

**TREMONTON CITY CORPORATION
CITY COUNCIL MEETING
SEPTEMBER 7, 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 September 7, 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: Community Services Director Marc Christensen, Public Works Director Paul Fulgham, and Treasurer Sharri Oyler. Also in attendance was Sergeant Josh Kearl.

1. Presentation and discussion of septic tanks- John Mackey, Division of Water Quality and Mark Reese, Bear River Health Department

Director Fulgham said we have a policy in place for septic systems within City limits, but I leave it up to the engineer. It is complex on how land can be broken up and how many homes can be built per acre or multi acre per septic system in order to protect the groundwater and neighbors in the future with concentration of septic tanks. We have invited professionals from the Division of Water Quality, the Department of Environmental Quality, and the Bear River Health Department. Manager Warnke clarified that any subdivision developed within the City requires a sewer connection. There is a provision that allows for limited division of lands. Property owners can divide a small portion of their property and not do sewer. This is a compromise for the strict standard we have in exacting all the improvements for an individual who has property and just wants to split it off. Our general requirement is that sewer be extended and all development connects to our utilities.

Mr. Mackey said the State has a set of rules that govern the standards for septic systems. Residential septic systems are permitted through the local health department. The state permits large systems. Any that serve two or more homes has to be under sponsorship of the State. If a problem occurs the sponsor would resolve it. For a subdivision there are a couple options. Everyone could have their own septic system or be clustered together under a sponsorship. Septic tanks are great and work, but have challenges. We do like sewer connections. They increase property values, prove safety of the system, and will be

taken care of. Septic tanks are for one-acre lots, but that depends on locality. Once someone is on a septic system it is hard to change that. Today the sewer system may be out of reach, but in a couple years that could change. It is really expensive to make that connection. The infrastructure of the septic tank is abandoned and a line is run to the street. You have to tear the yard and road and so it is hard to do after the fact. No one wants to go along with it and now they have to pay a sewer bill. In a growing community, sewer is the right way to go.

Mr. Mackey said an idea to consider is putting in a large system—a community wide system for a development to get the sewers in the street to begin with. A body would supervise that large system. Although you are not in the septic tank business, you have a sewer system and the tools to maintain. You will also start charging the bill on day one and property owners will have sewer service even though it is to a community septic system. Then when you get close enough to connect you can and do not have to tear things up to retrofit the sewer system. These large septic systems are usually temporary until sewer is close enough. This would allow a development to advance with sewer in the ground. Another idea is to set aside land. The developer cannot build on that land until the system is connected. You would hold it until they make the connection and then they would have room for more lots. The Health Department is concerned about having a lot of distributed septic systems when there is sewer nearby. Things that are temporary could become permanent. He explained the soil and lot size requirements for a septic tank, as well as how close they can be to private wells. Councilmember Vance said in a perfect world everyone would hook into the sewer system so we can control the sewage. We want quality and to keep the ground from becoming saturated. Tremonton keeps growing and if we are working with them on septic tanks we could control how and where they put them. This would leave us in control as a City. If Tremonton keeps growing and developers are creating a septic sewage problem around it would be better to work and control the situation with the growth. Councilmember Rohde said I loved this outside thinking and trying to come up with a solution to put in some kind of septic system. We need to find ways to make it work rather than just say no. Councilmember Archibald said the Council is concerned about the cost to community members. If a developer decides to do septic tanks because it is less expensive, but later fails and we have to do something now we have a financial implication and the citizens will pay for it. Our desire is to make sure everyone has a sewer system. It is not only a public health issue it is a financial implication for us to have them change to sewer.

Mr. Mackey said another option is called managed onsite. Through ordinance you can also manage individual onsite systems. There are different models, but the City would take some level of responsibility for the care of those systems. One way you would start is with education and sending information to those who have a septic tank so they take care of it. On the other end you could own the septic tanks on their property. That is impossible to do for existing septic systems because of access and easements, but you could for new development. You would have a role in management of those systems and their care. That is done with a fee to provide the service. You would design access and make it easier to make that connection down the road.

2. Discussion regarding use of American Rescue Plan Act on possible water projects- John Mackey, Division of Water Quality

Manager Warnke said we wondered if there were any new updates to the rules. We want to use our funds for water projects—water source development or secondary water to sure up water resources. The City has an entitlement of \$1 million. We have received the first part and the second will come in July 2022. We are not sure what project would be eligible. Mr. Mackey said the Drinking Water SRF does not have eligibility allowances for secondary water, but it does for clean water. Use of these funds need to follow the State revolving fund SRF eligibility requirements. There is a lot of interest in things like secondary water, but it does not always fit those requirements. You need to determine how a conservation project is going to better protect water quality. There are a number of water projects we have identified that are connected to water shed protection. Manager Warnke asked about developing a well and water source. Director Fulgham said developing a water source would be, but acquiring the water rights is not. The water right is the valuable part. We cannot just dig a well without purchasing previous rights and that is not eligible under the SRF. Secondary is not approved under drinking water. Mr. Mackey said with secondary water the issue is in metering. If development of a secondary source is a conservation project then it is one step in the right direction then you have to find the nexus to clean water. By changing the way we use water is there either more water or better water being led somewhere else. Purchasing the rights may not be eligible, but you can build the well or rebuild an irrigation well and pay for it with this ARPA money.

The following items were discussed during the City Council portion of the meeting.

3. Discussion on the adoption of the proposed impact fees for a water system; sanitary sewer collection system; storm drain system; and transportation system

Manager Warnke said we did an Impact Fee Facility Plan and an Impact Fee Analysis, which is required by the State for adoption. That analysis tells us the maximum impact fee we can charge. Other impact fees are still in the process, but we know the Council wants to move forward. We are working on the noticing so these impact fees could be adopted at the next meeting. We are proposing \$10,849 for these four impact fees and it is recommended we adopt the maximum. The buy-in cost relates to projects the City has already done and still has capacity. New growth pays their proportionate share for capacity in these projects that have capacity to serve them. For water we bonded \$7 million and all that is included within that buy-in. New construction relates to projects that have been identified. Construction projects and capital projects will be underway in the next six to 10 years. The consultant fees, or the cost associated with the creation of the Impact Fee Facility Plan and Impact Fee Analysis, can be included in the impact fee calculation. For sewer there is \$402 of excess capacity that a new building permit will buy into the system. The impact fee identifies these capital projects and cost of those. You already have a certain amount of money that is restricted for impact fees so we use those funds to build projects. It is ideal if the City can have no impact fee fund balance with this impact fee analysis otherwise a credit is issued in order to come in compliance

with State Code. For storm drain we have no impact fee balance so there is no reason to give a credit. It is \$3,500 per ERU single-family home. Transportation is one we have never done before and a system improvement is what these fees can be used for. We have done some projects on Main Street that have helped create capacity.

Manager Warnke then ran through a list of projects. We plan to develop a new well (\$1.5 million). Service Area 4 and 5 are underway. There is also the expansion of Service Area 2 and construction of the pump station. There is the equalization basin on the south side of the interstate. Service Area 9 and the extension of pipes into the existing areas of town. It is important to remember our water can stretch further when we connect people to secondary water (3 to 1). There is a sewer project on Main Street down to the Malad River and upsizing utilities needed on the west side of the City. Several regional storm drain basins were discussed and some included a park. Transportation shows the continuation of BR Mountain Road, the extension of 2000 West to a minor arterial from BR Mountain Road to Main Street. There will be a right turn lane onto 1650 West. There is also the expansion of Rocket Road (80 foot road width). He explained there is no maintenance involved with impact fees it is all for projects that increase capacity.

Councilmember Holmgren asked how these impact fees compare to nearby cities. Manager Warnke was unsure, but said they could look into that. Councilmember Vance said we have been trying to get this information for a year. Have we shorted ourselves \$6,500 times the 350 building permits by waiting that long? Manager Warnke said yes and no. We will make up the capacity and are going to get the same amount because we have project costs that are spread over multiple years. Buy-in will continue until we get reimbursed for all of those improvements. There are different variables that play into it, but in the end we should capture all the money we have extended. Councilmember Vance asked if we should set some type of policy that these are being reviewed more often. Manager Warnke said yes, but there are different triggers that would prompt us to review and update those impact fees. If there are any significant changes or a lot of growth pressures we want to look at it again. Within that six to 10 year window we should be looking at it and continue to review and evaluate our impact fee fund balance. Councilmember Vance said we need to consider having another engineering firm. It took so long for this to happen because they are so busy. Would it make more sense to have two engineering firms on the clock so we can move when we need to? Manager Warnke said there is a lot of efficiencies that come with using one engineering firm. They know all the systems and help administrate it. I think they have done a good job. We can continue to work with them on a quicker turnaround. Councilmember Vance said Tremonton is going to keep growing. We need to get Director Marc Christensen involved in some of this stuff and take more pressure off of our City Manager. Manager Warnke said the next stage is to have an in-house engineer, but we are not quite there. Another step would be to have a City Planner. Councilmember Vance said we need to change things up to be more efficient. You are good at what you do, but you cannot do it all.

4. Discussion of methods to provide more information to Tremonton City residents-
Councilperson Bret Rhode

Councilmember Rohde asked that this item be put on the next agenda.

5. Review of items listed on the 7:00 p.m. agenda
6. ***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 September 7, 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, and Treasurer Sharri Oyler. Also in attendance was Sergeant Josh Kearl.

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 Vance and the Pledge of Allegiance was led by Councilmember Archibald.

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

Motion by Councilmember Vance to approve the agenda of September 7, 2021. Motion seconded by Councilmember Seamons. Vote: Councilmember Archibald - aye, Councilmember Holmgren - aye, Councilmember Rohde - aye, Councilmember Seamons - aye, Councilmember Vance - aye. Motion approved.

5. Approval of minutes – August 17, 2021

Motion by Councilmember Archibald to approve the minutes of August 17, 2021. Motion seconded by Councilmember Holmgren. Vote: Councilmember Archibald - aye, Councilmember Holmgren - aye, Councilmember Rohde - aye, Councilmember Seamons - aye, Councilmember Vance - aye. Motion approved.

6. Public comments: There were no public comments.

7. Employee Years of Service:

a. Kara Larsen, Assistant Librarian – 30 Years

Mayor Fridal thanked her for her service.

8. Presentations:

a. Presentation on the Tremonton Library Ourstorybridge project what it is and why it is important- Debby Carter, Tremonton City Library

Assistant Librarian Debby Carter said Ourstorybridge is connecting the past to the present and future. We are the first library in Utah to receive this and one of our goals is to capture these stories before our storytellers are gone. Two thirds of our storytellers are over 65 years old. They are telling their stories and have identified people who want to as well. We also want to get our students involved and to be proud of their community. The pandemic has slowed us down a bit, but we have tried to keep our focus. We are going to utilize our teachers and get our students more involved in collecting these stories that are an important part of our history and community. We saw an ad for this in December of 2020 and knew it was something we needed to do. We received a couple grants and in January 2021 we launched our website. We currently have 32 stories. These will help our future generations and drive us closer together. Everyone has a story and we want to hear it. She then let the Council listen to a story by County Commissioner Stan Summers. Librarian Carter said think about what your story is and what you would have to share with us. Councilmember Archibald said thank you for what you are doing, I think this is the best thing ever and it is a priceless effort that will bless so many lives.

9. New Council Business:

a. Discussion and consideration of adopting June Financial Statements

Motion by Councilmember Holmgren to adopt the June Financial Statements. Motion seconded by Councilmember Rohde. Vote: Councilmember Archibald - aye, Councilmember Holmgren - aye, Councilmember Rohde - aye, Councilmember Seamons - aye, Councilmember Vance - aye. Motion approved.

b. Discussion and consideration of adopting June Warrant Register

Motion by Councilmember Archibald to adopt the June Warrant Register. Motion seconded by Councilmember Seamons. Vote: Councilmember Archibald - aye, Councilmember Holmgren - aye, Councilmember Rohde - aye,

Councilmember Seamons - aye, Councilmember Vance - aye. Motion approved.

- c. Discussion and consider to authorize the disposal of city vehicle (2007 Chevrolet Impala)

Motion by Councilmember Vance to authorize the disposal of this vehicle.

Motion seconded by Councilmember Rohde. 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. 21-36 adopting a land acquisition agreement between Tremonton City and Brandon R. Vonk for the City's purchase of land for the expansion of the 400 West Collector Road frontage improvements between the Matheson Apartments and 350 North

Manager Warnke said this is a section along 400 West that we need to acquire in order to extend the frontage improvements. They are doing their frontage, but this parcel is owned by Mr. Brandon Vonk, who is in the process of selling it to a family member. We are not in a position to exact the improvements since it is already developed and in order to continue the frontage we need to acquire a right-of-way. He is willing to sell. He does have a mortgage so we will have to get a partial release or work with a title agent to time it right. Mr. Vonk is willing to finalize the agreement, I just need to clear up a title issue. This would finish off the entire frontage for that block.

Motion by Councilmember Vance 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. 21-37 approving a contract for election services between Box Elder County and Tremonton City Corporation

Motion by Councilmember Rohde 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.

- 10. Continuation of Work Session Agenda (if necessary)
 - a. Continuation or commencement of any item that is listed on the 6:00 p.m. City Council Workshop Agenda that was not completed

See above Work Session for those discussions.

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

Tremonton City's party will be at North Park Park at 5:30 p.m. tomorrow. Interviews for a new police chief are upcoming and the Utah League of Cities and Towns meetings will be held on September 29 through October 1.

- b. Review of past assignment: none.

12. Reports & Comments:

- a. City Manager Reports and Comments

- 1. Graph of number of mental health related Police calls

Manager Warnke said I found it interesting that Kaysville City is hiring a therapist to be a full-time employee on the police department in part to assist with calls for service that are associated with mental health issues and to help officers who are exposed to traumatic events. I would like to track how that works out for them. That prompted a question with us in Tremonton City to know how many mental health related calls we respond to. This graph shows that over time it is increasing.

- b. Development Review Committee Report and Comments

- 1. Updates on proposed developments within the City

Manager Warnke said we met with Blake Christensen and this is what the road is staring to look like. We are working with him on the concept of expanding the right-of-way through that portion. We need to get the survey finalized along with the appraisal. We would love to submit it to the Corridor Preservation Fund in February of 2022.

We received a concept plan for a Taco Bell in redeveloping this gas station said Manager Warnke. We need to see how it functions with a future gas station and understand how that lays out. There is more to come on that. Dan Hart, who owns land off 1650 West, is proposing a car wash. Over here this builder is proposing townhomes between the two interstates. There is issue with access. The zoning has been mixed use, but there is only one ingress/egress into the property. There is a standard in the code that only allows for 30 building units with some exceptions. We will do a Traffic Impact Fee Study. This is a project that would need a lift station and the water extended. They are proposing 555 townhomes, but there are other standards we have to reconcile.

Manager Warnke said this one is north of Aspen Ridge and is zoned as half-acre lots, but the developer wants to do multi-family. It is important to have good connectivity to the south and 600 South is a collector road that chokes down in width. We want to distribute the traffic and encourage people to go south onto Rocket Road as an alternative in traveling so making that connection is important. There are other issues they need to work through.

c. City Department Head Reports and Comments

1. Update on Water System and Building Permits- Paul Fulgham

Director Fulgham said this is information on how many building permits are sold and how they are related to secondary. If we add nothing but homes that are without secondary, then we can build another 388 homes in the next year and a half. If those homes come in with secondary we can build 1,164 homes. That tells you the importance of secondary water. We are building on Service Areas 2, 4, and all of 5 and when we get through with those we will have another 717 ERCs. New homes with secondary allows us to have 1,602 connections. If we bring in Service Area 9 with Rivers Edge that will open us up even more. People ask how we can still build homes and this is how because we are bringing in more and more water as we develop our secondary.

Director Fulgham then discussed peak day demand and conservation efforts. He showed a weekly chart with reduction of water. Our water production is good and things are good this year. Councilmember Archibald asked if we are still participating in the testing for COVID in the wastewater. Director Fulgham said that is ongoing, but they have not provided updates. He also addressed a concerned citizen who has his own well and does not want to pay for secondary. Director Fulgham explained that the City's policy is if you have secondary brought to your property you are going to pay for it whether you use it or not (\$10 per month). We have a lot of people on secondary sources already, but we are all in this together and need it to provide more culinary. I invited him to come to a council meeting and express his concerns, but I do not have the authority to reduce that. About 200 people in the City have their own secondary and that would impact us about \$2,000 a month. The canal water is going to be shut off on September 30 so the cost will go down and we recommend not charging that month since the water is not in the system. That is the fair thing, but it will impact us about \$6,000.

d. Council Reports and Comments

Councilmember Archibald said I love the flowers on Main Street—they are amazing.

Councilmember Vance said I appreciate you bringing these people in to discuss septic tanks, but we need to put it on the agenda so we can have more discussion and make a decision. We can discuss a concept and come up with a policy. Also a citizen has complained about his neighbor building an apartment. That goes against our ordinances for a single-family dwelling. Manager Warnke said they would have Building Official Steve Bench and Code Enforcement Officer Greg Horspool look into it.

Councilmember Holmgren said I took the information that Director Fulgham puts out each week on culinary and secondary water use and put it on our website.

We could continue showing our water use from week-to-week and year-to-year so people can look it over.

Councilmember Rohde said we need to replace Commissioner Ben Greener on the Planning Commission. I would suggest Jordan Conrad. Mayor Fridal said we will put it on the next agenda.

Councilmember Seamons told Director Fulgham providing us with this information is a lot of effort and I appreciate it. Thank you.

Mayor Fridal said water is a huge deal. We are conserving, but at some point we need to put in water sources. Adding a new water source is a huge gamble, but we could look into established water sources. Thanks Council, you are a great group of people dedicated to Tremonton City.

Motion by Councilmember Seamons to move into closed session. Motion seconded by Councilmember Archibald. 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 8:38 p.m.

13. 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 Archibald to return to open 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 returned to open session at 8:46 p.m.

14. 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 8:46 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