

**Tremonton City Corporation
Land Use Authority Board
May 6, 2009**

Members present:

Chairman/Building Inspector - Steve Bench

City Engineer - Chris Breinholt

Public Works Director - Paul Fulgham

Mayor - Max Weese

City Attorney - Dustin Ericson

Recorder - Darlene Hess

Chairman Bench called the May 6, 2009 Land Use Authority Board Meeting to order at 9:00 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, Public Works Director Paul Fulgham, Mayor Max Weese, City Attorney Dustin Ericson, and Recorder Darlene Hess were in attendance.

1. Approval of Agenda

Chairman Bench asked if there were any changes or corrections to the May 6, 2009 agenda? No comments were made.

Motion by Mayor Weese to approve the May 6, 2009 agenda. Motion seconded by Director Fulgham. Vote: Mayor Weese - aye, Director Fulgham - aye, Chairman Bench - aye, Engineer Breinholt - aye, and Attorney Ericson - aye. Motion approved.

2. New Business:

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

Todd Lish from Lish Realty informed the Board that he represents owners of a .51 acre property at 420 West 1200 South in the Century Subdivision. This property does not have any restrictive covenants. The property owner would like to split the property in half and build a home on the other half of the property. Chairman Bench said the Century Subdivision is non-conforming one acre zone. Property surrounding that area to the south and west is zoned R1-8.

The City does not currently have a provision for guest homes in the non-conforming one acre zone, therefore, a zone change would be required along with subdividing the property. The zone change for this one lot would be contiguous with the surrounding zone. This process can take months to complete. Director Fulgham asked what the

zone change would do to surrounding property owners, specifically those with animal rights. Chairman Bench said they could be grand-fathered and allowed to maintain those rights, however, if they moved those rights would be forfeited. All surrounding property owners would have to be notified of the zone change and be allowed to voice their concerns and opinions prior to approval.

The Board discussed the matter. Director Fulgham said the new home owners would have to purchase water and sewer hookups. Attorney Ericson said he would need to look into the situation further. This item was table and the Board asked that it be added on next weeks agenda.

3. Walk-ins: Concept review only.

There were no walk-ins.

4. Comments/Reports:

a. Building Inspector - Steve Bench

Inspector Bench said he had been contacted by Chad Munns, owner of Munn's Manufacturing about splitting the property at his business at 1140 North 1000 West. This would require a commercial lot line adjustment. Chairman Bench read information from the Tremonton City Code, Title 2-5-10b regarding lot line adjustments. Mr. Munns would like to separate the two pieces of property and extend his existing area to allow for truck access an additional ten feet to the north. Chairman Bench asked Attorney Ericson if he would look into the possibility of making a commercial lot line adjustment without going through the vacation process.

b. City Engineer - Chris Breinholt

Nothing to report.

c. Public Works Director - Paul Fulgham

Director Fulgham informed the Board that a new law had been passed on sewer lateral locators which the Underground Director Board people pushed through. By August 1, 2009, the City will need to have a means to locate new lateral installations and any repaired/replaced laterals on a sewer line. A change to the City's Construction Standards will need to be made. Current standards require a pin be placed in the curb where the sewer later is located. The City will now require a clean-out with a plug to be placed at the backside of the sidewalk to be purchased from the City, which has a locator wire installed for all new sewer laterals and replacements. This will allow the City to comply with the new requirements. The

clean-out locators will be required to be installed at the time of development of the subdivision. The cost of a clean-out and plug will be approximately \$20.00.

Director Fulgham said there are current developers who are not in compliance with the existing City regulations. Letters have been written, yet no action is being taken by the developers. Director Fulgham suggested having the Land Use Authority Board refuse to issue building permits or release escrow funds until the requirements are fulfilled. The City could be held liable in the event that any underground drilling rupture gas lines. Chairman Bench suggested counting the lots in each subdivision and adding the cost of the clean-outs to each building permit.

Director Fulgham reported on the progress of the new well stating the testing is in process.

d. Mayor Weese

Nothing to report.

e. City Attorney - Dustin Ericson

Attorney Ericson informed the Board that the City is taking Allied Construction to Small Claims Court and the Board will need to attend Court for those proceedings. No Court date has been set yet.

5. Public Comments:

No public comments were made.

6. Adjournment:

Motion by Director Fulgham to adjourn the meeting. Motion seconded by consensus. Vote: Mayor Weese - aye, Director Fulgham - aye, Chairman Bench - aye, Engineer Breinholt - aye, and Attorney Ericson - aye. Motion approved.

The meeting adjourned at 9:28 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 compiled by Shirley Colvin.

Dated this ____ day of _____, 2009

Darlene Hess, Recorder