

**TREMONTON CITY CORPORATION
LAND USE AUTHORITY BOARD
October 1, 2014**

Members Present:

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

Chairman Bench called the Land Use Authority Board Meeting to order at 9:05 a.m. The meeting was held October 1, 2014 in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Chairman Steve Bench, Engineer Chris Breinholt, Manager Shawn Warnke, Director Paul Fulgham, and Deputy Recorder Linsey Nessen were in attendance. Director Marc Christensen was excused.

1. Approval of agenda:

Motion by Director Fulgham to approve the October 1, 2014 agenda. Motion seconded by Engineer Breinholt. Vote: Chairman Bench – aye, Engineer Breinholt – aye, Manager Warnke – aye, and Director Fulgham – aye. Motion approved.

2. Approval of minutes: September 17, 2014

Motion by Engineer Breinholt to approve the minutes of September 17, 2014. Motion seconded by Director Fulgham. Vote: Chairman Bench – aye, Engineer Breinholt – aye, Manager Warnke – aye, and Director Fulgham – aye. Motion approved.

3. New Business: *The following items were discussed out of order.*

a. Discussion and consideration of a Preliminary Plat for Spring Hollow and Spring Hollow Legends Subdivision – Christensen's

Chairman Bench stated that the Land Use Authority Board was able to review the plat and the checklist associated with the construction drawings and final plat and there are only a couple of items that the plat lacks. Manager Warnke suggested moving Lot 49 to the other side. Mr. Jay Christensen stated that they have already planned to do that.

Manager Warnke stated that there are irrigation lines showing on the plat, but not irrigation laterals. Engineer Breinholt stated that the irrigation lines will be removed from the plat anyway because there is not enough water pressure, unless they intended on putting in dry lines. Mr. Jay Christensen stated that is a major issue to them because when they started the project, they thought they would be able to get

secondary water and now they are almost ready to start the project and find that secondary water isn't going to happen. Mr. Ricky Christensen stated that secondary water is a major selling point and asked what can be done to get the necessary water pressure there. Director Fulgham stated that the City Council would need to decide to put in a secondary water system. Mr. Ricky Christensen asked if the tanks on the hill are being used. Director Fulgham stated that they are all being used. There is one 120,000 gallon tank that the City could get rid of. Mr. Ricky Christensen asked if that tank could be used for secondary water. Director Fulgham stated that the tank is too small and wouldn't have enough storage to make it work.

Manager Warnke asked if the City owns property on the hillside for a reservoir. Director Fulgham stated that the City does own property on the hill with the plan of putting in an open reservoir for secondary water, but when a study was done in 2007, the City Council decided not to invest the money to expand the secondary water system. Director Fulgham stated that he feels a secondary water system is necessary for the future, but no promises can be made of anything happening. Manager Warnke stated that the Council is starting to understand the need for a secondary water system as it gets harder and harder to get water.

Manager Warnke asked where the pressure line is. Director Fulgham stated that the pressure line goes up to Spring Acres now and could push a little higher, but wouldn't be able to keep enough pressure up to the development. Director Fulgham asked what the pressure was when the study was done. Engineer Breinholt stated that it was fifty pounds of pressure.

Mr. Jay Christensen stated that it has become an issue because if one lot in the development can get secondary water and another lot can't, the lot that can't get secondary water is not going to sell. Mr. Jay Christensen stated that they are pushing a major investment with this development that will benefit the City and he knows that the City can't say when a secondary water system will go in, but he would be more interested in putting dry lines in if they knew that a secondary water system would be coming in the next few years.

Manager Warnke stated that one issue is with water rights and asked the Christensen's if they have any water rights that could be forfeited for a secondary water system. Director Fulgham stated that when the secondary water system was put in for Spring Acres, the City had to go to the Canal Company, which wasn't even in their service area. Engineer Breinholt stated that they ended up expanding their entire service area. Mr. Jay Christensen stated that they do not have any water rights on the hill and stated that they will start talking to the City Councilmembers about the need for a secondary water system. Manager Warnke stated that talking to City Councilmembers would be a good approach.

Mr. Jay Christensen asked the Board's opinion if a secondary water system is something they may see in the future or if they will be shooting themselves in the

foot by putting in dry lines. Engineer Breinholt stated that after a secondary water system was shot down in the past, he would've said they would never see one, but now with the current state of water rights in the State Engineer's Office, it is a lot more likely. Director Fulgham stated that City Councilmember Holmgren is on board for a secondary water system. Engineer Breinholt stated that it may become cheaper to do a secondary water system than developing culinary water.

Manager Warnke asked when the USGS Water Rights Study done by the Division of Water Rights will be done. Director Fulgham stated that it is supposed to be done by next spring. The study will show what the likelihood will be of acquiring new water rights in the future.

Mr. Jay Christensen asked what needs to be done as they are planning to eliminate the tennis court that was included on the original plat. Manager Warnke stated that the City would have to amend the Code as that is the way the process was formalized. Chairman Bench asked if the elimination of the tennis court is the only change. Mr. Jay Christensen stated that he thought it was the only change. Chairman Bench read from the Code, "The remaining hard surface common recreation improvements (tennis court, basketball and pickle ball courts) as shown on Map 1.08 shall be constructed and completed after fifteen (15) building lots are sold or thirty-six (36) months from the date the final plat is recorded with the Box Elder County Recorder." Map 1.08 is also recorded and will need to be amended.

Mr. Jay Christensen asked if the amenities have to be specified. Chairman Bench stated that they were specified at the time it was done. Mr. Jay Christensen stated that they need a little latitude and asked if they add something if they have to come back and go through this same process again. Manager Warnke stated that the items listed are the minimums that were discussed in prior conversations.

Manager Warnke stated that if the Christensen's were to go ahead with installing the dry secondary water lines and laterals, that might be a value to the City and the residents to have those dry lines in lieu of some of the other amenities originally contemplated and discussed. Engineer Breinholt stated that when the City gets to the point of requiring developers to put in secondary water lines, water shares will also be required. Manager Warnke asked Director Fulgham if he had concerns with the Christensen's putting in dry lines. Director Fulgham stated that his only concern is when it comes time to pressurize the lines. The lines will be tested during construction, but it is unknown what happens to them after that point until the City fills them with water. In the future when water does get up to the development, a road or two may have to be dug up if a line breaks.

Mr. Ricky Christensen stated that if the City isn't going to be putting water into the secondary water system, he didn't know if it was worth it to spend the money to put the dry lines in. Director Fulgham stated that it is possible in the future that the City could pump up to the 120,000 gallon water tank and then re-pressurize out of that

tank to feed the area. The spring that feeds into the tank could be piped around it and could be used as a little secondary water system. The pump could probably get water up to the tank and then another VFD drive would have to be run to re-pressurize the line.

Manager Warnke asked how many secondary water systems users the City currently has. Director Fulgham stated that there are between 60 and 70 users. Mr. Jay Christensen stated that if this development had a secondary water system, they would have 20 to 25 more hookups. Manager Warnke asked if the Christensen's would like to explore this option more. Mr. Jay Christensen stated that they are on the same page and it is something that needs to be looked at as they get closer to approval. Mr. Ricky Christensen agreed. Mr. Jay Christensen also stated that they would pursue finding water rights. Manager Warnke stated that it would be interesting to figure the cost to put in a system like what was discussed versus the cost of getting more culinary water.

Zoning Administrator Bench stated that the other issues currently are that the acreage of open space has been reduced from what was originally recorded, the parking, and there are some lots that have been changed to be pie shaped that no longer meet the 60 foot frontage requirement. Mr. Ricky Christensen asked how those items need to be amended. Zoning Administrator Bench stated that the City will have to make the amendments to the Code. Manager Warnke also suggested using the new preliminary plat as an exhibit when amendments are made.

Zoning Administrator Bench stated that there are 31 parking stalls proposed and 2 of those stalls must be ADA accessible. There are setback requirements for parking lots of 15 feet from a public road to a parking area and 7 ½ feet from the end of the lots. Mr. Jay Christensen asked how large the sidewalk needs to be. Director Fulgham stated that it will need to be a four foot sidewalk. Manager Warnke asked about headlight screening. Chairman Bench stated that there needs to be a 7 ½ foot buffer from the parking area to the property line meaning trees, ground cover, wall, or fence.

Zoning Administrator Bench stated that when the final plat is done, it will need to be clear on the plat what is dedicated public. There will also be a development agreement that will show the time frame, etc. Street lights need to be shown on the construction drawings and the City requires funding up front for those. Mr. Jay Christensen asked if they know where those street lights will be required. Chairman Bench stated that they need to wait on that because once Rocky Mountain Power is notified, they only have a 60 to 90 day window to decide. The payment of fee-in-lieu for chip seal and fog note is something outside of the bond also. Engineer Breinholt will figure how much that fee-in-lieu will be. Mr. Jay Christensen stated that would be helpful if the City could put together a list of those costs to help with their funding. Zoning Administrator Bench stated that temporary turnarounds will also need to be shown on the drawing.

Mr. Jay Christensen asked what the next steps of the process are. Zoning Administrator Bench stated that a preliminary approval cannot be done yet until the City Code is amended. The Code amendments will be taken to the Planning Commission on October 14, 2014, which will require a public hearing around the first of November. They would then come back to the Land Use Authority Board for a preliminary approval and recommendation to the Planning Commission who would then approve a preliminary and then it would be on to the final approval, which is done by the Land Use Authority Board.

- b. Discussion and consideration of recommending to the City Council the classification of 5 acres of real property owned by the City from the Bear River Health Department Subdivision located at approximately 100 North 2000 West as either “Significant Real Property” or “Insignificant Real Property” for the purposes of the City Council consideration of the disposal of the said parcel of land to C&R Auto Sales

Manager Warnke introduced Mr. Ronnie Croney and Mr. Shawn Croney who were in attendance at the meeting. Manager Warnke stated that the City received an application from C&R Auto Sales for five acres of land on 2000 West that, pending Rocky Mountain Power’s approval, will be reconfigured. The City has heard back from Rocky Mountain Power that they are still in process and Manager Warnke stated that he will reach out to them again to see if it has reached a conclusion.

Manager Warnke stated that Crump Reese Motor Company has also submitted an application for the same five acres, which is also moving forward. The Land Use Authority Board did this same review and classification at that time and classified the property as “Significant Real Property”. That classification requires the City Council to hold a public hearing. Manager Warnke stated that he would recommend to the Land Use Authority Board, based upon previous review, to classify the property as “Significant Real Property” and a public hearing would be scheduled according to the noticing requirements for public hearings.

Manager Warnke stated that a public hearing is already scheduled to take place on October 7, 2014 at 7:00 p.m. for Crump Reese Motor Company’s application. Engineer Breinholt asked if a public hearing is required for each application that is submitted or just for the disposal of property as a whole. Manger Warnke stated that the public hearing was noticed specific to Crump Reese Motor Company’s application so the same will be done with C&R Auto’s application.

Mr. Shawn Croney stated that they are not necessarily trying to compete for the same piece of property as Crump Reese Motor Company, but that they are in the same boat as them and need more property if they are going to stay in town. Manager Warnke asked Mr. Shawn Croney to give a little background about the growth and expansion that C&R Auto Sales is realizing.

Mr. Shawn Croney stated that they have been in Tremonton City since 1980 when their father established the business, which started as a body shop. They got out of the body shop industry all together and began in the used car business in 1991 when they moved to their 1401 West Main Street location. They figured at that time, based on the size of the business, that they would never fill that property. In 2005 they burst out the seams of that location and were able to acquire another business in town that did RV's, but ended up not being able to put a deal together so they brought their own line of RV's in.

The RV business has consistently grown and in 2012 they leased the 1960 West Main Street location, again moving in, thinking they could never fill the property, and are now bursting at the seams again and need to do something else. Since moving to that location and adding a full line of horse trailers, the business has grown tremendously. They are currently looking at adding additional inventory to their RV store as it is where most of their revenue is coming from.

Manager Warnke asked how many jobs have been created by C&R. Mr. Shawn Croney stated that they currently have twenty employees on the payroll, which is about double the amount of employees from about five years ago.

Engineer Breinholt asked if they are looking to move to a new location or expand their RV location. Mr. Shawn Croney stated that originally when they found out this ground was available they had been trying to work a deal to buy the property, but the price has gone up significantly and there is no way they can do it because they would also have to tear down buildings and build new buildings and it just doesn't make sense. They will need to start fresh somewhere else. Manager Warnke asked if they needed freeway frontage. Mr. Shawn Croney stated that they definitely need freeway frontage and exposure. It is estimated in their type of industry that the sales and service departments increase by forty percent from having freeway exposure, which they noticed significantly when moving to their RV location.

Mr. Shawn Croney stated that they are averaging one a week hotel stays from customers of C&R who are also buying fuel and food. They are bringing people to the valley, which will continue as they are looking at bringing in a line that Tremonton will be the only location to get that product within the two or three states around us, which customers will travel for.

Engineer Breinholt stated that if it somehow works out that they could buy their current RV property, there is an opportunity to expand the parking lot further east with some storm drain piping. Mr. Shawn Croney stated that was originally their hope, but the value the owner has for the property with buildings included would get much higher than just buying raw land and starting fresh.

Chairman Bench asked if C&R were to acquire a parcel of property if everything would be combined on that one parcel. Mr. Shawn Croney stated that it would be

combined and that they need a minimum of seven acres to do that. Manager Warnke made sure the Croney's were aware that this property is only five acres. Mr. Shawn Croney stated that they would need a couple more acres with the property. Chairman Bench stated that it may be tough to work with Rocky Mountain Power to acquire more land around the property. Mr. Shawn Croney stated that they had been told at one time that Rocky Mountain Power may be interested in selling the property, but not anytime soon, and asked if anyone knew if that was still the case. Chairman Bench stated that Rocky Mountain Power is not going to do anything with the property but he didn't think they had any reason to sell it either. Manager Warnke stated that he thought they were open to selling the property; they just bought it at a high price. Manager Warnke stated he would get the Croney's contact information for the person at Rocky Mountain Power they would need to talk to about acquiring the property.

Motion by Manager Warnke to classify the five acres of real property located at 2000 West and approximately 100 North as "Significant Real Property" and schedule a public hearing for the City Council. Motion seconded by Director Fulgham. Vote: Chairman Bench – aye, Engineer Breinholt – aye, Manager Warnke – aye, and Director Fulgham – aye. Motion approved.

- c. Walk ins*
No walk ins.
- 4. Comments/Reports:
 - a. Chairman/Zoning Administrator – Steve Bench
No comments.
 - b. City Engineer – Chris Breinholt
No comments.
 - c. Recreation Director – Marc Christensen
Director Marc Christensen was excused from the meeting.
 - d. Public Works Director – Paul Fulgham
No comments.
 - e. City Manager – Shawn Warnke
No comments.

5. Public comments: Comments limited to five minutes.

No public comments.

6. Adjournment:

Motion by Director Fulgham to adjourn the meeting. Motion seconded by consensus of the Board. The meeting adjourned at 10:39 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 prepared by Deputy Recorder Linsey Nessen.

Dated this 29th day of October, 2014



Darlene S. Hess, 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.