

**TREMONTON CITY CORPORATION  
LAND USE AUTHORITY BOARD  
December 9, 2009**

Members Present:

Steve Bench, Chairman/Zoning Administrator  
Chris Breinholt, City Engineer  
Shawn Warnke, City Manager/Deputy Recorder  
Paul Fulgham, Public Works Director  
Marc Christensen, Recreation Director

Chairman Bench called the Land Use Authority Board Meeting to order at 9:00 a.m. The meeting was held December 9, 2009, in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Chairman Steve Bench, Engineer Chris Breinholt, Manager/Deputy Recorder Shawn Warnke, Director Paul Fulgham, and Director Marc Christensen were in attendance.

1. Approval of agenda.

Chairman Bench asked if there were any changes to the agenda? Chairman Bench said Mr. Richard Nicholas was in attendance to discuss a matter with the Board as a walk-in, and he would like to move this discussion to the beginning of the meeting.

**Motion by Chairman Bench to approve the December 9, 2009 agenda with changing the Item 3d to the beginning of the meeting.** Motion seconded by Director Fulgham.

Vote: Chairman Bench - aye, Engineer Breinholt - aye, Manager Warnke - aye, Director Fulgham, and Director Christensen - aye. Motion approved.

2. Approval of minutes: November 18, 2009.

Chairman Bench asked if there were any changes or corrections to the minutes? Chairman Bench said a correction needed to be made to Item 3a where it reads "Richards Bott will need a form for the Church showing they will do the curb and gutter in the future"; corrected to read "The LDS Church will need a Deferral Agreement showing they will install the curb and gutter in the future."

**Motion by Chairman Bench to approve the minutes of November 18, 2009 with the correction to Item 3a - "Richards Bott will need a form for the Church showing they will do the curb and gutter in the future"; corrected to read "The LDS Church will need a Deferral Agreement showing they will install the curb and gutter in the future."**

Motion seconded by Director Christensen. Vote: Chairman Bench - aye, Engineer Breinholt - aye, Manager Warnke - aye, Director Fulgham, and Director Christensen - aye. Motion approved.

a. Walk-ins:

Richard Nicholas informed the Board that he wants to construct a building to be leased for retail business on the east portion of his property at 1960 West Main Street. The area does not have City utility services. Mr. Nicholas asked if he could be allowed to connect to the City's water and sewer system at this location, and what would the City require to accomplish this?

Director Fulgham informed Mr. Nicholas that he could install lines to connect to the City's systems in different ways. He could run a four-inch line on his own property that he would be required to maintain, or he could run an eight-inch line and a manhole through the City's easement which the City would maintain. Director Fulgham said he could also cut under the State road and connect to the City's line across the street, however, he would need to obtain approval from UDOT to do this.

Mr. Nicholas was told that the impact fees to connect to the City's water system would be \$3,342.44 and impact fees to connect to the City's sewer system would be \$1,932.29, however, these amounts are subject to change. In addition to the impact fees, Mr. Nicholas would need to obtain a building permit for the retail building which will be 1% of the cost of the structure. Mr. Nicholas was told that he would also need to provide a site plan with the building permit.

Mr. Nicholas said he would like to have the drain ditch along the road south of his property piped and covered, and asked if the City would consider doing this project? Director Fulgham said the City tried to do this project several years ago and Mr. Nicholas would not agree to it then. Mr. Nicholas said he didn't trust the City at that time. Director Fulgham said the City does not have funds to do the project now.

Mr. Nicholas asked what would be required if he wanted to sell this property in the future? Mr. Nicholas was told that he would probably want to subdivide the property. The City will require him to pay subdivision and recording fees, and he would also need to hire an engineer to draw up plans for the subdivision.

Mr. Nicholas said there are field drains under his property where he would like to run the line for utility services, and asked who is responsible for the drains? Director Fulgham said the City will contact Taylor Payne at the Conservation District to see if they have a list of who is responsible for the drains. The City Council will decide by ordinance how the drains inside the City limits will be treated. Mr. Nicholas was told that he would have to route his new utility service line around the field drains, making sure not to obstruct or damage any lines.

Manager Warnke asked if the new structure and future business would comply with current zoning? Chairman Bench said the business and structure will comply with

current zoning. Manager Warnke informed Mr. Nicholas that the new retail structure, and any future development, would also need to meet and comply with City required setbacks and easements. Manager Warnke asked if there are any landscaping requirements? Chairman Bench said the City only makes recommendations regarding landscaping. Manager Warnke asked about parking and water run off requirements? Mr. Nicholas said there will be adequate parking in front of the new structure. Engineer Breinholt said the State requires the run off water be detained by the property owner. This includes installing a device to limit water flow. Director Fulgham said he would go out to this location and measure where the required setbacks and easements should be located.

3. New Business:

- a. Discussion and consideration of recommending that trails be incorporated into street cross-sections right-of-ways contained in Title III General Public Works ordinances.

Manager Warnke said he had visited with Engineer Breinholt regarding a network of trails throughout the City. Current standards vary regarding right-of-ways. Manager Warnke said the City needs to adopt specific standards for the trail system within right-of-ways. The Board reviewed City street maps and discussed trail and road widths, easements, and right-of-ways. Chairman Bench said that he and Engineer Breinholt would make up drafts and rough sketches of the system and present to the Board at another meeting. Chairman Bench asked to have Item 3a put on the December 16, 2009 Land Use Authority Board Agenda.

- b. Discussion and consideration of recommending amendments to the Revised Ordinances of Tremonton City Corporation in conjunction with the pending amendments to Title III General Public Works ordinances. Specific sections of the Revised Ordinances of Tremonton City Corporation that are likely to be discussed include:

- 1) 11-352 Permit Require - Supervision
- 2) 11-353 Construction of Driveway or Changes of Construction
- 3) 11-380 Excavations
- 4) 11-400 Excavation Permit Ordinance
- 5) Chapter 14-100 Water
- 6) Chapter 14-200 Sewer

Chairman Bench said the City needs to coordinate ordinances with each department. Director Fulgham said he had found discrepancies in some of the ordinances pertaining to the Public Works Department. Chairman Bench suggested Manager Warnke send the ordinances to each Department Heads for review and ask them to highlight any sections in question. The Department Heads will then return the corrections to Manager Warnke.

- c. Discussion and consideration of recommending an ordinance pertaining to the recently completed Tremonton City Field Drain Identification Project conducted by the Northern Utah Conservation District.

Chairman Bench said the City Council had received the final Field Drain Identification Project Booklets from the Northern Utah Conservation District. Chairman Bench suggested that Engineer Breinholt review the results and make recommendations to the City Council for the new Field Drain Policy. Director Fulgham said he would contact the Conservation District to find out who is responsible for the field drains. Chairman Bench said that he will contact Elwood City to see how they have addressed the situation.

- d. Walk ins:\*

This item was moved to Item 2a.

5. Comments/Reports:

- a. Chairman/Zoning Administrator - Steve Bench

No comments.

- b. City Engineer - Chris Breinholt

Engineer Breinholt said he has the latest zoning maps for the new annexations for the Board to review. Chairman Bench said he would review the new annexation maps.

Engineer Breinholt handed out copies of the Jeanie Stevens Park Trail Booklets for the Board to review.

Engineer Breinholt asked if the City needed to be concerned about back flow contamination in the City fire hydrants? Director Fulgham said the situation is not a concern. Director Fulgham said the only concern the Public Works Department has with the fire hydrants is they would like to have them flagged during the winter for snow removal.

- c. City Manager - Shawn Warnke

Manager Warnke asked if the Board had reviewed the draft of the sidewalk notice? If the draft is acceptable, he will talk with City Attorney, Dustin Ericson, about the matter. No other comments were made.

Manager Warnke said that Recorder Darlene Hess needed to talk to the Board.

Recorder Hess arrived at 11:35 p.m. and told the Board that the City had received a letter from Jones & Associates regarding the LDS Church's South Stake Project, and she needs to know if they will want the City to record the property? Chairman Bench said they would get both parties to sign the paperwork and then the City will record the plat. Chairman Bench said he would email the deferral agreement to Recorder Hess along with changes to the letter from Jones & Associates.

d. Public Works Director - Paul Fulgham

No comments.

e. Recreation Director - Marc Christensen

No comments.

6. Public comments: Comments limited to five minutes.

No public comments.

7. Adjournment.

**Motion by Manager Warnke to adjourn the meeting.** Motion seconded by Chairman Bench. Motion unanimously 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 \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Shawn Warnke, Deputy Recorder

\*Utah Code 52-4-202, (6) allows for a topic to be raised by the public and discussed by the public body even though it was not included in the agenda or advance public notice given; however, no final action will be taken.

