

**TREMONTON CITY CORPORATION
LAND USE AUTHORITY BOARD
December 16, 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 9:04 a.m. The meeting was held December 16, 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, Director Marc Christensen, and Police Chief David Nance were in attendance.

1. Approval of agenda:

Chairman Bench asked if there were any changes to the agenda?

Chairman Bench said he would like to trade Items 3c and 3d.

Motion by Director Fulgham to approve the December 16, 2009 agenda and put Item 3d before Item 3c. Motion seconded by Director Christensen. Vote: Chairman Bench - aye, Engineer Breinholt - aye, Manager/Deputy Recorder Warnke - aye, Director Fulgham - aye, and Director Christensen - aye. Motion approved.

2. Approval of minutes: December 9, 2009.

Chairman Bench asked if there were any changes or corrections to the minutes? Chairman Bench informed the Board that the minutes were emailed out before the final draft was ready. Impact fee amounts in Item 2a, paragraph three should read \$3342.44 for water impact fees, and \$1932.29 for sewer impact fees. The impact fees are subject to change. Section 5c, paragraph two should say the City will record the LDS Church's South Stake Project. Chairman Bench said Director Fulgham wanted to change the wording in Item 2a, paragraph four - "Mr. Nicholas said he would like to have the canal along the road" to read "Mr. Nicholas would like to have the drain ditch along the road." Engineer Breinholt said he would like to change the wording in Item 5c, paragraph two - "Engineer Breinholt said he would email the deferral agreement to Recorder Hess" to read "Chairman Bench will email the deferral agreement to Recorder Hess." Manager/Deputy Recorder Warnke said he wanted to change the wording in Item 3a, paragraph one - "Current standards vary regarding park strips and right of ways. Manager/Deputy Recorder Warnke said the City needs to adopt specific standards for the trail system" to read "Current standards vary regarding right-of-ways." Manager/Deputy Recorder Warnke said the City needs to adopt specific standards for the trail system within right-of-ways." Engineer Breinholt also wanted to change the wording in Item 3c, paragraph one - "Chairman Bench suggested that Engineer Breinholt review the results and make recommendations to the City Council for the new Field Drain Ordinance to read "Chairman Bench suggested that Engineer Breinholt review the results and

make recommendations to the City Council for the new Field Drain Policy,” and change Item 3c, paragraph one - “Chairman Bench said that Elwood City had adopted an ordinance regarding their field drains and that he would get a copy of their ordinance for the Board to review.” to read “Chairman Bench said that he will contact Elwood City to see how they have addressed the situation.”

Motion by Director Fulgham to approve the minutes of December 9, 2009 with the following changes: Impact fee amounts in Item 2a, paragraph three should read \$3342.44 for water impact fees, and \$1932.29 for sewer impact fees. The impact fees are subject to change. Section 5c, paragraph two should say the City will record the LDS Church’s South Stake Project. Chairman Bench said the Director Fulgham wanted to change the wording in Item 2a, paragraph four - “Mr. Nicholas said he would like to have the canal along the road” to read “Mr. Nicholas would like to have the drain ditch along the road.” Engineer Breinholt said he would like to change the wording in Item 5c, paragraph two - “Engineer Breinholt said he would email the deferral agreement to Recorder Hess” to read “Chairman Bench will email the deferral agreement to Recorder Hess.” Manager/Deputy Recorder Warnke said he wanted to change the wording in Item 3a, paragraph one - “Current standards vary regarding park strips and right of ways. Manager/Deputy Recorder Warnke said the City needs to adopt specific standards for the trail system” to read “Current standards vary regarding right-of-ways.” Manager/Deputy Recorder Warnke said the City needs to adopt specific standards for the trail system within right-of-ways.”. Engineer Breinholt also wanted to change the wording in Item 3c, paragraph one - “Chairman Bench suggested that Engineer Breinholt review the results and make recommendations to the City Council for the new Field Drain Ordinance.” to read “Chairman Bench suggested that Engineer Breinholt review the results and make recommendations to the City Council for the new Field Drain Policy.”, and change Item 3c, paragraph one - “Chairman Bench said that Elwood City had adopted an ordinance regarding their field drains and that he would get a copy of their ordinance for the Board to review.” to read “Chairman Bench said that he will contact Elwood City to see how they have addressed the situation.” Motion seconded by Engineer Breinholt. Vote: Chairman Bench - aye, Engineer Breinholt - aye, Manager/Deputy Recorder Warnke - aye, Director Fulgham - aye, and Director Christensen - aye. Motion approved.

3. New Business:

- a. Discussion with the Bear River Canal Company on canal safety and upcoming State Legislation pertaining to canal safety - Dan Davidson of the Bear River Canal Company.

Dan Davidson from the Bear River Canal Company reminded the Board of the canal collapse in Logan last year which resulted in three fatalities. The Canal Company wants to make sure they have a good line of communication with the City in the event of any issues or problems with the canals. They want to protect easements and right-of-ways along with making sure fences do not impede canal access and maintenance. Manager/Deputy Recorder Warnke asked what the maintenance requirements were? Mr. Davidson said the Canal Company checks the canals on a daily basis and cleaning is performed annually. Mr. Davidson said a certain amount of vegetation is necessary to prevent erosion of the canals.

The Board discussed easement widths and canal access. Engineer Breinholt suggested the Board ask City Attorney, Dustin Ericson, if the City had legal authority to require new developments adjacent to the canals to provide an easement along the canal. The Board discussed the vegetation along the canal bank at 900 West Main Street. Mr. Davidson said the Canal Company had made an agreement with Town & Country Mobile Home Park at this location to allow them to build a fence along the canal if they maintained the canal bank. Mr. Davidson said the Canal Company would contact the owners of Town & County.

Manager/Deputy Recorder Warnke asked if the Canal Company would consider partnering with the City to coordinate a trail system? Mr. Davidson said he was not opposed to the idea, however, he did have concerns of installing trails along open canals as it would pose a liability issue. Piping all of the canals in the City may be an option.

Chief Nance thanked Mr. Davidson for his help this past summer and asked for his emergency contact information for the Police Department. Chief Nance asked if the Canal Company consider fishing in the canals trespassing? Mr. Davidson said when they tell kids they can't fish or swim in the canals they find they end up with worse problems from those kids vandalizing the canals. Mr. Davidson said kids may not want to swim if they knew what is dumped in the canals upstream. Chief Nance said they have been told by some property owners that their kids can tube and swim in the canals because they own the canal which runs through their property. Mr. Davidson said that some property owners do own up to the middle of canals which run through their property.

The Board thanked Mr. Davidson for working with the City and said the City will notify the Canal Company of any issues or concerns with all canals in the City, even if the Canal Company does not own them. Mr. Davidson said that he would appreciate the information.

b. Discussion and consideration of changing apartments to Townhouses - Mike Hugie.

Mr. Hugie told the Board that he wanted to change the use of his apartment complex into town homes. Chairman Bench said the County is only concerned with the title of the development. He can either vacate the current development or change the title on the plat. Chairman Bench said that the construction meets code for either use.

Director Fulgham told Mr. Hugie that he will need to install sewer lines for each individual unit. Chairman Bench said the Board would have Engineer Breinholt review the plat and that a signature block would need to be added to it for the Land Use Authority Board.

Manager/Deputy Recorder Warnke said the run off water will need to be addressed. Mr. Hugie said a retention pond has already been planned. Director Bench said the number of amendments will need to be verified on the development. Manager/Deputy Recorder Warnke also said a Public Hearing may be required. Mr. Hugie said he is working on the Home Owners Association Covenants for the development and he gave a check to Chairman Bench in the amount of \$108.00 for

the concept amendment fee.

Motion by Engineer Breinholt to approve the amended concept plan for Mr. Hugie's Town Homes. Motion seconded by censuses of the Board. Motion approved.

- d. Discussion and consideration of the East Tremonton Estates Two Lot Subdivision at 2139 East Main - Jonathan and Loni Grover.

Property owner Loni Grover, and Engineer Ben Johnston presented a concept plat for the Grover subdivision. The Grovers plan to construct a home on one parcel of the property. Chairman Bench said City code requires they connect to the City's sewer system. Ms. Grover said they had planned on connecting to the City's system and she asked what the City requires to do this. The Grovers will have a private drive to the property. Director Fulgham said the City does not maintain utility lines in private lanes. The Grovers can install water and sewer lines down their private drive and connect to the City's main lines on the south side of Main Street at this location. Lateral lines should be 1 inch, however, 1 ½ inch is better for the homeowner. The water meter and fire hydrant will also need to be set at Main Street.

The Board discussed the need to install a turnaround on the property at the end of the private drive. The private drive must be a minimum of 24 feet in width and a standard road is 50 feet wide. Engineer Breinholt said if the drive is 50 feet wide, the Grovers would be required to install curb, gutter, and sidewalk. Manager/Deputy Recorder Warnke asked about drainage. Mr. Johnston said drainage is addressed on the plat.

Manager/Deputy Recorder Warnke asked Ms. Grover if they had plans for future use of the adjoining property in the subdivision? Ms. Grover said the subdivision consists of seven acres. Their plans are to farm the remaining land for now and they may consider other development in the distant future.

Chairman Bench said the Board will review and verify the plat. Engineer Breinholt told Mr. Johnston the City will need a drawing of the water and sewer lines to the home.

Motion by Director Fulgham to approve the concept plat with recommendations to this point. Motion seconded by Director Christensen. Vote: Chairman Bench - aye, Engineer Breinholt - aye, Manager/Deputy Recorder Warnke - aye, Director Fulgham - aye, and Director Christensen - aye. Motion approved.

Chief Nance left the meeting at 10:14 a.m.

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

Engineer Breinholt presented concept drawings for a trail system, right-of-ways, and sidewalks. The Board reviewed the drawings and discussed options for travel ways, trail widths, on street parking, sidewalks, bike lanes, and turn lanes.

e. Walk-ins:*

No other walk-ins.

5. Comments/Reports:

a. Chairman/Building Inspector - Steve Bench

Chairman Bench said the zoning map looks good and is up to date now. Chairman Bench asked Engineer Breinholt to email him a copy of the map.

Chairman Bench left the meeting at 10:55 a.m. and turned the Chairmanship over to Manager/Deputy Recorder Warnke.

b. City Engineer - Chris Breinholt

Engineer Breinholt said the City may need to put the new trail system into policy and make it part of the City's Master Plan.

c. Public Works Director - Paul Fulgham

No comments.

d. Recreation Director - Marc Christensen

No comments.

e. City Manager/Deputy Recorder - Shawn Warnke

Manager/Deputy Recorder Warnke informed the Board of a meeting scheduled with UDOT on Monday, December 21, 2009 at 9:30 a.m. at the railroad crossing on West Main Street.

6. Public comments: Comments limited to five minutes.

No public comments.

7. Adjournment:

Motion by Director Fulgham to adjournment the meeting. Motion seconded by Director Christensen. Motion approved by consensus of the Board. The meeting adjourned at 11:15 a.m.

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.