would allow. We are requesting that the County exacts the improvements to accommodate this development. This is about 700 feet, but we do not know what the improvements will be until we have the findings from the geo tech. This is just to request the County consider exacting those improvements to make sure it is done properly. Governmental agencies can exact improvements that are roughly proportionate to the impact of the development on the City. Sometimes the City participates in upsizing. We can also take a fee in lieu if they cannot make the improvements at that time for sidewalks, curbs, and gutters. In the future the City would make those improvements. We think the road is adequate to handle the development that is currently there, but might not be able to handle new development and a trucking operation with larger vehicles and weights. That is what we want to determine through this engineering analysis. If it is not, then we think that it is roughly proportionate to require them to reconstruct the road.

Director Christensen told the Council about a special event permit for the Pumpkin Walk on October 8-9. It will not be at the trailhead this year since there are more homes and not as much parking. The Women's Civic Club has decided to move it to Shuman Park and have booths along the sidewalk. They need approval for a special event and since it is overnight, I thought the Council should be aware of it to see if you have any concerns. The Council agreed they were sad to see it move, but can see the reasoning.

The Council then discussed the disposal of a LUCAS Chest Compression System. Chief LaCroix said I wrote a grant and got \$147,000, which is part of the funding to purchase more devices. I can purchase five brand new machines that are similar to three of the other brand. We need four to outfit all our vehicles. This saves us \$16,000 to do it this way. We want all the devices to be the same to help in stressful situations so we bought five. I would like to sell the other device within the County. Councilmember Rohde brought up a citizen's comment about response time goals. Have you thought about that? Chief LaCroix said the goal is one minute for medical aid and 90 seconds for structure fires (since they have gear to put on). Currently it takes us around seven minutes for medical calls and we are longer on fire calls since we are not at the station. Councilmember Archibald said when we purchase insurance for homes do we need to indicate to insurance companies how well we do with calls? Are people's insurances going to be less because of what we are doing? Chief LaCroix said ISO is who rates us and a lot of the rating is based on hydrant location, water, and equipment, but having a full-time staff will improve it. Staffing does play a factor in lowering the ISO rating.

Councilmember Rohde said our fencing code states we need to have fencing (six feet tall) along railroads and canals to protect the public. Some subdivisions do not have fencing, including the one by the South Stake Center. As those buildings are being completed I am concerned about safety. Manager Warnke said it is not uncommon for developers to make all the improvements upfront so they do not have to bond for a larger amount, but sometimes we like them to delay the fencing so as they do the landscaping and finish construction it does not get destroyed during that process. That is usually one of the last items to be installed. Councilmember Rohde also mentioned that on the east side of the subdivision along the canal they have a nice metal fence that is only four feet. Manager Warnke said the idea is that it discourages people from getting into the area, but with the

canal and trail we want people to use it. Councilmember Rohde said when going up that street the road is wide, but there is a bridge that is quite narrow. I hope we have plans of widening that. Manager Warnke said yes, in the future.

2. **CLOSED SESSIONS: No closed session 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 6:50 p.m. by consensus of the Council.

CITY COUNCIL MEETING

Mayor Fridal called the August 17, 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: Fire Chief Robert LaCroix, Community Services Director Marc Christensen, Public Works Director Paul Fulgham, Interim Police Chief Nick Nessen, Treasurer Sharri Oyler, and Zoning Administrator Steve Bench (arrived at 7:00 p.m. and left at 7:12 p.m.).

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 Rohde and the Pledge of Allegiance was led by Councilmember Seamons.

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 August 17, 2021 with item 6. Public Comment, being move down to right before item 9. after the New Council Business. Motion seconded by Councilmember Vance. Vote: Councilmember Archibald - aye, Councilmember Holmgren - aye, Councilmember Rohde - aye, Councilmember Seamons - aye, Councilmember Vance - aye. Motion approved.

5. Approval of minutes – July 20, 2021, July 30, 2021, & August 3, 2021

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

Motion by Councilmember Vance to approve the minutes of July 30, 2021. Motion seconded by Councilmember Archibald. Vote: Councilmember Archibald - aye, Councilmember Holmgren - aye, Councilmember Rohde - aye, Councilmember Seamons - aye, Councilmember Vance - aye. Motion approved.

Motion by Councilmember Holmgren to approve the minutes of August 3, 2021. Motion seconded by Councilmember Seamons. Vote: Councilmember Archibald - aye, Councilmember Holmgren - aye, Councilmember Rohde - aye, Councilmember Seamons - aye, Councilmember Vance - aye. Motion approved.

The following items were discussed out of order.

6. Public comments: Comments limited to three minutes.

Bruce Hancock said on the resolution for our trucking company I wonder how we can object to the County or pass this before we know the details of the geo tech. It seems like we are jumping the gun on making a resolution since there are no facts to defend. I also want to make sure the Council realizes there has been trucking up and down that road for years and the road has been just fine. We are not opposed to working with the City we just want to do it in an amicable way and make it work for the City and be pertinent for us, too. I feel a little bit blindsided because last night was the first we knew of this resolution in anyway, shape, or form. It seems like there should have been some type of notification. That is lacking in my view. We just want to work with the City.

Gary Madsen said I am a little concerned that you changed the public comment period until after the vote on the resolutions. I can appreciate if that works better for you, but as a citizen or someone with an interest I would think the Council would like to hear comments from their citizens about the things they are going to be voting on prior to your vote. There is a possibility that Mr. Hancock or Mr. King would have a comment that might make you pause and vote in a different way, or table it and make a decision down the road. Public comment should happen prior to your vote because it could have an influence on your decision.

7. Years of Service Awards:
- a. Steve Bench, Building Official – 25 Years
 - b. Tara Buckway, Administrative Assistant – 5 Years
 - c. Skyler Gailey, Police Officer – 5 Years

Mayor Fridal thanked them for their years of service.

8. New Council Business:
- a. Discussion and consideration of adopting Resolution No. 21-31 ratifying the Tremonton Place Phase 3 Subdivision Development Agreement

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

- b. Discussion and consideration of adopting Resolution No. 21-32 ratifying the Archibald Estates Plat “K” Subdivision Development Agreement

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

- c. Discussion and consideration of adopting Resolution No. 21-33 ratifying an amendment to the Cooperative Agreement for Consolidated Dispatch Services in Box Elder County

Motion by Councilmember Vance 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.

- d. Discussion and consideration of adopting Resolution No. 21-34 approving the certified tax rates for the 2021 tax year

Councilmember Archibald said I cannot think of anything that makes me feel better about the safety of our community than adopting this resolution. I believe our communities need this increase. It has been so many years and we need to make sure our neighbors are safe and we have what we need for safety. I appreciate the police and fire department that do so much for us. I feel really good about what we have put together after years of this being discussed as a City. Councilmember Rohde said this has been a long process. We decided this a couple years ago with some research being done. Part of that plan was to bring in the fire chief and he has done a great job of getting the City where we need to be and presenting a great plan. Two weeks ago on a zoom call I was concerned about our response times at seven to nine minutes, but today the Chief brought up the State Code and our goals will be to get those down to 60 and 90 seconds, which would be very attainable only under this model. We cannot do it as a volunteer system. With that being said our volunteers have done a phenomenal job over all these years, but our culture is changing and our City is growing.

Motion by Councilmember Archibald to adopt the resolution. Motion seconded by Councilmember Holmgren. 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. 21-35 providing a written objection, consistent with Utah Code 10-2-402 (5) (a)-(b), regarding a

concept plan for the King & Hancock Trucking complex located at 12270 Canal Bank Road in unincorporated Box Elder County

Councilmember Rohde said I do not like the word objection because we do not object to what they are doing, but it has to be stated as such. Councilmember Holmgren said this exaction needs to be proportionate to their impact—that is important to note. For any upsizing the City would be participating. We want to protect Tremonton City and our interest. We are not objecting to what you guys are trying to do it just needs improvements. Manager Warnke said this concept plan will go to Box Elder County's Planning Commission to review. We will provide them with all the information we have with the geo tech analysis being forth coming.

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 a Special Event Permit for Bear River Valley Pumpkin Walk, a Community Event at Shuman Park on October 8 & 9, 2021

Motion by Councilmember Archibald to approve the permit for the Bear River Pumpkin Walk. Motion seconded by Councilmember Seamons. Vote: Councilmember Archibald - aye, Councilmember Holmgren - aye, Councilmember Rohde - aye, Councilmember Seamons - aye, Councilmember Vance - aye. Motion approved.

- g. Discussion and consideration of authorizing the disposal of the LUCAS Chest Compression System

Motion by Councilmember Archibald to authorize the disposal of the LUCAS Chest Compression System. Motion seconded by Councilmember Rohde. Vote: Councilmember Archibald - aye, Councilmember Holmgren - aye, Councilmember Rohde - aye, Councilmember Seamons - aye, Councilmember Vance - aye. Motion approved.

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

Manager Warnke said the Northern Box Elder County Suicide Prevention Coalition town hall meeting is coming up in September at the fairgrounds. Councilmember Archibald said they have a speaker and discuss ways to prevent suicide in our community, which impacts us greatly. It is a time to get together and be educated.

Recorder Nessen said the Utah League of Cities and Towns annual conference will be held Wednesday-Friday September 29-October 1, in Salt Lake City at the

Salt Palace. I will register all of you unless you know you will not be able to attend.

b. Review of past assignment: None.

10. Reports & Comments:

a. City Manager Reports and Comments

1. Update on the recruitment of a Police Chief

Manager Warnke said we are currently taking applications and will accept them until the position is filled. We have done the job notice and identified August 7 as the date for first review of applications. Former Chief Kurt Fertig helped do that before he left and will be involved in the selection process. I have also reviewed them. We had 26 applications and have selected 14 to provide a questionnaire to, which are due next Tuesday. There are four within our own police department we will be reviewing.

2. Secondary Water Service Area 9 Analysis associated with the Rivers Edge Development

Manager Warnke said we are actively evaluating our water and making sure we stay ahead of development. There is an annexation that is being considered east of the Malad River. Land in the first phase is already in the City's incorporated limits. With the approval of Phase 1 there is a requirement for them to deploy secondary water that will be formalized as the development agreement for Phase 1. When the property is annexed we will have another agreement that lays out all the improvements that are needed to provide City services. In some cases the improvements the developer will do in exchange for zoning. Director Fulgham said we are going to cover Service Area 9 with this pump station. We are also looking into the future so we will build a pump station and transmission lines to handle future growth, which is the portion required by the City. Part of the agreement is having them deed us property for the pump station. There will be three pump stations on it to handle future flow, but only two will be built at this time. When property is developed on the south side of Main Street that would have to have another pump station and that portion would be broken off of the other and put on another pump station. Secondary is what ensures we can continue to grow and provide building permits. We will have enough water to handle those new homes and there is enough to expand into this. When asked about the PID approval, Manager Warnke said that would be coming through. They are working on the annexation and are in the process of providing notice. Before we accept the annexation petition all the property owners will be notified of the pending submission for a petition. They are getting close. We have also worked on the pre-annexation agreement, which details all the exactions, as well as the project and system improvements.

3. Status update on the discussed public hearing for an on premise Beer License for El Chilito Mexican Restaurant located at 119 West Main Street

Manager Warnke said there are two governmental entities involved in the approval of a beer license—Tremonton City and the Department of Alcoholic Beverage Control. They have standards and do not provide any leeway. The issue we have is the proximity to our park, Midland Square. We have worked with that department and since we have provided them with that information we have to redact it.

Manager Warnke said the City's Historic Commission has submitted a grant request for historic rehabilitation of structures in town. In this upcoming budget for the RDA there are some restrictive funds we are proposing we use, as well as the grant funds. Those will be used to restore the Jay sign and a granary on the Historic Holmgren Farms site. The next step would be to have a grant agreement that would be brought before the Council for consideration and approval. I will start working with the property owners. The Utah State Office of Historic Preservation will write the scope of work and we would come to an agreement. I will work on bringing all these items together.

- b. Development Review Committee Report and Comments

Manager Warnke said there is nothing new to report at this time.

- c. City Department Head Reports and Comments

Director Fulgham reviewed the water report with the Council, showing week-by-week water usage. He said this portion is over the last four years (2018-2021). We read our master meters from our sources every Friday and the meters for homes and businesses every month. I judge our water reduction on the week-to-week report to see how much water people are actually using. This year's July and August compared to last year's did have some reduction. Our sources are down a bit because of the drought, but our tanks are staying full because of the reduction. For secondary, our pumps are shut off for two days based on what the Bear River Canal Company asked of us. People are doing what the governor has asked and reduced the flow. At the end of July we had 599 secondary meters and 3,643 residential culinary users. I will try to send a report every month that shows building permits issued, what areas they are coming out of and whether they have secondary to the property or not, or if it would in the near future. Every home that has secondary is equal to three homes that do not have secondary. The external water use on lawns is what uses the majority of our water in the summer. We build everything for peak day demand. As we bring more people off culinary and to secondary we have more line capacity, more source, and storage capacity for future growth of the culinary system, all while working on the expansion of

secondary. Councilmember Vance said we need to have a discussion on communication. It needs to be put on the agenda to have it communicated with the public so we can tell them where to get educated. Director Fulgham said we have documents and annual reports on our website. We can add a place that shows water usage. The Council thanked him for his time.

d. Council Reports and Comments

Councilmember Seamons asked about impact fees. Manager Warnke said we have a final draft for the Impact Fee Facility Plan and impact fee analysis for our water, transportation, sewer, and storm drain. Our public safety and parks will take longer. The fees are increasing. Since we have the final drafts we can advertise and I have reached out to the County recorder to set a date. The State Code requires a direct mail notice to all the affected property owners, which is for undeveloped property within the City. We need to send a notice by mail to those property owners. I can present to you at the next meeting those drafts and fees.

Councilmember Rohde said I would like the City to provide information to our citizens so they are well armed and understand what we are doing. On our website is an area called Newsroom. I think we ought to find a landing spot where information can be found. This would allow people to see where we are at on projects and things we are working on. We know we are doing a lot to prepare for things, but citizens do not know that and need to know. They need to be able to read it and understand where we are at in the process, as well as the reasoning as to why things are happening. We can be more proactive rather than reactive. We need to get citizens more involved in these decisions well before they happen. Councilmember Vance said that is why it needs to be on the agenda. There is lots of stuff going on and people think we are doing nothing. We have deliberated on this tax increase for two years. During the hearing we could not respond and they felt like we were thinking about it for the first time. If we could put it up there so they can see that we are looking and studying and being really careful about decisions before we just haphazardly do them. Councilmember Rohde said it would be fun to put together a communication plan for the City and involve a citizen committee to determine the best way to do so.

Councilmember Holmgren said with this Trucking business I would not mind going to this meeting and listening in on the County's viewpoint. It would be nice to work with them. There has been a lot of truck traffic on that road forever.

Also there were some trees blocking the view of the library and Superintendent Lynn Green cleaned it up and made it look so much better. We have neat architecture over there and it really helped. Kudos to him for doing that—it was a lot of work.

Councilmember Vance said as you drive down Main Street you see that the plants are looking really good. Hopefully one day we get some lights there, too. I would like to see the septic tank issue put on the agenda so we can come to terms with that.

Mayor Fridal said I am thankful for the Council and the job they do. We spend

so much time talking about things and do not take anything lightly. We have stewed on the property tax for about two years.

Motion by Councilmember Rohde to move into closed session. Motion seconded by Councilmembers Seamons and 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 7:50 p.m.

11. **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 Vance 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 8:55 p.m.

13. Adjournment.

Motion by Councilmember Rohde to adjourn the meeting. Motion seconded by Councilmember Seamons. Vote: Councilmember Archibald - aye, Councilmember Holmgren - aye, Councilmember Rohde - aye, Councilmember Seamons - 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 _____, 2021.

Linsey Nessen, City Recorder