

**Tremonton City Corporation
Land Use Authority Board
May 13, 2009**

Members present:

Chairman/Building Inspector - Steve Bench

City Engineer - Chris Breinholt

Mayor - Max Weese

City Attorney - Dustin Ericson

Recorder - Darlene Hess

Chairman Bench called the May 13, 2009 Land Use Authority Board Meeting to order at 9:03 a.m. The meeting was held in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Chairman Steve Bench, City Engineer Chris Breinholt, Mayor Max Weese, City Attorney Dustin Ericson, and Recorder Darlene Hess were in attendance. Public Works Director Paul Fulgham was excused from the meeting.

1. Approval of Agenda

Chairman Bench asked if there were any changes or corrections to the May 13, 2009 agenda? No comments were made.

Motion by Chairman Bench to approve the May 13, 2009 agenda. Motion seconded by Mayor Weese. Vote: Mayor Weese - aye, Chris Breinholt - aye, Dustin Ericson - aye, Steve Bench - aye. Motion unanimously approved.

2. Approval of minutes - April, 22, 2009 and May 6, 2009

Chairman Bench asked if there were any corrections to the minutes? No comments were made.

Motion by Mayor Weese to approve the minutes of April 22, 2009 and May 6, 2009. Motion seconded by Engineer Breinholt. Vote: Dustin Ericson - aye, Mayor Weese - aye, Chris Breinholt - aye, Steve Bench - aye. Motion unanimously approved.

3. New Business:

a. Property split, 420 West 1200 South - Todd Lish

Todd Lish from Lish Realty presented the concept review to split property at 420 West 1200 South. The area is approximately 22,000 square feet. Chairman Bench handed out copies of a map of the area. The Board discussed the legality of spot zoning and found that this change is allowed if it is contiguous with existing zones

in the area. The zone change requested for this property is compliant with City Zoning Codes. The property also meets frontage and depth requirements. The property will be split into two separate lots and have two separate owners.

Chairman Bench informed Mr. Lish that he will also need to present this request to the City Planning Commission. After obtaining approval from the Planning Commission, it then goes to the City Council for approval before proceeding to the subdivision process.

Motion by Mayor Weese to send the property split request at 420 West 1200 South to the City Planning Commission. Motion seconded by Engineer Breinholt. Vote: Steve Bench - aye, Mayor Weese - aye, Dustin Ericson - aye, Chris Breinholt - aye. Motion unanimously approved.

b. Amend Maverik Subdivision plat and agreement

Chairman Bench informed the Board that owners of the Maverik Subdivision want to vacate Lot #1 in Parcel B of their subdivision. The Members First Credit Union is in the process of constructing a new facility at this location. Each business is separately owned. The developers want to vacate Lot #1 which was meant to be used for drainage and move it to another area. The Board discussed the process of vacating property and the possibility of future developments. The Board felt they should talk with the developer and surveyor to see if this is the route they want to go with to make these changes.

Motion by Mayor Weese to table this item until further information is obtained, and put it on the May 20, 2009 agenda. Motion seconded by Chairman Bench. Vote: Mayor Weese - aye, Dustin Ericson - aye, Chris Breinholt - aye, Steve Bench - aye. Motion unanimously approved.

3. Walk-ins:

a. Concept review only:

Todd Lish from Lish Realty presented a concept plan to split property from one parcel into three parcels at 691 East Main. The location currently has one house and two four-plex apartment complexes, with a Main Street access to the house and a private drive to the apartments. The existing zone is Neighborhood Mixed Use. Mr. Lish said the owner of the property does not want to change the zone or the use of the property. Splitting the property will make it easier to sell. Each building has its own water and sewer hookup.

The Board discussed easements and access right-of-way. Chairman Bench said City

Code requires 10,000 square feet for a single family dwelling and 12,000 square feet for the first two units of a multiple family dwelling, and an additional 2,000 square feet for each additional dwelling up to four units. This would restrict the construction of additional units on this property. Chairman Bench told Mr. Lish they would need to have the property surveyed and then bring the concept plat back to the Board. Mr. Lish was informed that he will need to contact the City the Monday before the meeting by noon if he wants to be on the agenda.

Motion by Chairman Bench to approve the concept plan for the Baird Split Subdivision plan at 691 East Main Street. Motion seconded by Engineer Breinholt. Vote: Mayor Weese - aye, Steve Bench - aye, Dustin Ericson - aye, Chris Breinholt - aye. Motion unanimously approved.

4. Comments/Reports:

a. Chairman/Building Inspector - Steve Bench

Chairman Bench informed the Board that he had talked with Tom Uriona who is with the Real Estate Department for Intermountain Health Care, about the Walking Trail at 1000 North. Mr. Uriona will draft an agreement to deed the property over to the City. The Hospital is responsible for installing curb and gutter at this location and the City is responsible for installing the sidewalks.

Chairman Bench said the City is having concerns with sidewalks in the Heritage Estate Subdivision at 600 West 700 South. The Board discussed options of holding escrow money from the developer until sidewalks are installed, adding the cost for sidewalks to the building permit, and the length of time the developer has to install the sidewalks. Attorney Ericson suggested sending a letter from the City to the Developer, Fred Bolingbroke from Extreme Partners, and home builder, Clain Olsen, stating they must contact the City by June 15, 2009 to resolve this issue. This is not the City's battle.

b. City Engineer - Chris Breinholt

Engineer Breinholt informed the Board of the status of the new well. Testing continues with a slight drop down from 1,500 gallons to 1,000 gallons per minute. There is not sufficient space to dump the excess water in to extend the testing. David Thompson, previous owner of the well, asked residents who are serviced by the well not to water their lawns while the testing is going on.

c. Public Works Director - Paul Fulgham

Excused.

d. Mayor - Max Weese

No comments.

e. City Attorney - Dustin Ericson

Attorney Ericson informed the Board that the City has filed a small claims suit against Allied Construction. The Court date is set for Monday, June 22, 2009 at 3:30 p.m. The City should also ask Mr. Blake Love from Staker and Parsons to attend.

Recorder Hess asked the Board if the City should allow another movie rental Red Box station into the City? Recorder Hess asked if the business owners should have restrictions on displaying movie covers with R ratings? The Board discussed the issue of displaying explicit movie covers and the need to be cautious of censorship. Attorney Ericson said obscenity is based on each community's interpretation. Each station would require a separate business license. Each case display would have to comply with City Codes. Chief Nance should be contacted for clarification on these codes.

5. Public Comments:

No public comments.

6. Adjournment:

Motion by Chairman Bench to adjourn the meeting. Motion seconded by Engineer Breinholt. Vote: Dustin Ericson - aye, Mayor Weese - aye, Chris Breinholt - aye, Steve Bench - aye. Motion unanimously approved. The 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. Minutes taken by Shirley Colvin.

Dated this ____ day of _____, 2009

Darlene Hess, Recorder