

**TREMONTON CITY
CITY COUNCIL MEETING
March 3, 2009**

Members Present:

David Deakin
Roger Fridal
Lyle Holmgren
Jeff Reese
Byron Wood
Max Weese, Mayor
Darlene Hess, Recorder

CITY COUNCIL WORKSHOP

Mayor Weese called the March 3, 2009 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. Mayor Weese, Councilmembers Fridal, Holmgren, Reese, and Wood, Police Chief David Nance, Zoning Administrator Steve Bench, and Recorder Darlene Hess. Councilmember Deakin was excused from the meeting. The Council reviewed the agenda and discussed the following items in detail.

- ▶ Mayor Weese informed the Councilmembers that he had received a press release from Whitney Holland of UTOPIA announcing Prime Time Communication joining the UTOPIA Network. This is a significant addition as this is the first triple-play service provided in several years. Prime Time Communications is a leading integrated IP based service including the fastest digital internet, the clearest digital television, and the richest digital telephone package. Prime Time Communications is from Englewood, Colorado.
- ▶ Mayor Weese informed the Councilmembers that the City will meet with UTOPIA, Frontier, and Fuse Core on March 11, 2009 at 2:00 p.m.
- ▶ The Mayor and Councilmembers discussed salary, contract, and probation options for the new City Manager.
- ▶ The Councilmembers discussed issues involved with the Fire Department.

Meeting adjourned at 6:44 p.m.

CITY COUNCIL MEETING

Mayor Weese called the March 3, 2009 City Council Meeting to order at 7:02 p.m. The meeting was held in the Tremonton City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Mayor Weese, Councilmembers Deakin, Fridal, Holmgren, Reese, Wood, Zoning Administrator Steve Bench, Police Chief David Nance, and Recorder Darlene Hess were in attendance.

1. Opening Ceremony:

Mayor Weese 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 hall for this portion of the meeting. The prayer was given by Councilmember Fridal and the Pledge of Allegiance was led by Councilmember Wood.

Mayor Weese welcomed students from Mr. Littlefield's class at Bear River High School. The Mayor also welcomed back Councilmember Deakin who had been absent due to a foot injury.

2. Approval of agenda

Mayor Weese asked if there were any changes or corrections to the agenda?

Motion by Councilmember Wood to approve the March 3, 2009 agenda. Motion seconded by Councilmember Holmgren. Vote: Councilmember Wood - aye, Councilmember Fridal - aye, Councilmember Deakin - aye, Councilmember Holmgren - aye, and Councilmember Reese - aye. Motion approved.

3. Approval of Minutes - February 17, 2009 and February 24, 2009

Motion by Councilmember Reese to approve the minutes February 17, 2009 and February 24, 2009. Motion seconded by Councilmember Fridal. Vote: Councilmember Reese - aye, Councilmember Fridal - aye, Councilmember Deakin - aye, Councilmember Holmgren - aye, Councilmember Wood - aye. Motion approved.

4. Public Hearing

Mayor Weese called the Public Hearing to order at 7:07 p.m. with 22 people in attendance.

- a. To discuss the proposed changes to the Zoning Map, Transportation Map, Land Use Map, and accompanying Zoning Ordinance

Zoning Administrator Steve Bench informed the Council there and had been a few

minor changes made to these maps including a change to the zoning on east main street at 300 East Main to 1600 East Main from R-1-10 zone to Mixed Use zone.

Councilmember Deakin asked if the Mixed Use zone will be Mixed Use Residential or Mixed Use Commercial? Mayor Weese asked Councilmember Deakin to explain the difference between the two zones. Mixed Use Residential focuses primarily on the residential area which has homes with small businesses. The Mixed Use Commercial focuses more on the business side of things, however, will allow for residential development.

Councilmember Holmgren said the frontage along this area will most likely accommodate businesses/professional and small retail development. It looks like this area will be more of a commercial/residential mixed use situation, versus the other way around. New business developments might want to take advantage of the Commercial Use along the frontage. Councilmember Wood said there are already a lot of homes at this location and Mixed Use Residential might be a better way to go. This would still allow small businesses to come in. Councilmember Deakin said the Planning Commission would accept either zone. Councilmember Fridal asked if there was a significant difference between either zone? Administrator Bench said the biggest difference would be commercial. Councilmember Reese asked if these zones would allow big box developments? Neither zone will allow for big box developments.

Councilmember Wood said if the City goes commercial, residential will lose rights. Even though it would be a Mixed Use, you still lose authority to hold judgement on what you want to put out there. Councilmember Deakin said when you look at the area you decide if you want it to be more residential or more commercial. Councilmember Wood said the zone could be changed later on if someone wants to go commercial. The City will be better off going Mixed Use Residential since it is mostly all residential now.

Planning Commission Member, Casey Thompson, informed the Council that the Planning Commission made the assumption the City Council would prefer Mixed Use Residential at this location. Councilmember Wood said the zone could always be changed. The Councilmembers chose to go with Mixed Use Residential. Councilmember Deakin said he would pass on this information to the Planning Commission.

Mayor Weese asked if there were any other questions from the Council or members of the audience. Hearing no comments the Mayor closed the Public Hearing at 7:13 p.m.

5. Requests to be on the agenda:

a. Front Runner - Rachele Tribe, Perry City Planner

Perry City Planner, Rachele Tribe and Perry City Planning Commission Members, Steve Pettingill and Clint Nelson, gave a power point presentation on future proposed locations for a commuter rail station terminal in Brigham or Perry City. The reason they want Tremonton City's input is this rail transportation system will have an effect on Tremonton City as well. The UTA FrontRunner has asked for opinions from all outlying communities. This system will make a connection for these residents to the Salt Lake City area.

The two proposed locations are 1100 South 1000 West in Perry and a Forest Street location in Brigham City. Perry City is in the process of discussing location issues with the governing body of each affected governmental agency. They are hoping to have a formulated policy position from each agency within 30 days.

Perry City currently is in negotiations with a developer who is ready to begin developing a project to be named Upland Square which will be located on the south side of US 91, at 1100 South 1000 West in Perry with 130 developable acres. The Forest Street location will have less than 10 acres. The Upland Square development will have 532,000 square feet of various commercial/retail stores, various businesses, and 800 residential units. The area will have unlimited parking. The development will be patterned after the Gateway Mall in Salt Lake City.

The location in Perry is the center transportation hub of I15, US 89, US 91, 5th West Street in Brigham, and 1200 West in Perry. US 91 is the major arterial connection between Cache Valley and the Wasatch Front. I15 allows for connectivity and traffic flow from Southern Idaho and the Weber and Davis Counties, with the 1100 South location allowing for quicker access than the Forest Street location. The Perry location would serve multiple communities in Brigham and Perry City. Mr. Pettingill said the location in Perry is a prime destination because it is a viable commercial area with better potential. Perry City has a developer ready to implement their project; Bingham City does not.

Councilmember Reese said he was impressed with this proactive plan and will pass this information onto the City's Planning Commission. **Joe Deakin** from the audience asked if FrontRunner will provide bus transportation from Tremonton and other smaller communities to the new rail station terminal? Mr. Pettingill said he did not know for sure what UTA plans were concerning this issue, however, it could be a possibility. Mr. Pettingill was asked if they could make this same presentation to

the Tremonton City Planning Commission at the next Commission meeting on Tuesday, March 10, 2009?

Mr. Pettingill and Ms. Tribe stated they would attend the meeting and make the presentation.

b. Falcon Hill Development - Bruce Evans

Government Program Manager for Enhanced Use Leasing, Bruce Evans, and Hill Air Force Base employee, Casey Thompson, gave a power point presentation on a new National Aerospace Research Park development underway at Hill Air Force Base south of Ogden. This is the Department of Defense's largest development to date. The project is called Falcon Hill and will have multiple phases. The development area is four miles long, along the I15 freeway. The Woodbury Corporation is the developer of this 550-acre leasing project. Each parcel will have a 50-year lease.

The development stretches across more than one city, therefore, the Military Installation Development Authority will make uniform zoning across the area and allow local police departments to preside over their respective Cities. A large portion of the steel production for the buildings will most likely come from the Nucor plant near Tremonton. The Tremonton community will benefit from this project with the addition of approximately 75 to 90 thousand new jobs. Meetings with outlying education institutions are underway to discuss preparations for these jobs. UDOT is planning on installing a freeway interchange on the base at 1800 North in Sunset by the year 2014. UTA FrontRunner is considering installing a terminal at this location, and has also discussed having their Front Runner or light rail system extend to Tremonton in the future.

Councilmember Holmgren asked what short term action is currently underway? Mr. Evans said within the next two to four years there will possibly be six to ten thousand new jobs. The development will also add nine million square feet to state and city tax dollars.

Casey Thompson informed the Councilmembers that between ATK, USU, Weber State, and Falcon Hill, Tremonton City is poised near the center of this development and is also in proximity to additional developers. The Councilmembers were impressed with this new development. Mayor Weese thanked Mr. Evans and Mr. Thompson for the presentation.

6. New Council Business:

- a. Consider Ordinance 09-05 rescinding and reinstating the amendment of Section 2-5-2(11) of the Tremonton Code to require the signature of the Land Use Authority Board Chairperson on the final Plat map of all new subdivision.

Mayor Weese stated that this has not been a previous requirement, however, it will speed up the final Plat map process when the Land Use Board has approvals to consider. Mayor Weese asked if there were any questions of comments on this ordinance? No comments were made.

Motion by Councilmember Holmgren to adopt Ordinance 09-05 rescinding and reinstating the amendment of Section 2-5-2(11) of the Tremonton Code to require the signature of the Land Use Authority Board Chairperson on the final Plat map of all new subdivision. Motion seconded by Councilmember Deakin. Vote: Councilmember Holmgren - aye, Councilmember Deakin - aye, Councilmember Fridal - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- b. Consider Ordinance 09-06 accepting the Master Development Agreement for the Country View Estates Master Planned Community

Attorney, Bruce Baird, representing Country View Estates informed the Council that the developers are ready to go and look forward to a successful development with the City.

Councilmember Deakin asked Mr. Baird for clarity on a few items in the agreement. It was decided that approval could be given on the agreement subject to City Attorney Dustin Ericson approving and implementing changes to the language in section 6.5.2, making the hearing schedule two meetings instead of one, with one hearing to meet, and another hearing to vote. This will allow time for the Council and Commission members to collect and process information.

Motion by Councilmember Reese to approve Ordinance 09-06 accepting the Master Development Agreement for the Country View Estates Master Planned Community subject to City Attorney Dustin Ericson approving and implementing the change to the language in section 6.5.2 making the hearing schedule two meetings instead of one, with one hearing to meet, and one hearing to vote. Motion seconded by Councilmember Fridal. Vote: Councilmember Reese - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, Councilmember Deakin - aye, and Councilmember Wood - aye. Motion approved.

Mr. Baird said he will make the change to the paragraph in section 6.5.2 along with

changing the table of contents, then forward the final agreement to Administrator Bench and the City Attorney for their consideration. Mr. Baird will inform his client that the agreement will be signed by the City within the next couple of weeks and can expect to hear from Recorder Hess when he should come in to sign his portion of the agreement. Mr. Baird said that he also has power of attorney to sign documents.

- c. Consider adopting Ordinance 09-07 amending and adding to Title 1 Zoning of the Tremonton City Code, Adding Chapter 26 Commercial Mixed Use (CMU) Zone and Chapter 27 Neighborhood Mixed Use (NMU) Zone

Mayor Weese asked Administrator Bench why he wanted to do this?

Administrator Bench explained the difference between zones is basically the size of property and size of building. In Commercial Mixed Use, residential development must be a minimum density of five units per acre, not to exceed 14 units. In the Residential Mixed Use, commercial must have a minimum lot size of 10 thousand square feet for a single family dwelling, and 12,000 square feet for the first two units of a multi family, with an additional 2,000 square feet for each unit after that, and nine units per acre with normal set backs of what other zones would be.

The maximum building in nonresidential development on the commercial side would be 80,000 gross square feet with typical set backs from what the commercial zoning may require.

The Residential Mixed Use depends on the location. If it is a building in areas not abutting a major arterial roadway or interchange, it shall be 7,500 maximum gross square feet not to exceed one story in height. Buildings abutting an arterial roadway or interchange shall have a maximum building footprint of 10,000 with two stories. If the building is abutting a major arterial roadway or freeway no case larger than 55,000 square feet may be appropriate as part of a planned center development that contains a mix of residential or nonresidential uses. In such areas, a special exemption to the 10,000 square foot maximum building footprint may be granted on planned center developments 30 acres or larger.

Mayor Weese asked if these are new chapters? Administrator Bench said they are new chapters.

Councilmember Deakin said the new chapters give either a residential or commercial perspective and allow for some overlapping.

Motion by Councilmember Deakin to adopt Ordinance 09-07 amending and

adding to Title 1 Zoning of the Tremonton City Code, Adding Chapter 26 Commercial Mixed Use (CMU) Zone and Chapter 27 Neighborhood Mixed Use (NMU) Zone with correction to tying errors. Motion seconded by Councilmember Wood. Vote: Councilmember Deakin - aye, Councilmember Wood - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, and Councilmember Reese - aye. Motion approved.

- d. Consider Resolution 09-04 approving a Development Backbone Contract between PACIFICORP, doing business as Rocky Mountain Power, and Tremonton City adopting the Development Backbone Contract between Rocky Mountain Power and Tremonton City

Councilmember Deakin declared himself a conflict of interest and abstained from voting on this issue.

Mayor Weese informed the Councilmembers that this is not the big power line coming down 2000 West. This will be the small buried electrical line on the east side of 2000 West to give power to Tremonton City, Thompson Electric, Rocky Mountain Power, and Glen Thompson properties. The City has a right-of-way from all property owners. This City will do the excavating and furnish the conduit. Rocky Mountain Power will do the rest of the work to put that power line down 2000 West. Mayor Weese asked the Councilmembers if they had any questions? No comments were made.

Motion by Councilmember Reese to approve Resolution 09-04 approving a Development Backbone Contract between PACIFICORP, doing business as Rocky Mountain Power, and Tremonton City adopting the Development Backbone Contract between Rocky Mountain Power and Tremonton City. Motion seconded by Councilmember Holmgren, Vote: Councilmember Reese - aye, Councilmember Holmgren - aye, Councilmember Fridal - aye, and Councilmember Wood - aye. Motion approved.

- e. Consider Resolution 09-05 approving an addition to the Tremonton City Cemetery Policy Book relating to movement of graves

Recorder Darlene Hess informed the Councilmembers that some burials in the past were not lined up correctly, which has caused irregular and limited spacing for new burials. Occasionally the City needs to move a casket to allow room for a new one. This Resolution will give the City authority to move vaults as needed after efforts have been made to contact grave owners. Councilmember Deakin asked if one word could be added to the second sentence of the Resolution, where it will read the City

will make every “reasonable” effort, and in the third sentence to read in such situations, the City will make every “reasonable” effort.

Motion by Councilmember Fridal to approve Resolution 09-05 approving an addition to the Tremonton City Cemetery Policy Book relating to movement of graves with the addition to the second sentence of the Resolution, where it will read “the City will make every “reasonable” effort”; and in the third sentence to read “in such situations, the City will make every “reasonable” effort.” Motion seconded by Councilmember Deakin. Vote: Councilmember Fridal - aye, Councilmember Deakin - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- f. Biennial review of the moderate income housing element of the General Plan (10-9a-408)

Administrator Bench informed the Council that moderate income housing had increased by four homes since the last review. There were 40 single family dwelling units and 20 multi family dwelling units built in 2008. Apartment complexes are where the growth is right now.

Administrator Bench also informed the Council of existing stock in building lots. There are 230 vacant lots which have been recorded and developed. There are 94 lots waiting to be recorded. There is discussion on another 190 single family dwelling lots, with 142 proposed multi-family dwelling lots.

Motion by Councilmember Wood to accept the Biennial review of the moderate income housing element of the General Plan (10-9a-408). Motion seconded by Councilmember Reese. Vote: Councilmember Wood - aye, Councilmember Reese - aye, Councilmember Deakin - aye, Councilmember Fridal - aye, and Councilmember Holmgren - aye. Motion approved.

- 7. Planning Commission recommendation(s):

- a. Appointment of Rosa Gonzales to serve on the Planning Commission

Councilmember Deakin informed the Council that he had received an email from Rosa Gonzales accepting the appointment to serve on the Planning Commission. Councilmember Wood asked if Ms. Gonzales, who is currently serving on the Library Board, will want to continue serving on that Board? Councilmember Holmgren said that he understood she would not continue on the Library Board, however, he will find out for sure.

Motion by Councilmember Deakin to approve the Appointment of Rosa Gonzales to serve on the Planning Commission for a three-year term. Motion seconded by Councilmember Holmgren. Vote: Councilmember Deakin - aye, Councilmember Holmgren - aye, Councilmember Fridal - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

8. Comments:

a. Administrative Advise and Consent

1) Tremonton Pines Phase 1

Administrator Bench informed the Council that this is a multi-family development on the north side of 600 south by the railroad tracks and canal. Most of the development portion has been taken care of. They held off recording the plat because of an unstable economy. Now they are ready to record and build their first four unit building. This was approved July 2008. The city will not need to maintain any part of this development and fences will be installed along the railroad tracks and canal.

2) March 10, 2009 City Council Budget Workshop will be canceled. It will be held March 24, 2009

Mayor Weese informed the Councilmembers that the Budget Meeting scheduled for March 10, 2009 has been canceled and changed to March 24, 2009.

3) Ambulance write-off discussion

Mayor Weese informed the Councilmembers that they are not sure if the wording is correct yet on this ambulance write-off proposal, which reads: Tremonton City residents will be allowed to write-off whatever balance on their ambulance bill that their insurance does not pay for. If Tremonton City residents do not have insurance, the City will reduce the ambulance bill by 30%, with the resident being responsible for any remaining amounts.

Motion by Councilmember Deakin to allow Tremonton City residents to write-off whatever portion of their ambulance bill their insurance does not pay. The City will reduce the ambulance bill 30% for Tremonton City residents who do not have insurance, with the resident/patient being responsible for any remaining amounts. Motion by

Councilmember Wood. Vote: Councilmember Deakin - aye, Councilmember Wood - aye, Councilmember Fridal - aye, Councilmember Holmgren - aye, and Councilmember Reese - aye. Motion approved.

b. Council Reports

Councilmember Wood said it is very interesting to hear about the Falcon Hill development. It will affect the whole state and he hopes it will work. It would also be nice to get someone in the La-Z-Boy facility.

Councilmember Fridal said that life is good. There is real potential in our City. Councilmember Fridal informed the Council that he had visited with a member of the Chamber of Commerce who suggested the City Council appoint a member of the Council to sit in on the Chamber's meetings.

Mayor Weese asked Councilmember Fridal if he would be interested in participating with the Chamber. Councilmember Fridal said this sounded like a reasonable request.

Councilmember Deakin asked if he could get a copy of the City's audited financial statement.

Councilmember Deakin informed the Councilmember that Planning Commission Chairman, Bill Hull, will be retiring the end of March 2009 and will be moving away from Tremonton. Therefore, they will need a replacement to fill this empty seat. Councilmember Deakin will begin the process with the Commission to locate a replacement.

Mayor Weese informed the Councilmembers that Administrator Bench has been checking on the progress at the new Senior Center. The new elevator is being installed along with work on carpeting, painting and cleaning. The Center should be completed within the next two to three weeks. It will be a great facility when they are finished.

Mayor Weese informed the Councilmembers that interviews for a new City Manager will begin Thursday, March 5th at 1:00 p.m., with additional interviews on March 12th at 8:00 a.m. and again on March 26th at 1:00 p.m. There are four applicants from out of state that will be interviewed on March 26th which will allow time to make airline reservations. A total of 40 very impressive applications were turned in for this position.

Chief Nance reminded the Council of the ICS Training Meetings to be held March 31, 2009 and April 1, 2009.

11. Public Comments: This is an opportunity to address the Council regarding concerns or ideas. Comments limited to three minutes. No public comments were made.

11. Adjournment

Motion by Councilmember Deakin to adjourn the meeting. Motion seconded by Councilmember Holmgren. Vote: Councilmember Deakin - aye, Councilmember Holmgren - aye, Councilmember Fridal - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved. The meeting adjourned at 8:47 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 taken by Shirley Colvin.

Dated this _____ day of _____, 2009.
