

**TREMONTON CITY CORPORATION
LAND USE AUTHORITY BOARD
December 4, 2013**

Members Present:

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

Chairman Bench called the Land Use Authority Board Meeting to order at 9:02 a.m. The meeting was held December 4, 2013, 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, Director Marc Christensen, Deputy Recorder Linsey Nessen, City Treasurer Sharri Oyler, and Mayor Roger Fridal were in attendance.

1. Approval of agenda:

Motion by Director Christensen to approve the December 4, 2013 agenda. Motion seconded by Manager Warnke. Vote: Chairman Bench – aye, Engineer Breinholt – aye, Manager Warnke – aye, Director Fulgham – aye, and Director Christensen – aye. Motion approved.

2. Approval of minutes: October 2, 2013

Motion by Engineer Breinholt to approve the minutes of October 2, 2013. Motion seconded by Director Fulgham. Vote: Chairman Bench – aye, Engineer Breinholt – aye, Manager Warnke – aye, Director Fulgham – aye, and Director Christensen – aye. Motion approved.

3. New Business:

The following items were discussed out of order.

a. Discussion of Sorensen Subdivision.

Chairman Bench asked Director Fulgham if he has received a call from anyone putting in a hydrant in Sorensen Subdivision. Director Fulgham stated that he has not but that Linford Landis has put the water and sewer services into the home, but the water service is locked out. Chairman Bench stated that Mr. Chris Sorensen has a hydrant to be installed and was advised to have the person installing the hydrant to contact the Public Works Department before it is installed.

Manager Warnke asked about piping the ditch. Director Fulgham read from the letter that was sent to Mr. Sorensen that “the ditch at the rear of the Lots 1 and 2 needs to be piped. The installation of pipe must be staked by a surveyor and installed per Public Works standards”. Director Fulgham stated that it wasn’t staked and the City wasn’t contacted before installation, but the ditch is closed.

Director Fulgham stated that the hard surface has not been done yet. They have used ground up asphalt rather than asphalt. Director Fulgham stated that if the City were snow plowing the road, the plow would sink in the ground up asphalt. Engineer Breinholt stated that the road is private so the City will not be snow plowing it. Manager Warnke read from the code the definition of hard surface: “Brick, concrete, or asphalt surface.” Mayor Fridal asked Director Fulgham if it depends on how thick the ground up asphalt is. Director Fulgham stated that the problem is, unless it gets heated, it doesn’t set up hard. Also, it is the base material that helps keep a road together. Engineer Breinholt stated that if the Code were to be changed, he would be in favor of allowing the pulverized asphalt on private drives, but at this point, that is not what the Code says. Engineer Breinholt stated that the City does have the right still to tell them to tear the ground up asphalt out since it is not following City Code. Director Fulgham stated that he will also contact Linford Landis about the hydrant.

b. Discussion of Storm Water Standard.

This item was tabled until next meeting.

c. Discussion of Street Lighting Standard.

This item was tabled until next meeting.

d. Discussion of Parking Lot Standard.

This item was tabled until next meeting.

e. Discussion of expanding sidewalks along Main Street.

This item was tabled until next meeting.

f. Discussion of water meter placement for apartments located at 468 North 2650 West – Ann Marie, representing Capener-Losee Real Estate.

Mr. John Losee and Mr. Micah Capener were in attendance at the meeting. Mr. Capener stated that originally it was thought that the apartments at 468 North 2650 West were being built with separate meters so the tenants could be charged for utilities separately and have their own garbage can. In a separate meeting, there was an idea presented of placing wireless meters inside each unit to meter water usage and that way the tenants could then be charged individually. Director Fulgham stated

that the City uses radio-read meters and the problem is they can't shut single units off for non-payment. So if one unit doesn't pay their bill, the whole complex gets shut off. That is why there needs to be individual meters outside where they can be shut off and locked out. Also, when the meter needs to be maintained, the City would have to get the landlord to let them in to someone's residence. Director Fulgham asked who would be liable for that meter when it is inside someone's home.

Mr. Capener asked if it could be done if the landlord guarantees payment to the City. Director Fulgham stated that in the meantime while the City is trying to collect from the landlord, someone is receiving free water. Chairman Bench stated that the option was given before the buildings were built to do individual meters or one meter and they opted to put one meter in because it costs less. Mr. Capener stated that was the discrepancy between the builder and owner.

Manager Warnke asked Mr. Capener and Mr. Losee what it is they want done. Director Fulgham stated that when they rent a unit, they have to charge extra to cover the utilities. If the utilities were charged individually to the renter, they could then charge less for rent and make it look more favorable. Director Fulgham stated that it doesn't matter to the City what renters are charged for their rent, but the utilities need to be paid to the City no matter what. But if the City doesn't have any way to control shutting off those units for non-payment, that is the problem. Mr. Capener stated that the landlord guarantees the payment so the City does have control. Director Fulgham asked what the guarantee would be and stated that shut-off notices are sent a month in advance stating that utilities will be shut off on a certain date for non-payment. Mr. Capener stated that the City wouldn't shut the utilities off. Instead, the City would send the shut-off notice to the landlord at that point. Director Fulgham asked if Mr. Capener meant that whenever a disconnect notice needed to be sent to someone in an apartment complex, it would instead be sent to the landlord. Mr. Capener stated yes, because that is what the power and gas companies do. Director Fulgham stated that then if the landlord doesn't pay the bill, the entire complex gets shut off. Mr. Capener and Mr. Losee agreed. Director Fulgham stated that isn't fair to the other users who have been paying their bill. Mr. Capener asked how many times it has happened that an entire complex has been shut off because a landlord didn't pay the bill. Director Fulgham stated that it has been done and Treasurer Oyler agreed. Treasurer Oyler stated that if tenants are billed individually, but their entire complex gets shut off because of one tenant not paying, that is not fair to those tenants who have paid their bill. Director Fulgham stated that he doesn't see changing a policy that is working for the City.

Mr. Capener stated that, in answer to Manager Warnke's previous question that the City won't allow individual garbage cans for apartments unless the units are individually metered and without the City's contract for individual garbage cans, the cans cost about double. Otherwise, they have to put a dumpster in, which breaks up the sidewalks and dumpster pad, which is the issue at this particular apartment complex where the pad either needs to be fixed or they need to get individual

garbage cans. Also, being able to advertise a rent fifty dollars cheaper is better. Director Fulgham asked Mr. Capener why they can't set it up differently and charge the renters for rent and then charge them separately for utilities. Mr. Capener stated that they've tried that and there were several issues such as the City raising the bill for utilities. A fee is set for the renter to pay for utilities and when the base fee goes up per unit, that owner is stuck with paying the increase. Engineer Breinholt stated that it should be able to be separated out between rent and utilities and then it's not that the owner is raising the rent; it's that the City is raising the cost of utilities. Mr. Capener stated that it would be better if the landlord's risk was less and it was handled like other utility companies. Director Fulgham stated that the risk is then placed on the City instead. Mr. Losee stated that most people are going to pay their bill. Director Fulgham asked Treasurer Oyler who the most right-offs for utility bills are for, renters or home owners. Treasurer Oyler stated that it is renters. Mr. Capener stated that if a renter isn't paying utilities, it's likely they're not paying rent either and it wouldn't be a big deal for the landlord to pay their utilities for a period of time while they get the renter out. Mr. Capener stated that the individual meters would fix their garbage can issue and would allow them to advertise a lower rent.

Engineer Breinholt asked if the garbage can issue is just a City policy. Treasurer Oyler stated that they have to have a water meter in order to have a garbage can because the City is the ones who bill for garbage for Econo Waste. Engineer Breinholt asked if there is a way to get separate garbage cans and bill the land owner a garbage fee for each individual can. Treasurer Oyler stated that the contract with Econo Waste states that any complex that has four or more individual garbage cans will be billed through Econo Waste directly unless they have separate meters. Engineer Breinholt stated that Mr. Capener and Mr. Losee are just proposing another step in the process that the landlord would be on the hook for the base meter, but the City would administer an initial bill to the renter. Mr. Capener agreed and stated that would allow the units to have individual garbage cans. Director Fulgham stated that they also need to realize that when a renter comes in to sign up for utilities, they will have to pay a \$75 deposit.

Mr. Capener stated that this used to not be an issue because the City would bill the tenants individually even if there was only one meter and asked Treasurer Oyler when that changed. Treasurer Oyler stated that the City has never billed that way. If there is only one meter, the City has always sent the bill to the land owner. Mr. Losee stated that they used to not charge four meter fees then if there was only one meter. Director Fulgham stated that the City realized that apartments were basically getting free sewer by only being charged one sewer rate per meter. Each unit is like a home and each unit is charged that way. The City does allow land owners to report vacant units to the City monthly and they are not charged for those units. Mr. Losee asked why the City can't charge four sewer fees and only one water fee. Director Fulgham stated that because residential owners are charged that base fee and are allotted 12,800 gallons of water every month just like apartments.

Mr. Capener stated that based on actual usage, he feels that they are overpaying for water plus they have to have a dumpster rather than individual garbage cans and that is the issue that brought them here today because they have to decide whether to fix the dumpster pad or pay more for individual garbage cans. Manager Warnke stated that Mr. Losee and Mr. Capener could stop by City Recorder Darlene Hess' office to check the language in the contract with Econo Waste.

g. Walk ins*

No walk ins.

4. Comments/Reports:

a. Chairman/Zoning Administrator – Steve Bench

Chairman Bench asked Engineer Breinholt to send him a PDF of the zoning map and the transportation overlay.

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

Manager Warnke was excused from the meeting at 10:28 a.m.

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 10:34 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 Linsey Nessen.

Dated this 8th day of January, 2014

Darlene S. Hess

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.