

TREMONTON CITY
Land Use Authority Board
May 7, 2008

Members Present:

Steve Bench, Building Inspector
Chris Breinholt, City Engineer
Dustin Ericson, City Attorney
Paul Fulgham, Public Works Director
Richard E. Woodworth, City Manager
Darlene S. Hess, Recorder

Steve Bench called the May 7, 2008 Land Use Authority Board Meeting to order at 9:05 a.m. and welcomed all in attendance. The meeting was held in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Steve Bench, Chris Breinholt, Dustin Ericson, Paul Fulgham and Darlene Hess, City Recorder, were in attendance. Mr. Bench told the group that Richard Woodworth will be coming to the meeting shortly.

1. Approval of agenda

Steve Bench, Chair of the Land Use Authority Board, called for the motion to approve The May 7, 2008 Agenda. **Motion by Chris Breinholt to approve the agenda.** Second by Paul Fulgham. Vote: Steve Bench -aye, Chris Breinholt - aye, Dustin Ericson - aye, Paul Fulgham - aye. Motion approved.

2. Approval of minutes: April 30, 2008

Mr. Bench called for a motion to approve the April 30, 2008 minutes. Mr. Breinholt told the Board that clarification was needed on the statement Mr. Fulgham made in 5c as follows: Initially Tremonton Pines was asked to install a single PUD meter station. A special fire service meter was required because fire hydrants were installed on the system. Because of the size of the meter, it allowed a lot of low flow without being measured. Mr. Ericson asked that clarification be added in 5e, second paragraph by adding asbestos abatement cleanup.

Rich Woodworth came to the meeting at 9:17 a.m.

Motion by Paul Fulgham to approve the April 30, 2008 Land Use Authority Board Minutes with the above listed changes. Second by Steve Bench. Vote: Steve Bench - aye, Dustin Ericson - aye, Paul Fulgham - aye, Richard Woodworth - aye. Motion unanimously approved.

3. Unfinished Business:

a. Consider Pingle 1000 West Rocket Road for Preliminary approval subject to checklist - Ben Johnston

Wayne Pingle and Ben Johnston and Don Johnston from Johnston Engineering met with the Land Use Authority Board to discuss the Preliminary plat for the Pingle 1000 West Rocket Road seven lot subdivision. Mr. Johnston told the Board that this subdivision was tied to the Country Meadows Subdivision and is zoned R1-10. Mr. Johnston told the Board that the property line is in the middle of the private road and also ties into other property which is an issue. Mr. Fulgham told the representative that easements will need to be obtained from the property owners. Mr. Johnston told the Board that the documented easements to tie into the subdivision will need to be

recorded. He, also, commented that it is not much of an encroachment and Mr. Breinholt asked if it was just a holding strip?

Public Works Director Fulgham discussed the water and sewer. Ben Johnston told the Board that there will be two manholes and highlighted the positions on the map. Paul Fulgham told the group that because this is a service line, only one manhole is required. The manhole is located on the lateral at 960 South approximately twenty feet from Lot 6.

The water line was discussed. Mr. Johnston showed the Board the location of the water line. Paul Fulgham told the developer that individual services and meters should be implemented. Mr. Fulgham told the developers that the meters should be preferably installed in the city park strip.

Chris Breinholt asked if there would be a turnaround provision for services? Steve Bench told the group that there is not enough depth for a turnaround in the subdivision. Mr. Breinholt told the developer that the new property owners in this subdivision should be notified that their garbage will be collected at the cul-de-sac entrance.

Steve Bench asked if the developers had paid any of the fees? Mr. Pingle reported that he had not. Mr. Bench suggested that it be done today with Treasurer Oyler at the Front Desk. He told Mr. Pingle that the application fee is \$124 and the Planning Commission meets on May 13, 2008.

Motion by Steve Bench to approve the Preliminary plat for the seven lot Pingle Subdivision located at 1000 West 1200 South and forward it to the Planning Commission. Second by Chris Breinholt. Vote: Steve Bench - aye, Dustin Ericson - aye, Paul Fulgham - aye, Richard Woodworth - aye. Motion unanimously approved.

b. Review Lookout Point Final

Engineers Don Johnston and Ben Johnston of Johnston Engineering met with the Board to review the Lookout Point Final. Ben Johnston informed the Board that he had modified the road. He showed the Board how the road was laid out and told Mr. Breinholt that he will get the amended map and information to him by Friday.

Steve Bench told Mr. Johnston that he needed to contact Lee Watkins today referencing Country View Estates. The tank needs to be modified. Mr. Fulgham told the engineers that they could bring in the tank drawing for review, and they need to get the sewer and water line easements completed. Mr. Breinholt told the engineers that he needed to review the Master Plan and Mr. Fulgham told them that they need to bring the elevation information to Mr. Breinholt.

4. New Business:

a. Consider new business at 20 West 100 North, My Jump-Start Preschool - Shalyn Ekins

Shalyn Ekins met with the Board to discuss starting My Jump-Start Preschool. She informed them that she was a State certified educational teacher and her hope and desire was to open a preschool. Ms. Ekins told the Board that she needs thirty students to make it work.

The Board addressed the following:

- 1) The restrooms are ADA accessible and on the main floor which meets the requirements. Mr. Bench told the Board that the key issue here is they are located on the main floor.
- 2) The number of students per session was discussed. Per Mr. Bench, preschools are different from day care. There are not as many restrictions. Ms. Ekins plans to hold two or three sessions with ten to fifteen students ranging in age from four to six.
- 3) Rich Woodworth asked about the pupil student ratio? Ms. Ekins told the Board that she plans to work alone and the sessions will run two and a half hours each.
- 4) Rich Woodworth asked if there was a good drop off location at this address? Steve Bench told the group that the drop off location is no different from anywhere else. Mr. Woodworth suggested that Ms. Ekins give instructions to her students on drop off/pick up locations. He told the Board that the corner location would be best.

Motion by Steve Bench to approve My Jump-Start Preschool at 20 West and 100 North and authorize Ms. Ekins to proceed with getting her business license and fire inspection. Second by Rich Woodworth. Vote: Steve Bench - aye, Dustin Ericson - aye, Paul Fulgham - aye, Richard Woodworth - aye. Motion unanimously approved.

- b. Information on zone change - Charlie Taylor's property to a CH, West Liberty Foods and Millard Refrigeration properties to MD-B

The Board discussed the issue on getting descriptions to change the zoning on the property listed above. Steve Bench informed the Board that he had given descriptions to the Recorder's Office to write the Ordinance. The issue is that the County needs correct description in order to record the document. The Board reviewed the information and decided that it is not a requirement to have the zone change ordinance recorded. Information needs to be attached to the ordinance and records maintained in the City Archives. The Recorder's Office will draft the ordinance and give it to the City Attorney for review.

5. Comments/Reports:

- a. Building Inspector - Steve Bench

Mr. Bench told the Board that the zone change ordinance information will be given back to the Recorder and proceed with the zone change.

- b. City Engineer - Chris Breinholt

Mr. Breinholt told the Board he had nothing further to discuss with the Board. He will talk with Paul Fulgham after this meeting.

- c. Public Works - Paul Fulgham

Mr. Fulgham asked the Board what the City needed to do with the Roger Nelson entrance. It is in his agreement that the entrance will be finished. He asked the Board if the City received an escrow for doing the complex? Mr. Woodworth told the Board that the City did not get an escrow and really worked hard with Mr. Nelson to get things going in the beginning for construction. Mr. Fulgham told the Board that the entrance has a 78 or 79-foot dedicated road which could be shifted to the

north in order for the angle parking at El Parral. The City will not require curb and gutter. After further discussion, the Board decided that Mr. Nelson should proceed to get the entrance completed per his agreement with the City. It may come to shutting the business down in order to get the work completed. Mr. Bench told the Board that he would talk to Mr. Nelson about this issue.

Mr. Fulgham informed the Board that it is standard to have pins placed in the curbs and gutters to identify where sewer and water connections are located. Mr. Fulgham told the Board that so far, only Rupp's Construction Company has complied with the requirement. The City will require all other companies to go back into the subdivisions this spring and drill to have the pins put in place. This is per the State Legislature and the City needs to enforce the requirement.

d. City Manager - Richard Woodworth

Mr. Woodworth discussed the West Liberty Foods treatment facility and asked where it will be located? Mr. Fulgham told the Board that it could be located in the back of the property five feet from the property line or if they build a wall, they can go zero feet from the property line. Mr. Fulgham told the Board that West Liberty Foods will have a building that will hold half of their treatment process. The building size was discussed. Mr. Fulgham told the Board that the building will be around 30 x 30 or 30 x 40 square feet. He told the Board that they are working up a time line.

Mr. Breinholt asked if the odor will be a problem? Mr. Fulgham told the Board that there should not be a problem because the waste is fresh and moving. It should not smell different than it does now as long as they do not let their buy products sit around and decay. The basin is oversized with a 250,000 gallon tank that equalizes out before it hits the DAF. Rich Woodworth told the Board that Brad Rasmussen of Aqua Engineering, the City Consultant, is going to write a strong letter to West Liberty Foods and have Dustin Ericson, the City Attorney, look at it. Mr. Woodworth told the Board that the City needs a drop-dead date and the follow West Liberty Food's schedule not the City's schedule. We gave them six to nine months a while ago to get things taken care of and they have done nothing so far. Paul Fulgham told the Board that the building will be in back, in front or they will need to purchase property to put it on. He told the Board that he would like this issue to come back to the Board again for review.

Steve Bench told the Board that in order for the zone to be zero, the building will need to be block or metal that is fire rated. Rich Woodworth told the Board that he hates to see them put the treatment facility in front of West Liberty Foods because it will affect the property value. Everyone will know it is a treatment facility with a 250,000 gallon tank above ground. Paul Fulgham told the Board that he would email to Ed Claussen to discuss the issue of building the facility in front of the property.

e. City Attorney - Dustin Ericson

Mr. Ericson had nothing further to discuss.

Mr. Breinholt discussed the Pingle Subdivision with the Board. He asked if they wanted to have curb and gutter that does not tie in with the other property? Mr. Breinholt told the group that he detests deformity. Paul Fulgham told the Board that the road would go from wide to narrow and back to wide in this area. He then discussed another location in the City where this occurs. Rich Woodworth told the Board that they could add a postponement Agreement to the subdivision so curb and gutter will have to be implemented at a future date. Steve Bench reminded the Board that R1-10 zone requires curb and gutter and suggested that the Board require curb and gutter now.

Rich Woodworth asked Recorder Hess about the postponement agreements and if we have them on file in one location? She will check into this matter. Rich Woodworth asked Mr. Ericson to check into postponements to see if there is a maximum time limit for requiring the postponement agreements to be implemented. Mr. Breinholt told the Board that he would write a letter informing Mr. Pingle that the City will require them to install curb and gutter around the existing home as well.

6. Public Comment

There were no public comments.

7. Adjournment

Motion by Steve Bench to adjourn the meeting. Second by Richard Woodworth. Vote: Vote: Vote: Steve Bench - aye, Dustin Ericson - aye, Paul Fulgham - aye, Richard Woodworth - aye. Motion unanimously approved. Meeting adjourned at 10:02 a.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 of the Land Use Authority Board Meeting held on the above referenced date.

Dated this 21st day of May, 2008.

Darlene S. Hess, City Recorder