

Tremonton City Corporation
Land Use Authority Board
April 2, 2008

Members Present:

Steve Bench, Building Inspector
Chris Breinholt, City Engineer
Dustin Ericson, City Attorney
Rich Woodworth, City Manager
Elizabeth Miller, Deputy Recorder

Members Excused:

Paul Fulgham, Public Works Director

Steve Bench called the Land Use Authority Board Meeting held April 2, 2008, in the Tremonton City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah, to order at 9:00 a.m. Steve Bench, Chris Breinholt, Dustin Ericson, Rich Woodworth, and Elizabeth Miller were in attendance. Paul Fulgham was excused from the meeting.

1. Approval of agenda

Steve Bench stated that agenda item 2a. has canceled. **Rich Woodworth moved to approve the agenda with the amendment that item 2a. was removed.** Steve Bench seconded the motion. Steve Bench, Chris Breinholt, Dustin Erickson, and Rich Woodworth approved the motion.

2. Unfinished Business:

- a. Consider Look Out Point for Preliminary approval subject to checklist - Norman Fukui

This agenda item was dismissed in approval of agenda.

3. New Business:

- a. Discuss Changing the Annexation Plan - Doug Millar

Doug Millar informed the Board about the Zito Farm property. He would like to have the City consider annexing the farm and move it to the Garland City Boundary line. To annex this property it would require the City to amend their Annexation Declaration Policy. Arleen Freeman is the new owner of the Zito Farm. The current boundary line does not include some of the land. There is a commercial entity that is looking to purchase some of the land and it would be a sales tax benefit for the City to amend the boundary line.

Mr. Millar then discussed the Waldron Farm at 108 North which is also being looked at for commercial property as well. The problem with their area is that it is located on a well. He would also like the City to consider moving the boundary line to Rocket Road as well. The Board told Mr. Millar that Tremonton City met with Elwood City to decide their declaration boundary line. Doug Millar stated that they are having problems with Elwood for development because they are in a moratorium.

Rich Woodworth asked if Box Elder has a Boundary Commission. This commission discusses and handles the boundary lines of municipalities. Rich Woodworth stated this Board is the place to handle both of the boundary line issues. If the land is within our annexation declaration policy limits, then it is not a problem to annex. This area may, also, need to be considered like Perry and Brigham City negotiated for Wal Mart.

Doug Millar discussed with the Board the planning of the growth and development of the City. He stated we must do the planning today for the future. Chris Breinholt stated that Tremonton City has based all of their master planning on their Declaration of Boundary line. The reason that the line is held back from the road is because once it is next to the road, it presents the issue of who maintains the road. Steve Bench stated that most municipalities do not want to de-annex if it is not necessary.

Doug Millar stated that there is a developer who is looking at the land next to the dairy across the overpass. The question is what would it take to make the value greater than the dairy to annex and not create an island. Rich Woodworth stated that he could discuss that with Darlene Hess, and she could give him the law. That land is currently in the county and will need to be discussed with them as well. Dustin Erickson will check to see what the value of the land is based on. Darlene Hess can give him the law. He stated that one way to do this is to look at the land and develop in the county until the value is up the point that they need.

Doug Millar stated that he would like to say that he is impressed with how Tremonton City is planning for the future growth. Doug Millar stated that his old hometown had experienced a blighted area. This came about because they did not plan for the future. Doug Millar informed the Board as to what he would love to see occur in Tremonton City. It would assist Doug to see what and where the City would like to go. He informed the Board that he was instrumental in getting Ikea and Lowes in Logan. He has done many things in other cities. The Board told Mr. Millar that Tremonton City would like to see a big box next to Wendy's where there is a couple hundred acres. That is the area that we see being up and coming. Another area that may have future developing would be on the hillside by the freeway exit.

Mr. Millar asked in the Freeman deal where will the Holmgren's 12-inch line go? Chris Breinholt stated that it is pretty flat and it is not very deep. It cannot get any deeper. The area that was surveyed was only that in the current annexation boundary. Mr. Millar asked if there could be a sewer line ran along the canal road to service the Freeman road? Chris Breinholt stated that there is a main in the road; therefore, an engineer would need to go out and design it. Another option that they could do is go out to the sewer on Main Street.

Mr. Millar asked if the area was sold to be a shopping center, what would be the problem facing it. Rich Woodworth stated that their 300 feet of zoning would not be a problem but they do need to discuss it with the Planning Commission. Steve Bench stated that they are planning to rezoning the area Commercial. Rich Woodworth stated that it would be nice to have our retail and commercial spread out so that we do not create traffic congestion. Mr. Millar's next step would be to talk to the Planning Commission about the re-modification of the Boundary line. The next meeting will be on Tuesday.

- b. Walk ins - Concept review only

Jonathan Robert asked if 37 West 6th North has been asked to be sold as a flag lot. The problem is you cannot have a flag lot off of a private alley. Steve Bench read that there right-of-way is 24 feet with a hard surface of 12 feet. If he can make it work, he will come back to this Board. Rich Woodworth stated that if they were to do an abandonment for the alleyway it could be a private drive. If it is beneficial for all of the alleyway, it could be divided by the two adjacent land owners. There is only a little area that has a stubbed sewer. Johnathan Roberts will measure the area and get back to this board.

Cal Osborn told the Board that he would like to discuss rezoning 29 acres on 4th West. He has the land under contract. Mr. Osborn asked what is the time frame, what is required from an engineer, and what is to be expected? He has had a Traffic Study completed. The planner proposes doing 450 units. There would be apartments that will be converted to condos. The rest are townhouses. The needed zone would need to allow 15 units an acre. The front piece is currently commercial and the rest is R1-10.

Steve Bench stated that there have been others that have brought a similar plan but they did not do a Traffic Study. Chris Breinholt reviewed the Traffic Study, in which there are levels of service, A - F, for traffic flow . Chris Breinholt stated that 400 West turning left onto Main Street would be a deterrent. Another access onto Main Street would assist the problem. UDOT would have to allow access to Main Street. It is very favorable for the area, but they would like to make sure that the traffic would not be an issue. Chris Breinholt would like the Traffic Study to be done with a second access versa a traffic light. A, B, and C are doable but an E, which was the given rating, is not acceptable. A is free flow, and F is congested traffic. The Board does not believe that the light would be the best option. The number one concern is the traffic. What would happen next would be that they improve the E rating and come back to this Board. Most of the delay will come from the UDOT. Carl Lilianstopie is another owner who is looking at an access that they could share. **Rich Woodworth moved to approve the concept plan with the improvement for the E rating to the Traffic Study and a zone change.** Chris Breinholt seconded. Vote: Steve Bench - aye, Christ Breinholt - aye, Dustin Ericson - aye, Richard Woodworth - aye. Motion unanimously approved.

Doug Millar asked about the website that tells about the City to have others interested in coming to Tremonton. Norene Rawlings has been updating the website. Jo Kingston has a kid who does web pages and design that is very good at it. He would be inexpensive but good. Doug Millar will get the number for Rich Woodworth.

4. Monthly review
 - a. Storm Drain Utility Assets and Projects

Curtis Roberts, Paul Fulgham and Chris Breinholt met to discuss the utility assets project. They are trying to take a proposal to the City Council that the Storm Drain Utility needs to stand on its own. When the plan is done, we will find that there is a great deficiency that will need to be addressed. We would, also, like to fix our deficiency with the collection. It is our goal to show the Council the numbers. If they

choose to change and separate the accounts, the attorney will need to write the language.

- b. 10th West and Main Traffic Safety Study remove happening.

Put on task list

- c. Easements/Vacation and recording of

Chris Breinholt would like to go through the easement map. Put on task list not monthly review

- d. Policy and procedures (i.e.: Storm Drain)

This is on task list

- e. Sewer Study

Task list all on task list not with a date but as a review.

- f. Comprehensive review of utility and roads

On the Task List

- g. Road Bond Review/Dig Permits

On the Task List

- h. Ponds

On the Task List

- i. New water source

Chris Breinholt and Paul Fulgham went out and looked at a few sights. He would like to discuss this item when everyone is in attendance before we move forward. It will be in three weeks.

- j. Task list review

Item #	Project/ Location	Task	Who	Beginning Date	Completed
1	Hooking Public Works into the City Office's network	Verify the network connection and ability	APIATECH, Paul Fulgham, & Rich Woodworth	Once UTOPIA is in place	
2	Bond or Escrow checks	Design a form to authorize holding and cycling bond or escrow checks.	Attorney	10/3/2007	
3	Zoning Change by Chip Ritter	Review Zoning	Attorney-Board	3/5/2008	04/02/2008
4	Country View Estates Development	Checklist	Board	4/11/2007	
5	UTOPIA	report	Board	6/6/2007	

	Construction				
6	Tremonton Pines	Checklist	Board	6/6/2007	
7	La Vista Estates	Checklist	Board	6/6/2007	
8	Spring Hollow Phase I	Checklist	Board	6/6/2007	
9	Water and Secondary Storm Drain water on the Hillside	View water and secondary Storm Drain Water options for the Hillside	Board	6/6/2007	
10	Sewer Master Plan	Review Sewer Master Plan	Board	4/4/2007	
11	Spring Acres Phase 4	Checklist	Board	4/4/2007	
12	Tremont Place	Checklist	Board	4/4/2007	
13	Holmgren Historical Farms	Checklist	Board	7/18/2007	4/2/2008
14	McFarland Subdivision	Checklist	Board	7/18/2007	4/2/2008
15	Garfield Estates Phase 2	Checklist	Board	8/22/2007	
16	Lookout Point	Checklist	Board	9/19/2007	
17	Allred Pond	Allred/Christensen Pond	Board	10/3/2007	
18	Appeal Authority Board	Think of who and when an individual is an appeal authority	Board	10/24/2007	Review Annually
19	River Valley Subdivision	Checklist	Board	11/21/2007	4/2/2008
20	Clover Field Estates	Second Access Participation	Board	11/14/2007	
21	Fairview Subdivision	Checklist	Board	11/21/2007	
22	Chadaz Estates Main Street Access	Acquiring Main Street access for Chadaz Estates	Board	3/26/2008	
23	Holmgren Estates Phase 7	Check list	Board	3/26/2008	4/2/2008
24	Holmgren Estates East Phase 3	Check list	Board	3/12/2008	
25	Sewer Study	Effluent Sewer Line follow-up	Chris Breinholt	10/3/2007	
26	HOSPITAL	Write a letter to Eric Packer informing him of the sidewalk, curb and gutter requirement	Chris Breinholt	11/28/2007	
27	UDOT Main Street access	Verify that UDOT will grant Main Street access to the land beside Jiffy Lube.	Chris Breinholt	1/2/2008	4/2/2008
28	Storm Drain System Research	Develop a plan for the Storm Drain System outfall line on the northwest hill	Chris Breinholt	1/2/2008	4/2/2008
29	Senior Center Building Engineering	Design the Senior Center Building Engineering for Changes requested	Chris Breinholt	3/26/2008	4/2/2008
30	Zoning Map Changes	Make changes to Zoning Map requested by Planning Commission	Chris Breinholt	3/26/2008 OPEN	
31	Zoning Code	Review entire code and approve or implement changes needed. (Low-income housing)	City Council City Attorney	11/7/2007	
32	Flood Plane Map	Check with FEMA to see the statues of the Flood Plane Map	Paul Fulgham	Yearly	
33	Allied Construction Invoice	Find where the invoice to pay allied construction is so that it can be paid	Paul Fulgham	11/28/2007	4/2/2008
34	Bear River Canal Company Retail Pool Figures	Talk with Dan Davidson	Paul Fulgham	3/5/2008	4/2/2008

35	Reserve Van for 3/28/2008	Contact Marion Layne to reserve the Van for March 28, 2008	Paul Fulgham	3/26/2008	4/2/2008
36	Road Classification	Update Roads Classification List	Paul Fulgham	3/26/2008 Yearly	
37	10th West and Main Stop Light	Contract UDOT	Rich Woodworth	3/21/2007	4/2/2008
38	Water Sources	Assess Finances available to find water	Rich Woodworth	1/31/2007	
39	Attorney as needed for City Council	Discuss calling the Attorney in as needed for City Council Meetings	Rich Woodworth	3/19/2008	
40	Attorney as needed for Planning Commission	Discuss calling the Attorney in as needed for Planning Commission Meetings	Steve Bench	3/19/2008	

A question on letter of credit was discussed. Can the City go to the Bank to get the money and how easy is that to do? Chadaz Estates has a true bond from a bonding company. Some have escrow, some have a letter of credit. Can the Board do a cash bond? How often do we need to cycle the checks? Is there a way to make a letter of credit not expire? Dustin Erickson stated that we will have to check with the lending agency to see how long they will hold the credit strong. Rich Woodworth stated that if we hold to our Guarantee Agreement, the City will be fine. The development period is one year. The letter of credit comes in once they want to start not when the development is finished even though it is two years. We would want at least two years. Two years on the whole amount and 10% on the guarantee.

Richard Woodworth told the Board that UTOPIA Construction owes 10 million dollars and there have been many law suites and things that need to be fought. They are refinancing right now. They would like to go through a new lender and buy out the other lender. There is not a product better out there that is better than UTOPIA. It is not a product problem - it is a time problem. There was an advertising agent that has done wrong. They will do it one more time. Once they get the new funding in place, Tremont City will be the first place fully built.

Rich Woodworth needs to have an agreement with the parties for the water and secondary water for the hillside. Rich Woodworth will give Dustin Erickson the costs. Rich Woodworth stated that what we would like to do is to give them a letter agreement that states when the City imposes an impact fee. We will give them dollar for dollar for the expense on this. This will be a letter that states their credit for the storm water impact fees.

Dan Davidson asked if Chris Breinholt could assist him contracting the water out. Rich Woodworth stated that it was okay.

Tremont Place Abb is one of the tester who called Chris Breinholt about the curb and gutter. Newel Jackson told the Board that what happened is that they were doing a presser check of the water into the subdivision and there was a leak that affected the cement area that was laid for the curb and gutter.

Parsons did the 12th South Street. They will come and fix the areas needed.

Appeal Authority Board. Rich Woodworth stated that everyone on the Board is a type of appeal authority in some areas. Each of us need to recognize when we are acting as an appeal authority. He would like everyone as a appeal authority. He asked that this be placed on the agenda annually as a review. It needs to be documented and there needs to be reasoning given for what they have done.

Rich Woodworth stated that Chris Breinholt gave a very nice letter to Chadaz Estates for the secondary access. They will give Dustin Ericson a copy.

River Valley Phase 5 - Chris Breinholt stated that the ditch needs to be detailed. He is going to make them. He has asked them to design the ditch all the way out with detail. It is because he may need more detail to do the pond.

Rich Woodworth asked Chris Breinholt to do an overlay or sticky back for the zone change. Chris Breinholt will figure out a way to do that.

Rich Woodworth will give Chris Breinholt the road classification file from the state. There are two classifications BNC Road Mileage Yearly.

Monday and Wednesday all day long at the office in the old office. Wednesday will be great. Monday is Court.

5. Comments/Reports:

a. Building Inspector - Steve Bench

Steve Bench had nothing further to discuss.

b. City Engineer - Chris Breinholt

Chris Breinholt gave Rich Woodworth an easement for the easement map that they need more information for. Rich Woodworth reviewed it. He will need to review it further. Two more related easements that are in question are on sign permits. There is an easement from Elwood and Wendell Peterson that both have the same size of easement. Rich Woodworth will take them and review them.

Mr. Breinholt gave Rich Woodworth an agreement with the Canal Company from 1955 stating that we can run the runoff from Main Street into the Canal Company.

Chris Breinholt and Steve Bench signed an affidavit for readdressing. Kathryn Bodtke notarized it. Chris Breinholt will give it to Darlene Hess to record.

c. City Manager - Richard E. Woodworth

Rich Woodworth had nothing further to discuss.

d. City Attorney - Dustin Erickson

Dustin Erickson had nothing further to discuss.

6. Public comments:

There were no public comments.

7. Adjournment

Chris Breinholt moved to adjourn. Rich Woodworth seconded the motion. Steve Bench, Chris Breinholt, Dustin Erickson, and Rich Woodworth approved the motion. The meeting adjourned at 11:16 a.m.

The undersigned duly acting and appointed Deputy Recorder for Tremonton City Corporation hereby certifies that the foregoing is a true and correct copy of the minutes of the Land Use Authority Board Meeting held on the above referenced date.

Dated this 21st day of May, 2008

Richard E. Woodworth
for Elizabeth Miller, DEPUTY RECORDER