

**Tremonton City Corporation
Land Use Authority Board
July 1, 2009**

Members Present:

Steve Bench, Building Inspector
Chris Breinholt, City Engineer
Dustin Ericson, City Attorney
Paul Fulgham, Public Works Director
Shawn Warnke, City Manager
Dottie Garn, Deputy Recorder

Steve Bench called the Land Use Authority Board Meeting to order at 9:10 a.m. The meeting was held July 1, 2009, in the Tremonton City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Steve Bench, Chris Breinholt, Dustin Ericson, Paul Fulgham Shawn Warnke and Dottie Garn were in attendance.

1. Approval of agenda

Chris Breinholt moved to approve the agenda. Paul Fulgham seconded the motion. Vote: Steve Bench - aye, Chris Breinholt - aye, Dustin Ericson - aye, Paul Fulgham - aye, Shawn Warnke - aye. Motion approved.

2. Approval of minutes: June 24, 2009

Shawn Warnke made a motion to approve the minutes with a few grammatical corrections. Paul Fulgham seconded the motion. Vote: Steve Bench - aye, Chris Breinholt - aye, Dustin Ericson - aye, Paul Fulgham - aye, Shawn Warnke - aye. Motion approved.

3. Unfinished Business:

a. Final approval of Maverik Vacation and Members First Subdivision.

Steve Bench called Lee Watkins, with Hansen & Associates, to give the history of this development. The Board discussed with Mr. Watkins the set up of this property. Steve Bench told Mr. Watkins he doesn't have a mylar for the Member's First development. **Dustin Ericson motioned to accept the Maverick vacation and that the Board now accept and approve the Final Members First Subdivision.** Chris Breinholt seconded the motion. Vote: Steve Bench - aye, Chris Breinholt - aye, Dustin Ericson - aye, Paul Fulgham - aye, Shawn Warnke - aye. Motion approved.

b. Chris Sorenson - Sorenson Subdivision - 2450 W 500 N – Preliminary

Mr. Sorenson gave each Board member a plat for his proposed 2 lot subdivision. Chris Breinholt asked if the driveway would be included in the subdivision or if it would be a separate easement outside the subdivision. The Board discussed the different options. The board also discussed the main water line. Paul Fulgham said he is concerned that adding another phase may cause these homes to be without water while it is being connected. The Board discussed the option of using a half-width road. Dustin Ericson suggested a deferral agreement could be an option stating that section of road must be completed when the development is complete. Chris Breinholt said he would rather have the deferral agreement done instead of the half-width road. Mr. Breinholt asked Dustin Ericson how protected the City would be if a deferral agreement was done for the road and Mr. Ericson gave the options. Mr. Warnke would like to have a deferral agreement done so the improvements will be complete. Mr. Ericson said the agreement could be assignable with the lot so the new owner would be liable for the improvements. The Board reviewed the details of what the agreement could be. The Board felt as though the agreement could be tied to a larger piece of land to the west of these lots, thus making a future developer responsible for the improvements. Steve suggested to table this item so Mr. Sorenson can review the possible costs. **Steve Bench motioned to table the item until next week's meeting.** Paul Fulgham seconded the motion. Vote: Steve Bench - aye, Chris Breinholt - aye, Dustin Ericson - aye, Paul Fulgham - aye, Shawn Warnke - aye. Motion approved.

4. New Business:

a. Walk ins:

Jay Stocking and Blaine Rupp were present to discuss Phase 6 River Valley development issues. Mr. Stocking asked before it is recorded, would the City like a bond or cash escrow. The improvements can be put in but cannot be recorded without escrow. Chris Breinholt said once it is recorded the easements belong to the City. The bonding or escrow of the plat is the City's guarantee that it is done to the City's standards. Mr. Stocking asked what type of bond or escrow options he has. Steve Bench read from the Land Use Ordinance Code #2-6-6 about the different types of bonds available for the developer. Mr. Stocking asked when it can be recorded and Mr. Bench said whenever the City is satisfied with whatever type of security or bond is in place. Paul Fulgham said the Board needs to be legal and fair. Mr. Stocking asked why the City can't do developer protection agreements. Mr. Fulgham, Mr. Breinholt and Mr. Stocking discussed Mr. Stocking's different developments in the City. Mr. Breinholt said he still needs approved construction drawings. No decision was made as to which kind of bond Mr. Stocking will choose.

5. Comments/Reports:

- a. Building Inspector - Steve Bench

Steve Bench informed the Board he spoke with Gerald Smith about an RV dump connection at the Box Elder County Fairgrounds. Mr. Smith would like the City to consider waiving the connection fee. This item will be on the next City Council Agenda.

Glen Thompson spoke with Steve Bench about the City possibly reimbursing him for putting in a culvert on his access at 2000 West.

- b. City Engineer - Chris Breinholt

Mr. Breinholt asked if there has been any progress with the well. Paul Fulgham said the City is still waiting on David Thompson.

- c. City Attorney - Dustin Ericson

Nothing further to discuss.

- d. Public Works Director - Paul Fulgham

Nothing further to discuss.

- e. City Manager - Shawn Warnke

Nothing further to discuss.

6. Public comments:

There were no public comments.

7. Adjournment

Paul Fulgham motioned to adjourn the meeting at 11:30 a.m. Steve Bench seconded the motion. Vote: Steve Bench - aye, Chris Breinholt - aye, Dustin Ericson - aye, Paul Fulgham - aye, Shawn Warnke - aye. Motion approved.

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 22nd day of July, 2009.

Dottie Garn, Deputy Recorder