

**TREMONTON CITY CORPORATION
CITY COUNCIL MEETING
September 17, 2013**

Members Present:

David Deakin
Diana Doutre
Lyle Holmgren (6:05 to 6:16 by telephonic device)
Jeff Reese
Byron Wood
Roger Fridal, Mayor
Shawn Warnke, City Manager
Darlene S. Hess, Recorder

CITY COUNCIL WORKSHOP

Mayor Fridal called the September 17, 2013 City Council Workshop to order at 6:00 p.m. The meeting was held in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Those in attendance were Mayor Fridal, Councilmembers Deakin, Doutre, Reese, and Wood, City Manager Shawn Warnke, Recorder Darlene S. Hess, Public Works Director Paul Fulgham, Police Chief David Nance, and Treasurer Sharri Oyler. Councilmember Holmgren is in Pittsburg and requested to join the work session via telephone.

Councilmember Holmgren joined the meeting by telephonic device at 6:05 p.m.

1. Review of agenda items on the 7:00 p.m. Council Meeting:

The Council reviewed the September 17, 2013 Agenda with the following items being discussed in more detail:

Mayor Fridal welcomed Kevin Christensen representing the Bear River Health Department, and Brett Rhode representing the Bear River Valley Hospital.

Minutes – Councilmember Doutre stated that she had a question on Page 7, second paragraph. Teresa Sandall is talking about a 10,000 square foot building that may be built next to her house. It says that her family wants an ingress and egress. It should state that the potential buyer would like the ingress and egress.

Public Comments – Councilmember Doutre commented, in regards to public comments at the last meeting, that the MU (Mixed Use) Zoning has already been zoned on the Holmgren property. Any building would still have to be approved. One of Teresa Sandall's concerns was that there would not be enough parking spaces for a 10,000 square foot building. The Council doesn't have to approve that. Councilmember Holmgren stated that all Holmgren Estates has on that lot is an Earnest Money Agreement. What will be on the agenda tonight is the vacation of the public utility

easement. At this point, it is unknown if anything is going to happen on the lot next to Ms. Sandall.

Councilmember Reese said that Councilmember Holmgren is right. All the other discussion that has been going on has nothing to do with the agenda item that is and has been before the Council. All the Council is considering is the vacation of the public utility easement. Councilmember Doutré added that the concerns of Ms. Sandall are not up to the City Council.

Mayor Fridal stated that the City has a Land Use Authority Board and a Planning Commission. Those boards make the decisions and the Council merely adopts their decision. If someone wants to build a building, they have to go through those Boards.

Manager Warnke pointed out that there are some Land Use decisions that are administrative and some that are legislative. When it is legislative, it is considered valid if it is reasonably debatable. Last week there was talk about making findings. Those findings just help to support the Council's decision. Decisions, such as the Site Plan when a commercial building is proposed, are administrative decisions where it is just a matter of applying the City Code. There is discretion for the Council in this instance because it is a legislative decision.

Mayor Fridal said that the Council could veto something if they so choose. Manager Warnke agreed that that was true, but the Council would have to explain why the veto was done. Councilmember Deakin added that the Council would have to have a reason. This was discussed in the Planning Commission and the Commissioners agreed that there is nothing wrong with vacating the public utility easement. It hurts no one. Councilmember Deakin stated that he could see nothing from the discussions at the last meetings that indicated that the Sandall's were going to use the public utility easement.

Councilmember Deakin said that the Planning Commission did discuss the possibilities of what could be built on those lots. What is proposed is completely consistent with the Mixed Use Zoning. When people build houses near a Mixed Use Zone, they have to know businesses are going to be built near them.

Councilmember Reese commented that the Mixed Use Zoning begins at the Cross Roads and goes west from there all the way downtown. That has been in place for a long, long time. Councilmember Reese said that he spent a lot of time with the residents who are concerned about the commercial development. He told them they would have three minutes during Public Comments and then the Council would take a vote. Councilmember Reese asked if those residents brought any questions to Recorder Hess. She replied that they did not. Councilmember Reese added that those residents have been given two opportunities to express themselves. That is above and beyond what is required. Recorder Hess explained that Ms. Sandall did come in to get a GRAMA Request for information, and then she didn't return it. She was given a copy of the City Code on Conflict of Interest, but that is all that has been given to her.

Manager Warnke added that he did write findings into the Ordinance for the Council's consideration. If the Council agrees with those findings, then they can adopt the Ordinance, change it, or do whatever they choose.

Ordinance No. 13-17 establishing a Main Street Mix Committee – Mayor Fridal stated that he has talked to two people that would be willing to serve on that Board: Mike Norr and Steve Atwood. The Council believes Mr. Norr and Mr. Atwood would be great serving on the Committee. Manager Warnke explained that the Committee is required by State Law to be a public body. The Committee should have two Committee Chairpersons. One would be the City Manager and the other would be a member of the public. Mayor Fridal proposed letting the Committee elect the representative. The Chamber has invited Manager Warnke to come to a breakfast meeting and do a presentation. If the Ordinance is adopted, Manager Warnke will inform the Chamber of the Council's direction regarding the two Committee Chairpersons.

Councilmember Holmgren left the meeting at 6:16 p.m.

Removing City Gateway Signs – Councilmember Doure thinks it is a great idea. Manager Warnke explained there are two signs. There is one on the West and one on the East end of Main Street. Councilmember Reese explained that the signs could be removed or upgraded. Councilmember Wood wondered if the City had an easement for the sign on the West of town. It would be best not to lose the easement if the City has one. Manager Warnke could not find any easements, but wondered if the sign was located in UDOT's right of way.

It would be best to get a written easement from the landowners before any new signs were purchased or installed. Mayor Fridal thought the sign on the east of Main Street might need to be moved closer to the Crossroads as a result of the Sustainable Design Assessment Team (SDAT) findings. Manager Warnke stated that Professor David Evans from Utah State University will be coming to address the .67 acres right before the bridge. SDAT thought it might be a good location for a gateway sign. Councilmember Wood thought it might be best to wait and get some direction from SDAT before removing the signs.

Revitalizing Main Street – Manager Warnke explained that the suggestions are primarily from SDAT but are also from a study done in 1988. There are some common themes from both plans that could be used as a starting point. Mayor Fridal asked if anything was done based on the 1988 study. Manager Warnke thought Kent's and Ridley's might have been affected by the study; however, there are still several issues at present.

Resolution No. 13-50 Lease with Pitney Bowes – The City has been pleased with the services provided by Pitney Bowes and the machine fulfills the City's needs. The other main competitor was more per month. When Treasurer Oyler spoke with other cities, it was found that they also use Pitney Bowes.

Further comments on revitalizing Main Street – Manager Warnke wondered if the Council had any concerns with the programs and projects for Main Street. Councilmember Reese likes that the plan is smaller and will be easier for the Committee to use. Mayor Fridal asked if SDAT will be providing a written plan. Manager Warnke stated the written plan should be here within 6-7 weeks or by the end of the year for sure. Manager Warnke would like to consider creating another project area where the City would capture tax increment and allow funding for some of the improvements. Under today's State Law, the project would be a Community Development Project Area. It would not necessarily go through the Tax Entity Committee (TEC) and would be easier to approve in some ways. If the other taxing entities wanted to participate and give up their increment, they would need to do so by an agreement. This might limit others participation. Manager Warnke will continue to pursue this course. Councilmember Reese appreciates all of the time Manager Warnke has put into this project.

Councilmember Wood asked about the chip seal on 4800 West. The County did chip seal recently but bypassed a small section of road that was annexed into Tremonton City. Director Fulgham stated that it wasn't part of the County so the County bypassed the City's portion. The City would have paid for their portion if they had been contacted by the County. When the City does the chip seal project next year, the area on 4800 West that was annexed into the City will be included in our bids. Director Fulgham assured Mr. Todd Kay that the area by his home will be included in the City's chip seal project next year.

Mayor Fridal received a call from Greg Iverson in Bear River City this weekend. Mr. Iverson attended an in-depth training on the Affordable Care Act (ACA). The gentleman giving the presentation was very knowledgeable and explained the ACA. Mr. Iverson learned that the ACA is very similar to Massachusetts Health Care Reform that was signed into legislation by Mitt Romney. Mr. Iverson thought the presenter would come to Tremonton City and do a presentation and explain the ACA for a small fee. Councilmember Reese thought the City's insurance broker would come for free and explain the ACA. Manager Warnke agreed that the City's insurance broker would probably come and do a presentation for the City. Councilmembers Wood and Deakin also thought the information that was presented at the Utah League of Cities and Towns (ULCT) Conference was very informative. Mayor Fridal will forward Mr. Iverson's email to the City Councilmembers and Manager Warnke.

Manager Warnke would like to contact Pitney Bowes and have them add the fiscal funding clause to our contract. The fiscal funding clause would allow the City to break the lease if the funding for the lease is not annually appropriated by the City Council.

Kevin Christensen is representing the Bear River Health Department (BRHD). BRHD would like to be good neighbors and good partners. If there is anything the BRHD can do to help, please let Mr. Christensen know.

Councilmember Wood spoke with Arthur Douglas. Mr. Douglas said the Rural Development has a lot of money available for projects. Director Fulgham explained

that it is the Rural Utilities Service (RUS) or the old Farmers Home Administration. Councilmember Wood said Mr. Douglas would be happy to come speak with the City Council. Mayor Fridal asked if it has 1% interest. Councilmember Wood stated Mr. Douglas said a lot of it was interest free money. Director Fulgham stated that the City does not qualify for the free money. The interest free money is for communities that are low income. Manager Warnke understood it was about 3% or market rate. Director Fulgham noted that it takes about 18 months to get any money.

Councilmember Wood asked if the City had received any money from Rural Development in the past. Director Fulgham stated that the City has received money but it was a long time ago. Rural Development will let you fund the money for 40 years. The last cities Director Fulgham remembers using this funding were Riverside and Garland in the early 1970's. When a City uses Federal money there are various requirements that must be met. It is a lot easier and saves money if the money comes from the State.

Councilmember Doutre expressed a concern with people walking on 1000 North going West from the I-15 overpass. There are several walkers and nowhere for them to walk except on the road. It is a safety concern. Councilmember Wood stated that the City has several other places where people could walk. Director Fulgham said the City has approximately 38 miles of road and 55-60 miles of sidewalk in the City.

Councilmember Doutre said if a car broke down in that area, there is no shoulder. The car would be parked in the street. Someone will get hit if something isn't done to correct it.

Councilmember Wood agrees that it is a concern when people are walking or biking on 1000 North. There are other places for walkers. People will need to make good choices when they are out walking and biking.

The meeting adjourned at 6:46 p.m. by consensus of the Council.

CITY COUNCIL MEETING

Mayor Fridal called the September 17, 2013 City Council Meeting to order at 7:00 p.m. The meeting was held in the Tremonton City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Those in attendance were Mayor Fridal, Councilmembers Deakin, Doutre, Reese, and Wood, City Manager Shawn Warnke, Recorder Darlene S. Hess, Public Works Director Paul Fulgham, Police Chief David Nance, and Treasurer Sharri Oyler. Councilmember Holmgren was excused.

1. Opening Ceremony.

Mayor Fridal informed the audience that he had received no written or oral request to participate in the Opening Ceremony. He asked anyone who may be offended by listening to a prayer to step out into the lobby for this portion of the meeting. The prayer was offered by Mayor Fridal and the Pledge of Allegiance was led by Councilmember Reese.

2. Introduction of guests.

Mayor Fridal welcomed those present including Kevin Christensen representing the Bear River Health Department, Connie Archibald, representing the Box Elder School District and assorted guests.

3. Approval of Agenda.

Mayor Fridal asked if there were any changes or corrections to the Agenda.

Motion by Councilmember Doutre to approve the agenda of September 17, 2013. Motion seconded by Councilmember Wood. Vote: Councilmember Deakin – aye, Councilmember Doutre - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

4. Approval of minutes – September 3, 2013.

Mayor Fridal asked if there were any changes to the minutes.

Motion by Councilmember Doutre to approve the minutes of September 3, 2013 with the following correction: page 7, paragraph 2 – change “her family” to “USDA.” Motion seconded by Councilmember Wood. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

5. Public comments: Comments limited to three minutes

Blake Sandall commented regarding Holmgren Estates Phase 3 and the discussions that have been held at the last two City Council Meetings. He expressed the desire to present some things with the hope of getting some help.

The first issue Mr. Sandall addressed was that the property where their home is located belonged to Roger Fridal at the time that the lot was sold. It did not belong to Holmgren Estates. When the Sandalls built their home it was located next to Bess Realty. Knowing that there would be a business to the west of their home, their home was built with no windows on the west side so that the lights from the storage unit would not be a nuisance to them at night time.

When the ground was sold, Mr. Sandall stated that they came to the Planning and Zoning and City Council meetings to voice their concerns about possibilities of what would be done with the property. Behind the Sandall home, there is another half acre lot that was supposed to be for one of Teresa Sandall’s siblings to build on. At that time there was discussion with the City about what could be done to prevent the back lot from being landlocked. The Sandalls also asked that a fence be put in to separate them from Holmgren Estates.

Mr. Sandall said that, at that time, it was their understanding that there was an agreement to provide such fencing but no one would respond to their inquisition so at their own

expense they put up a fence and at least blocked in their back yard. There was not an expectation for Holmgren Estates to pay for the fence on the west side to block the Sandalls from the storage units, but just on the north and east sides when Holmgren Estates Phase III was being sold.

Mr. Holmgren filed his Restrictive Covenants, which is a CC&R (Covenants, Conditions and Restrictions), with Box Elder County on June 9, 2008 for Holmgren Estates Phase III, Lots 42 through 59. The first covenant reads: "All lots in the subdivision shall be known and described as residential lots and no building erected and allowed to be placed or permitted on any lots other than one detached single family dwelling not to exceed two stories in height and a private garage for not less than two cars and not more than three cars and other outbuildings as approved in advance writing by the committee herein duly described." So, the subdivision was made based upon these CC&R's. Mr. Sandall commented that his understanding is that the Council does not enforce those CC&R's. They are enforced by Mr. Holmgren. Mr. Sandall said that it is his understanding that when one deviates from a CC&R the CC&R's are amended. The Sandal's have not been able to find any place where these CC&R's have been amended. This will be an issue for the Sandalls down the road.

In the last two weeks, the Sandalls have talked with someone in the State Records Office and to their attorney, Bruce Jorgensen, and it is felt that the zoning notifications that were in place in 2009, which are the same as they are now in 2013, state, in general, that any landowner within 200 feet of any zone change be notified in writing ten days prior to any hearing. The Sandalls feel this notification requirement wasn't adhered to and their house borders on lots 58 and 59.

Mr. Sandall also mentioned that on July 10, 2013, the Land Use Authority Board met and (as read from the July 10, 2013 Land Use Authority Board Meeting) "Mr. Holmgren stated the Western Ag Credit attorney is involved and he would like Mr. Holmgren to get signatures from all the owners of the adjacent properties that they accept the proposed changes. Mr. Holmgren asked if that was necessary and what needs to be done. Chairman Bench read from the City's Code under Notice of Amendment to a Subdivision that each municipality shall provide notice of the date, time, and place of a public meeting at least 10 days before the meeting. Notice shall be addressed and mailed to the record owner of each parcel within specified parameters of that property or posted on the property.

"Mr. Holmgren stated that another concern the attorney had was that the Covenants and Restrictions would be different between the lots. Chairman Bench asked if there will be Covenants and Restrictions on the two lots. Mr. Holmgren stated that there will be but that they are scaled back." Mr. Sandall said that he doesn't know if those Covenants have been amended or what "scaled back" means.

Mr. Sandall added that the bottom line to all of this is that they are fighting an uphill battle, but they really don't want things to become more contentious than it has been. He said that the Sandalls would like to ask for two things and he doesn't know where they go to get consideration or enforcement:

1. Can they please get a fence put up or reimbursed for some of their cost for the fence that's put up so the Sandalls can be separated from Holmgren Estates and any other businesses that are going to go in next door to them; and protected from

- any night lighting that these buildings will cause.
2. They would like to come up with some sort of resolution for the back lot so that it is not landlocked.

Councilmember Deakin stated that he does not understand the land locked issue. Mr. Sandall explained that the lot behind their home is land locked because of the way Holmgren Estates Phase 3 is set up. Unless that lot is used as their backyard, there is absolutely no way to access that back lot. Councilmember Deakin asked if there is room on the other side of their house. Mr. Sandall responded that there isn't. Councilmember Deakin then asked if it was the Sandall's assumption that they would have access from someone else. Mr. Sandall said that when the original zoning was changed to go from farming to Holmgren Estates Phase 3, they asked at that time and it was basically said that this needed to be addressed and taken care of it. If one looks at the maps that are around it, there is no access to that lot if one of Teresa Sandall's siblings decided to build there.

Councilmember Deakin then asked Mr. Sandall if he has issues with the Public Utility Easement that will be discussed tonight. Mr. Sandall responded that they have issues with turning two lots into one and with what is going to be built there. Hopefully Holmgren Estates will adhere to their plans, and the Land Use Authority Board will contact them. They are supposed to notify the landowners within 300 feet. Councilmember Deakin again asked if Mr. Sandall was generally comfortable with the utility easement abandonment and whether it was a huge concern to him. Mr. Sandall said that basically he and his wife are to the point where they recognize that they can't stop vacating [the easement].

Councilmember Wood noted that those lots [which have been zoned Mixed Use] have been vacated and so the CC&R's have gone away. Mr. Sandall stated that originally those CCR's applied to all of the lots and it is his understanding that the CC&R's should have been amended at that time. That is going to be an issue for the homeowners.

Councilmember Wood questioned if Holmgren Estates has enough room to run a road behind Sandall's property – something that will give them access. Mr. Sandall showed on a map the location of their back property and the lot that is being discussed. Councilmember Wood stated that there is really no way to give access because there isn't room. Mr. Sandall commented that there could be access from the storage units but that would mean one would need to drive onto the storage shed property to get to the back lot.

Manager Warnke said that he doesn't know the ordinances which relate to minimum size access that well. Mr. Sandall stated that they have maybe six or eight feet that they have reserved on the outside of their fence and was told that their isn't enough footage to make a road. At least twenty feet would be needed.

Teresa and Blake Sandall said that they keep being told that the MU Zoning goes to the back of their property, but then Administrator Bench uses the figure of 175 feet. But Administrator Bench keeps saying that the MU Zoning goes to the back of their property. She asked if it is 175 feet that is MU Zoning, or is it 268 feet. Councilmember Wood stated that homes can be built under Mixed Use as well. Ms. Sandall said that she still wants to know is if this is part of the easement. Ms.

Sandall asked if the business would be building their parking lot clear into lot 67. Councilmember Wood stated that he thinks it is just the two lots. Manager Warnke stated that the Council hasn't seen the actual Land Use Application.

Councilmember Deakin asked Ms. Sandall to tell him how it matters to her how far back the MU Zoning goes. Ms. Sandall said that she would like to know if they are going to go into that third lot because Administrator Bench keeps saying that MU goes to the back of their property. Councilmember Deakin said that he would have to look at the paper work for when the Planning Commission did the Mixed Use Zoning. It specifies the number of feet. Councilmember Deakin asked if the City has an overlay that would show the MU zoning over the top of the Zoning.

Ms. Sandall stated that she has spoken with Arthur Douglas. He knows what building they want to put there. The parking lot is going to need to go in that third lot. Ms. Sandall asked when they are going to know when that happens. Manager Warnke replied that he assumes it will be when the Land Use Application is submitted. Zoning Administrator Bench can help her with the questions about zoning. Manager Warnke's understanding is that Land Use Regulations state that if a zoning district splits a lot, then the most restrictive district law applies to the entire lot.

Ms. Sandall asked if it is correct that before the building goes up, before the land is sold, there will be a notice to the land owners of what the building will look like. Councilmember Deakin responded that it wouldn't be when the land is sold, but before the building is constructed. Manager Warnke clarified that what is remaining, as this is a mixed use zone, is the site plan review process. He stated that he would need to take a look at what the notice requirements are for this specific process. That is not to say that the Staff wouldn't try to give the Sandalls notice. Councilmember Wood said that he thinks, even if the law doesn't require it, that the Staff should provide the information to the Sandalls. The Western Ag attorney wants everyone on board as he doesn't want to move into a bad neighbor situation.

Mr. Sandall said they are asking for help to separate their home from the commercial buildings. He doesn't know how it has to get enforced with a fence and access to the back lot so that their property is not landlocked.

6. Request(s) to be on the agenda

- a. Tremonton Women's Civic League – Marilyn Andersen, Chair of the Community Improvement Committee

Marilyn Andersen said that the Community Improvement Committee has been working with Parks and Recreation Director Marc Christensen and they are totally thrilled with the work that is being done at Schuman Park. For a long time they have seen the need for a public restroom, so the Splash Pad was a great idea. They love the park and would still like to continue to make improvements to it. She feels it will be good for tourism and for the community as a whole. It is one of the nicest parks in the area.

The Committee has noticed that there is no handicap entrance point to Schuman Park. It would also be nice to have handicap playground equipment. Director Christensen got them a bid, and the bid came to about \$1,976. Ms. Andersen said that the Community Improvement Committee is pleased to present the City Council with a check in the amount of \$2,000 to go towards a handicap swing and entrance.

The Mayor and Council thanked the Committee and expressed their appreciation for the gift. Mayor Fridal stated that they have been very generous and the money will be used exactly as they want it to be used.

7. New Council Business.

- a. Discussion and consideration of adopting Ordinance No. 13-17 establishing the Main Street Mix Committee, a public body that serves as an advisory board to the City Council (and as appropriate the Planning Commission) on Main Street, downtown, and gateway issues

Manager Warnke stated that the Main Street Mix Committee is open to anyone who wants to participate and come together to weigh in on Main Street issues. Once the Ordinance is adopted, the Committee will move forward with that process. The Committee will include a mix of residents and City Staff to provide some resources and assistance.

Motion by Councilmember Reese to adopt Ordinance No. 13-17. Motion seconded by Councilmember Doutre. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- b. Discussion and consideration of removing the City gateway signs located at approximate 1100 East Main Street and 1100 West Main Street

Motion by Councilmember Wood to table this agenda item until a little more direction is received from the Main Street Mix Committee. He said that there are no pressing issues that require that the Gateway Signs be taken out right away. Motion seconded by Councilmember Deakin. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

- c. Discussion on various programs and projects for the revitalizing of Main Street, downtown, and gateway entries and corridors and specific programs and projects that are delegated to the Main Street Mix Committee for recommendations to the City Council

Manager Warnke stated that there was enough discussion during the Work Session for him to understand what direction to go and what he could pass on to the Main Street Mix Committee as a starting point.

- d. Discussion and consideration of adopting Resolution No. 13-50 approving a lease agreement for equipment maintenance and meter rental with Pitney Bowes

Motion by Councilmember Doutre to adopt Resolution No. 13-50 for a lease agreement with Pitney Bowes. Motion seconded by Councilmember Wood. Councilmember Deakin asked if Manager Warnke needed something that allowed Manager Warnke to talk to Pitney Bowes about not binding future City Councils to this lease agreement. Manager Warnke said that he will have that conversation with Pitney Bows. Councilmember Deakin asked that something about this be added to the Motion. **Motion by Councilmember Doutre to Adopt Resolution No. 13-50 with a stipulation that the City can get out of the lease agreement if future City Councils don't include it in the Budget. The City Council can't bind future Councils.** Mayor Fridal asked how long the machines last. Treasurer Oyler stated that the City has had the current machine for five years. Councilmember Wood asked if Pitney Bowes would bring the City a new machine if the Staff had problems. Treasurer Oyler said that she wasn't sure if they would bring a new one. Manager Warnke stated that he hasn't had this conversation with Pitney Bowes. He asked if the Council will have a change of heart if he isn't able to make the fiscal funding clause a part of the lease agreement. The Council gave the okay for Manager Warnke to proceed either way. Motion seconded by Councilmember Wood. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

8. Unfinished Business

- a. Discussion and consideration of adopting Ordinance No. 13-11 vacating public easements being a part of lots 42, 43, 58 and 59 of Holmgren Estates East Subdivision Phase 3

Councilmember Wood commented to Mr. Sandall stating that there is nothing the City Council can do to get the Sandalls an access into their back property. If they can work with their neighbors to the west there may be something, but as far as that property being landlocked he doesn't know of anything the Council can do. The Council can talk to Councilmember Holmgren about the fencing to see if there is anything that can be done to have whoever buys the property put in a fence. They will probably be more than happy to do it as they want to be good neighbors.

Councilmember Deakin said that the City Council really can't instruct the Land Use Authority Board to make that kind of a condition. When it comes before the Land Use Authority Board, the Sandalls will need to let them know of their desires. The Planning Commission has had some discussions about how to address the access issue. The people who want to come onto that piece of property really need every bit of the property so they aren't willing to do anything. Councilmember Holmgren would have to give up a lot if he were to give some access on the back.

Councilmember Deakin stated that what he would need from Mr. and Mrs. Sandall is a suggestion of how to resolve that issue because the seven members of the Planning Commission discussed it and were unable to come up with anything. Councilmember Deakin told the Sandalls to call him if they have some thoughts or suggestions.

Motion by Councilmember Deakin to adopt Ordinance No. 13-11 with the stipulation that when this is brought before the Land Use Authority Board that they will address the concerns of the property owners to have fencing as far as that covenant and give them notice of what they are doing. Motion seconded by Councilmember Wood. Councilmember Wood asked the Sandalls if they are good with that and was told that they are. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved. Councilmember Deakin added that if the Sandalls will let him know what they would like to do as far as the access issue, the Planning Commission will definitely discuss it. Mr. Sandall said he would like to get together with Manager Warnke as they also need some help.

9. Comments:

- a. Administration/City Manager Advice and Consent.

There were no Advice and Consent items.

- b. Council Reports:

Councilmember Doutre said that she likes going down to the Utah League of City and Towns (ULC&T) meetings and she learned a lot. It was money well spent.

Councilmember Wood said that he went down to the ULC&T conference on Friday, and it was really informative. There are a lot of vendors that one can associate with, and the entertainment was wonderful. He said that he really likes The Beach Boys. He feels that it was money well spent. He was able to get some good ideas from a few of the vendors.

Councilmember Deakin said that he concurs with what has been said.

10. Adjournment.

Motion by Councilmember Deakin to adjourn the meeting. Motion seconded by Councilmember Wood. Vote: Councilmember Deakin - aye, Councilmember Doutre - aye, Councilmember Reese - aye, and Councilmember Wood - aye. Motion approved.

The meeting adjourned at 7:38 p.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 for the City Council Meeting held on the above referenced date. Minutes were prepared by Norene Rawlings and Cynthia Nelson.

Dated this _____ day of _____, 2013.

Darlene S. Hess, Recorder