

TREMONTON CITY CORPORATION
LAND USE AUTHORITY BOARD
June 24, 2015

Members Present:

Steve Bench, Chairman/Zoning Administrator
Chris Breinholt, City Engineer
Shawn Warnke, City Manager
Paul Fulgham, Public Works Director
Marc Christensen, Parks & Recreation 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 June 24, 2015 in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Chairman Steve Bench, Engineer Chris Breinholt, Manager Shawn Warnke (arrived at 9:49 a.m.), Director Paul Fulgham, Director Marc Christensen, and Deputy Recorder Linsey Nessen were in attendance.

1. Approval of agenda:

Motion by Director Fulgham to approve the June 24, 2015 agenda. Motion seconded by Director Christensen. Vote: Chairman Bench – aye, Engineer Breinholt – aye, Director Fulgham – aye, and Director Christensen – aye. Motion approved.

2. Approval of minutes: June 3, 2015

Motion by Director Fulgham to approve the minutes of June 3, 2015. Motion seconded by Director Christensen. Vote: Chairman Bench – aye, Engineer Breinholt – aye, Director Fulgham – aye, and Director Christensen – aye. Motion approved.

3. New Business:

a. Preliminary discussion and consideration for Athenian Charter School

Mr. Charlie Ford from M13 Construction and Mr. Marvin Pollock from Legend Engineering were in attendance at the meeting.

Chairman Bench stated that based on State Law, the City does have the opportunity to discuss permitting, the type of building, inspections, setbacks, off-street parking, curb cuts, traffic circulation, and anything else the City sees that may pose unreasonable risk to the health or safety of the public.

Engineer Breinholt stated that parking doesn't meet City standards because of the size of stalls being proposed. Director Fulgham stated that the stalls must be 10 feet wide and 20 feet long. Engineer Breinholt stated that his number one concern with charter schools is the pick up and drop off of students as it doesn't fit any regular school

pattern. Virtually every student will be driven to and picked up from the school and Engineer Breinholt asked for a plan for pick up and drop off and the number of students. Mr. Pollock stated that the school has a carpool plan arranged with the teachers and because it will be a Kindergarten through 12th Grade (K-12) charter school, the schedule is also staggered with different drop off and start times. The older grades have been approved to be 100% online so as they get older and don't need a full-time teacher, a lot of the students will be doing home school for a majority of the classes.

Engineer Breinholt asked if Mr. Pollock has information laid out that identifies the number of students and drop off times. Mr. Pollock stated that they were just instructed on the number of parking spots needed, but he can get with the school and get their carpool plan. Engineer Breinholt asked how many students will be attending the school at one time. Mr. Pollock stated there will be 120 students. The school is capped by the State for the total number of students by the charter so they could not expand without reapplying and getting a new charter.

Engineer Breinholt stated that his experience with charter schools is that the traffic is much higher and he is looking for a plan. Mr. Pollock stated that is the advantage of having a K-12 school as most students will have siblings attending the school also that can carpool.

Engineer Breinholt stated that he will also need to see a plan for how the storm water will be handled. Director Fulgham stated that the plans call out a retention pond and asked why they are proposing doing retention rather than detention. Mr. Pollock stated that the way the site lies; it bumps up off the road and then goes back down into the site so the easiest way to manage the water is to do a retention basin. Engineer Breinholt stated that he hasn't had a chance to look at the plan yet and asked what the basin is designed for. Mr. Pollock stated it is designed for a 100 year storm. Engineer Breinholt stated that ponds tend to get silted in over time and the clays here are so tight that the basin needs to be designed for a 3 hour, 100 year storm. There is room to do it, the proposed pond just needs to be expanded and can't be any deeper than 2 ½ feet.

Engineer Breinholt asked if the City's storm drain system is near the proposed site for the charter school. Director Fulgham stated that it is and the school could discharge some storm water to the curb that would go down to the drain box or they could go across the street to the storm drain pipe. Mr. Pollock asked what the release rate is. Engineer Breinholt stated it is .1 CFS per acre.

Director Fulgham asked about restrooms. Mr. Pollock stated each of the classroom buildings will have two restrooms and the administration building will have one bathroom. There will be no kitchen so lunches will be sack lunches. Director Fulgham stated that they will need at least a one inch service line. Chairman Bench asked if they will use one water meter for everything. Mr. Pollock stated they will use one water meter. Chairman Bench asked about fencing and landscaping. Mr. Pollock stated that the property will be landscaped. Director Fulgham stated that commercial, institutional, and industrial facilities are charged for sewer usage no matter how large, based on the

water flow and suggested putting in two meters; one for outdoor usage and the other for indoor usage. Mr. Ford asked if they get the meter from the City. Director Fulgham stated they will get the meter from the City. Mr. Ford also asked about water impact fees. Director Fulgham stated they will be paying the same impact fees because part of the impact fees includes outside water usage. Chairman Bench also stated that a headlight screening will be required and suggested the school put in 2 foot tall shrubs. Mr. Pollock agreed.

Chairman Bench read from State Statute that City's "may not require schools or charter schools to pay impact fees for an improvement project unless an impact fee is imposed as provided by Chapter 36A Impact Fee Act". Mr. Ford stated the standard impact fees for a commercial property are allowed. The law is set up so City's who don't want charter schools can't add multiple different fees to penalize the school to the point where they can't go in. Chairman Bench asked if the school would like to have the City do the inspections or if they will be contracting that out. Mr. Ford stated that they would like to have the City do the inspections.

Engineer Breinholt asked how the parking spaces were quantified and if there will be students driving themselves to the school. Mr. Pollock stated they estimate 20% of the children will be of driving age but they probably won't all be driving. There will be two administrators per classroom for 10 total administrators parking at the building also. Engineer Breinholt asked for the entire parking plan and the drop off and pick up zone and how cars will be stacked.

Mr. Pollock asked if they would need to come back to another Land Use meeting to discuss the carpool/parking plan and the retention plan or just update the design to be for a 3 hour storm and get that information to the City. Chairman Bench stated that everything needs to be submitted to Engineer Breinholt as nothing moves forward until he reviews the plans and gives his final approval.

b. Discussion of Tremont Center Storm Water System – Micah Capener

Mr. Micah Capener stated they met with the Canal Company who will not allow them to discharge water into the canal. Director Fulgham stated it's not the water volume the Canal Board and their attorney are worried about, it's the water quality. They are facing concerns from the FDA with the downstream growers that grow food crops. The Canal Company is fine with a parking lot or sidewalk being built over the canal, however, just not water going into it.

Mr. Capener stated they need to figure out whether they need to redesign the plan for retention or figure out a Master System that would get the water from the development to the river. Engineer Breinholt asked if they proposed a temporary plan to the Canal Company until they can get the storm water system to the river. Mr. Capener stated they did not talk to the Canal Company about using the canal temporarily. Engineer Breinholt stated that building the line out to the river or retaining water on-site are the

only two options. Mr. Capener stated that is what they need to define so the plan can be redesigned.

Director Fulgham stated that the development sits on top of the Tremonton/Garland drainage district, which will help the water percolate, but Engineer Breinholt doesn't use those numbers in his calculations. Mr. John Losee asked if they use the gravel that will be packed around the canal, if that would work for retention. Director Fulgham stated that is not allowed. Retention would work well in this area though.

Mr. Capener asked if the City would prefer full retention for this development and if the storm water impact fee would still be charged. Manager Warnke stated that the impact fee would still be charged. The City collects impact fees for system wide improvements. Mr. Losee stated that seems unreasonable to charge the storm water impact fee if their site is never going to be attached to the system and they will have no use of it. Manager Warnke stated he would look into the issue. Director Fulgham stated that the goal is to take the storm drain to the Malad River eventually. Engineer Breinholt stated that for a commercial development this size, long term retention would be a good idea, but they still need to work on getting that storm drain line to the river.

Mr. Capener stated they wouldn't want to set the site up as all retention and then change it. They either need to set up temporary ponds and then change the ponds into detention prior to finalizing landscaping and sprinklers. Or they need to set it up as retention and go with it. Engineer Breinholt clarified that Mr. Capener is thinking of doing a smaller line and retaining water in underground chambers and having a release that would hold the water while a storm fills the ponds and pipes, and then be able to release. Mr. Capener stated they would do retention with the underground chambers but dump them into a small pond out front rather than having a 2 acre pond.

Engineer Breinholt stated if it is straight retention, it doesn't drain out, but suggested maybe take a smaller line down the canal road and plan on holding it there until the storm event completes and discharges. Mr. Losee asked how they could hold the water there. Engineer Breinholt stated they would have to use hydraulics; just releasing at a rate that won't flood a line that is already at capacity. Mr. Losee stated that sounded reasonable to him. Engineer Breinholt stated he would need to look at the hydraulics and see if it would work.

Mr. Capener stated they need to know what the City's long term plan is and then they can decide whether it makes sense to put the storm chambers in, run a line down, and put a pond on the southwest side of the development on top of the drainage district line and retain it onsite with the drainage line eventually dumping the water through percolation. Director Fulgham stated the hardest plan with that plan will be getting across Main Street. There would also probably need to be a syphon to go under the canal.

Manager Warnke stated he likes the idea of going south down the canal road as it is partly in the RDA and fits the Master Plan for trails and asked if it is economical and if

the Storm Drain Master Plan has any plans for that area. Manager Warnke also suggested having some regional ponds further down the road where water could be held and eventually released into the Malad River as it would be easier than going down Main Street. Director Fulgham stated they wouldn't go down Main Street. They would use City streets such as 2nd South. Engineer Breinholt asked Mr. Capener if he would be alright with going down the canal road and having less than a .1 CFS release rate per acre. Mr. Capener stated if they were going to do that, they would be better off just retaining all the water on site as the drainage district will dump more than that.

Engineer Breinholt stated that if the plan is to retain it on site, it will all have to be done above ground. Mr. Capener asked about doing underground chambers that dump into the retention basin. Engineer Breinholt stated that the biggest floods happen in the early spring with the ground is still frozen. The pond won't take any water in at that point. Mr. Capener stated that the underground chambers will take the water in. Engineer Breinholt stated that they will, but the water won't go anywhere. The problem is they would be relying on evaporation as much as infiltration in those retention ponds so if the only way for that water to leave is into the air or into the ground, it has to be out in the open where there is surface area for evaporation. There is no evaporation at all underground.

Mr. Capener stated that if the chambers overflow, they dump into the pond and evaporate. Engineer Breinholt stated that the pond is such a small surface area in relation to the system of underground chambers. Mr. Capener stated the water will still percolate some out especially with the drainage district. Engineer Breinholt stated that some will percolate, but they are talking about cutting away half of the ponds' ability to dissipate into the atmosphere by keeping it underground. Engineer Breinholt stated he has to plan for the worst case scenario and doesn't feel like underground retention will work well. Engineer Breinholt stated that he is fine with underground detention, but he is not okay with underground retention. Mr. Capener asked if the chambers can detain the water into a pond. Engineer Breinholt stated they would have to have a release rate.

Mr. Capener stated they need to know what the City's Master Storm Drain Plan is, when the storm drain is going to be put in, and if the storm drain can be subsidized by the CDA. They want to detain water, but if it's not going to happen in the needed timeframe, they will need to put the chambers and the retention pond in. Engineer Breinholt stated he would look into it the options for Storm Drains.

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
No comments.
- 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 10:57 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 15th day of July, 2015



Darlene S. Hess, City 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.