

**TREMONTON CITY CORPORATION  
LAND USE AUTHORITY BOARD  
June 24, 2009**

Members present:

Steve Bench, Chairman/Building Inspector  
Shawn Warnke, City Manager  
Chris Breinholt, City Engineer  
Dustin Ericson, City Attorney  
Paul Fulgham, Public Works Director  
Darlene Hess, Recorder

Chairman Bench called the June 24, 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 Manager Shawn Warnke, City Engineer Chris Breinholt, City Attorney Dustin Ericson, Public Works Director Paul Fulgham, and Recorder Darlene Hess were in attendance.

1. Approval of agenda

Chairman Bench informed the Board Items 3a and 3b were to be a combined discussion, however, the telephone call to Ashfield Developers in Item 3b has been canceled.

**Motion by Director Fulgham to approve the June 24, 2009 agenda with the deletion of Item 3b.** Motion seconded by Engineer Breinholt. Vote: Chairman Bench - aye, Manager Warnke - aye, Engineer Breinholt - aye, Director Fulgham - aye, and Attorney Ericson - aye. Motion approved.

2. Approval of minutes

Chairman Bench asked if there were any comments on the minutes? Manager Warnke said he had not received a copy of the minutes and was not able to review the content of the minutes.

**Motion by Director Fulgham to approve the minutes of March 11, 2009, June 3, 2009, and June 10, 2009.** Motion seconded by Attorney Ericson. Vote: Chairman Bench - aye, Engineer Breinholt - aye, Director Fulgham - aye, and Attorney Ericson - aye. Manager Warnke abstained from voting. Motion approved.

3. Unfinished Business:

a. Jay Stocking - River Valley Phase 6 Improvement Bond

Mr. Stocking was not present for the meeting.

b. Ashfield Apartment/River Valley Subdivision

This item was deleted from the agenda.

4. New Business:

a. Walk-ins - Concept review only

Recorder Hess informed the Board that she had received an annexation petition bringing in the entire property owned by LDS Church at 300 South 1000 West. The annexation consists of 48 acres. Three of those acres are set aside for the development of an LDS Stake Center. Manager Warnke asked if the right-of-ways had been dedicated to the City yet? Attorney Ericson said the right-of-ways had already been dedicated. Manager Warnke asked if any of the City's Master Plan Roadways would run through this property? Chairman Bench said there is a proposed road at 225 South 1000 West. A private dirt road which now exists at 600 South is also part of the Master Road Plan. Another road is proposed to come off of 600 South and run toward Main Street. This area is currently zoned Commercial Hwy.

Chairman Bench said a subdivision just north of this had been recorded more than ten years ago, however, it was never developed. Contemporary Homes has also purchased this property, however, it is not part of the annexation. The Board discussed vacating the subdivision. Chairman Bench read from the Land Use Ordinance Code #2-5-6 stating; "a final plat shall be void after approval of the LUAB unless it has been recorded." Director Fulgham said the Public Works Standard states that the rules or standards governing a phase of a subdivision is void if it is not complete after one year, and the developers must comply with whatever standards exist after that time. The subdivision itself is not considered void as long as it has been recorded.

Attorney Ericson said he would look into the regulations of vacating the subdivision and contact Contemporary Homes or the registered agent of the property regarding their position on the status of the subdivision. Manager Warnke asked if the property owner should be required to designate right-of-way and easements to the City in regards to the future Master Plan roads? The Board suggested that this should be stated on the annexation plat.

Recorder Hess asked if approval is needed by the developers from UDOT since the annexation goes up against the highway? Approval is not required from UDOT.

Chairman Bench said a copy of the annexation should be given to Engineer Breinholt for review.

Recorder Hess informed the Board that Jonathan Grover had withdrawn his annexation petition which had been previously brought before the Board.

5. Comments/Reports:

a. Building Inspector - Steve Bench

Chairman Bench informed the Board that he and Manager Warnke had discussed procedures for walk-ins at the Land Use Authority Board Meetings. They discussed

whether walk-ins should continue as they have in the past, or should they be required to submit plans and materials prior to the meeting and be put on the agenda. This could extend the approval process by a week or so. Engineer Breinholt said they hadn't had any problems with the current procedures. Director Fulgham said he feels it is better to review the plans as a group should any department have issues which another department would not know about. The Board discussed options for walk-in procedures and Board approvals.

The Board felt they should continue with the existing walk-in process except eliminate the motion on concept approvals since it is not required. Approval is required on preliminary plans. Questions will be answered and direction and guidelines will be presented to walk-ins, along with a copy of the Board's plan review checklist packet. Recorder Hess was asked to remove "Concept Review Only" from the New Business - Walk-in section of the agenda.

Manager Warnke said he would like to see a reference of the State Statute regarding plan approvals to be put on the agenda.

Chairman Bench informed the Board that Rocky Mountain Power is now requiring the City to pay for streetlight installation and use. Manager Warnke said he had visited with a representative from Rocky Mountain Power who said they made an analysis for a term of five years where the total capital expenditures balance is charged to the City for the portion they cannot recoup from use according to their rate schedule on improvements. Director Fulgham said the cost of use not recouped by Rocky Mountain Power should be paid by the developer. The remaining amount is paid by the City. These expenses for the streetlights are billed up front to the City by Rocky Mountain Power. The streetlight bill sent to the City is approximately \$3,600.

Chairman Bench said developers must provide water, sewer, streets, curb, gutter, and sidewalks to their developments. Chairman Bench read the Land Use Ordinance Code #2-6-1 which states; "The City Engineer may require the developer to provide any or all of the following improvements according to the needs of the subdivision: fire hydrants, bridges, fences, retaining walls, landscaping, and street lighting. Previously, the developer had been required to install the electrical wires and conduit and Rocky Mountain Power installed their standard lighting fixtures at no charge to the developer. The City is then required to pay the monthly power usage bill.

The Board discussed the issue of passing the cost from Rocky Mountain Power onto developers. Attorney Ericson said the existing code is sufficient to allow the City to pass on the cost of the streetlights to the developers, however, the Board may want to add that the City Engineer has the discretion to add lights to a development if needed and the cost of those lights will be passed onto the developer. Chairman Bench said the developer is already required to sign an agreement on improvements which covers streetlights. Developers will be told that they will be expected to pay the fee for the street lights when the City receives the bill from Rocky Mountain Power. The City must pay these fees to Rocky Mountain Power before the streetlights are installed. The City may be able to obtain a standard fee amount for each light from Rocky Mountain Power and add this amount onto City subdivision fees required from the developer. These fees are for standard streetlights only.

Recorder Hess asked the Board to give her the amounts that will be added to the Subdivision fees for the streetlights so it can be added to the City's Rate Resolution. Director Fulgham said the cost for sewer clean-outs will also need to be added to the Rate Resolution. Manager Warnke said the City should set and state a standard for this new streetlight requirement.

Chairman Bench asked if there is anything more that needs to be done regarding the protection strip on 2000 West? Engineer Breinholt said this had already been taken care of through the title company and no further action is required by the City.

Chairman Bench said he had been asked by the Planning Commission if the fence at 300 West between 400 and 600 South which runs long the railroad tracks and the canal belonged to the City? The fence is falling apart and residents are concerned with children's safety. Director Fulgham said the City does not own the fence and it most likely belongs to the elementary school at this location. The fence ends at the cross street at this location a few yards away and most kids just walk around the fence to get to the tracks or canal. The fence is not the responsibility of the City or the Railroad Company. If the City does anything to repair this fence, then the City would be required to repair all fences throughout the City.

b. City Engineer - Chris Breinholt

Engineer Breinholt said he has an escrow plat from Marc Allred for Heritage Estates. Mr. Allred needs to pay the 10% contingency and sidewalks for his subdivision. Chairman Bench said the City has already sent the bond to the bank and the plat now needs to go to Attorney Ericson for his review.

c. City Attorney - Dustin Ericson

Attorney Ericson informed the Board that he had sent a letter to Claine Olsen regarding improvements which have not been installed in the Heritage Estates Subdivision. Court costs would amount to more than the cost of the sidewalk, however, the City may want to set a precedent stating developers will not be allowed to default on their development agreements. Extreme Partners had installed sidewalks where no lots were to be developed, however, a corner lot planned for development had not had improvements installed. The City currently requires all improvements to be installed before a final occupancy permit is granted. Attorney Ericson said he would send another letter to Mr. Olsen stating other developers had been required to install improvements at this location.

d. Public Works Director - Paul Fulgham

Director Fulgham said he and Engineer Breinholt had sent letters to developers in the area asking if they wanted to participate with the City when the City makes road improvements this summer. This would be a cost savings for the developers.

Director Fulgham handed out drawings of the City's new sewer clean-out for the Board to review.

e. City Manager - Shawn Warnke

Manager Warnke said the developers of the Church at 300 South and 1000 West should be notified of the potential future Road Master Plan in their development. The developers will be coming to a meeting with the City on July 7, 2009 and Manager Warnke will inform them at that time.

Manager Warnke informed the Board that he had received ULCT 2009 Land Use Bill Updates. One of the changes states that subdivisions are now considered administrative and that a public hearing on subdivisions is no longer required.

6. Public comments:

No public comments.

7. Adjournment

**Motion by Director Fulgham to adjourn the meeting.** Seconded by consensus of the Board. Vote: Chairman Bench - aye, Manager Warnke - aye, Engineer Breinholt - aye, Attorney Ericson - aye, and Director Fulgham - aye. Motion approved.

The meeting adjourned at 10:27 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 1<sup>st</sup> day of July, 2009

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Darlene Hess, Recorder