

1 **Minutes of the North Logan City**
2 **City Council**
3 **Held on August 15, 2012**
4 **At the North Logan City Library, North Logan, Utah**

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7 The meeting was called to order by Mayor Lloyd Berentzen at 6:31 p.m.

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9 Council members present were: Roger Anderson, Nancy Potter, Damon Cann and Kristen
10 Anderson. (John Bailey was excused).

11
12 Others present were: Alan Luce, Ken Stuart, Don Younker, Angela Fisher, Jon Keller, Jeanne
13 Anderson, Carlos F. Anderson, Matthew Wood, Emily Wheeler, Jaylene Blair, Moses Diaz, Tonya
14 Diaz, Kim Hawkes, Lydia Embry, Cordell Batt, Cordell Batt, Jeff Jorgensen and Marie Wilhelm.

15
16 The Pledge of Allegiance was led by Kristen Anderson.
17 An invocation was given by Damon Cann.

18
19 **Adoption of Agenda**

20 *Nancy Potter made a motion to adopt the agenda as presented. Damon Cann seconded the*
21 *motion. A vote was called and the motion passed unanimously with Nancy Potter, Roger*
22 *Anderson, Damon Cann and Kristen Anderson voting in favor.*

23
24 **Approval and Follow-up of Minutes of July 18, 2012 and August 1, 2012 City Council**
25 **Meetings**

26 **July 18, 2012 City Council Meeting Minutes**

27 *Nancy Potter made a motion to approve the minutes as amended. Roger Anderson seconded*
28 *the motion. A vote was called and the motion passed unanimously with Nancy Potter, Roger*
29 *Anderson, Damon Cann and Kristen Anderson voting in favor.*

30
31 **August 1, 2012 City Council Meeting Minutes**

32 The council agreed to defer approval of these minutes until the next City Council meeting, as
33 Nancy Potter and Kristen Anderson said they wanted more time to review them.

34
35 **Follow-up**

36 Nothing at this time.

37
38 **Review of Action Items**

39 Jeff Jorgensen reviewed the action items list with the council.

40 Mayor Berentzen referred to the City "entrance" where the lawn is dying, and asked about having
41 this taken care of, and including it on the action items list. Jeff said he would do that and said he
42 thought this should be done through UDOT, which he said he would follow up on.

43
44 **New Business**

45 Consider for approval a list of findings of fact outlining the city council's and the planning
46 commission's reasons for not approving the Development Plan/Agreement and Preliminary Plat
47 for The Cove @ North Logan, a mixed-use townhome project located at the southeast corner of
48 400 East and 2200 North. Following their approval of findings of facts, the council will vote
49 whether to reaffirm their decision from their meeting on July 18th in which they disapproved the
50 development plan that was presented.

51 Mayor Berentzen introduced the item and explained briefly. Jeff explained that the City Council
52 needs to make a motion and reaffirm their previously made decision to deny approval of the
53 project.

54
55 *Nancy Potter made a motion to approve North Logan City's Findings of Fact document, dated*
56 *August 15, 2012, regarding Consideration of Development Plan for The Cove @ North Logan, as*
57 *well as a reaffirmation of the denial of approval of the project. Damon Cann seconded the*

58 *motion. A vote was called and the motion passed unanimously with Nancy Potter, Roger*
59 *Anderson, Damon Cann and Kristen Anderson voting in favor.*

60

61 Per a question from Roger Anderson, Jeff explained that the developers have stated that they are
62 going to appeal this, and explained briefly the process for sending it to the appeal authority. He
63 said the developers have also requested that the Utah Property Rights Ombudsman review this,
64 who will give both sides advice on whether everything was done properly. Per a question from
65 Damon Cann, Jeff said that attorney Brian Cannell is the appeal authority.

66 Nancy told Jeff that he did a very good job putting this together.

67 Mayor Berentzen asked for clarification about whether the appeal authority could actually reverse
68 the City Council's decision. Jeff said from what he understands, both the appeal authority and
69 the ombudsman can find the City's decision improper, but he was not sure beyond that. He said
70 he would check into it.

71

72 Discuss proposed changes to the city's FY2013 municipal budget including discussion about
73 financing and constructing a new police department building for the city. Following the discussion
74 the council may consider a resolution adopting revisions to the FY2013 Budget.

75 Mayor Berentzen introduced the item and briefly explained that the council is really only
76 discussing the funding for the police building, not the location or any of the other particulars. Jeff
77 briefly explained the funding process further.

78 Jeff explained an additional item added to the budget that day, which was done in order to get a
79 bill paid. He said the bill is for the fee for North Logan's share of the upfront costs for the
80 reconstruction of the two canals. He said there will also be an annual fee which will be payable
81 on the loan; which all of the other cities and canal companies will be paying, as well. He
82 explained that originally, these up-front costs were supposed to be about \$230K, but has been
83 negotiated down to approximately \$95K. He said this will not affect the General Fund, and further
84 explained.

85 Mayor Berentzen asked if funding this at this time would impact funds we may need to ensure
86 compliance in stormwater regulations, which Jeff explained that in his opinion, it does not. It pays
87 for North Logan's fair share of the canal re-construction, because North Logan City uses the
88 canals for stormwater conveyance.

89 Per a question from Nancy Potter, Jeff said the payment is due right away.

90 Damon Cann asked what other potential stormwater issues might be coming up that Mayor
91 Berentzen alluded to. Alan Luce explained the lengthy regulations that the City has to abide by
92 and the numerous inspections the City has to perform, in having the MS4 permit the City has
93 through the state. He said the City has implemented a stormwater program that brings the City
94 into compliance with that permitting process. Jeff further commented on this.

95 Per Mayor Berentzen's request, Jeff explained some of the changes that were made to this
96 budget draft, per previous discussions with the council. The council continued to discuss various
97 items.

98

99 *Roger Anderson made a motion to adopt resolution 12-04, adopting revisions to the FY2013*
100 *Budget, as presented. Kristen Anderson seconded the motion. A vote was called and the motion*
101 *passed unanimously with Kristen Anderson, Roger Anderson, Damon Cann and Nancy Potter*
102 *voting in favor.*

103

104 Consider the Concept Plan for a commercial subdivision located at approximately 2785 North 200
105 West, North Logan, Utah. This is a 3 Lot subdivision in the CG (General Commercial) Zone along
106 200 West. (Larry W. Miller represented by Tom Stuart Construction).

107 Cordell Batt oriented those in attendance to the site via an overhead projected map of the area,
108 and said the site is 16.79 acres. He said that the developers are asking for three lots, and said
109 this is within the City's commercial zone. He explained that it is a parcel that has buildable rights
110 on it; and said the developers are currently constructing a building on lot one. He said that since
111 the developers have already come in and gone through the building permit process, including
112 performing the required studies, and staff is familiar with this site; staff is not requesting that they
113 do the typical studies at this point. He said staff is recommending that the developers go through

114 the process they did for lot one, as each project comes along for each lot. He said staff has
115 reviewed this and is working with them on the first project. He said it is a building that is very
116 similar to those built at the Eagle Creek Business Park; and said the developers have already
117 gone through the Design Review process to ensure that Design Review is okay with the look,
118 location and site of the building. He reiterated that the other two sites will go through this same
119 process as they are developed. He said the reason they are doing the subdivision is to be able to
120 sell off other portions of the property. He said that will mean different ownership, and explained
121 further.

122 Per questions from the council, Developer Ken Stuart explained some of their design intentions.
123 Damon Cann asked about the development of the sidewalk.

124 Cordell said because there is sidewalk along Main Street on most other locations, the City would
125 likely require them to install that. He explained that on the other side of 200 West, when the
126 Eagle Creek Park development was put in, those developers requested that they not be required
127 to install sidewalks, which the City Council at the time approved; therefore staff is not requesting
128 that this development be required to install sidewalks. He said that Eagle Creek has several
129 open lots, and Cache Valley Transportation is looking at building a future site there for their
130 busses on that park. Mayor Berentzen asked why sidewalks weren't originally built with Eagle
131 Creek. Cordell explained, and said part of the reason was that the Corps of Engineers required
132 that the City maintain a stream there that originates in Hyde Park. He explained that there are
133 eight-foot wide concrete walkways on either side of the creek, and any buildings that get
134 developed there will tie into that. Cordell explained further, as he addressed further questions
135 from the council. He further discussed the issue of the sidewalks. He said that currently, that is
136 an eighty-foot wide street and there is plenty of room for a pedestrian and bicycle lane.

137 He said it is staff's recommendation that the City Council approves this concept plan.

138 Damon Cann expressed his concerns about the lack of sidewalks, and discussed some of the
139 benefits of having sidewalks in place. He stated that it doesn't make sense to have a road with
140 that much traffic, and not to have sidewalks.

141 Mayor Berentzen asked if the right-of-way still exists for sidewalks at Eagle Creek, and Cordell
142 said that it does.

143 Jeff said this is a concept plan approval, not development plan approval; and that the City Council
144 could ask the developers to do an evaluation of foot traffic in this area, and what they see for the
145 whole area, and how it will all work together; similar to a traffic study.

146 The council discussed this further.

147 Damon asked whether, regardless of what the study shows, the council can still require sidewalks
148 to be installed there. Jeff and Cordell said yes. Cordell explained that if that is what the City
149 Council requires, it will be made part of the development plan. He further commented that within
150 the building developments themselves, it is good to have pedestrian walkways; but this is a very
151 wide open area, and the people are generally not going to be walking along that sidewalk on 200
152 West in this business area. He commented further.

153 The developer explained that when they did the initial plan, as requested, they surveyed almost
154 all of the other industrial parks in the state, and said that almost none of them had sidewalks;
155 which is why they presented the proposal with this eventidary information. He said the walking
156 paths on either side of the canal, however, are something that will be used once that is
157 developed.

158

159 *Damon Cann made a motion to approve the concept plan, subject to the request that they do a*
160 *pedestrian movement study to evaluate the need for sidewalks on 200 West as well as Main*
161 *Street. Nancy Potter seconded the motion. A vote was called and the motion passed*
162 *unanimously with Kristen Anderson, Roger Anderson, Damon Cann and Nancy Potter voting in*
163 *favor.*

164

165 Consider approval of an ordinance changing the number of days in which noxious weed
166 nuisances must be resolved.

167 Jeff introduced the item and said the issues on this were more complicated than originally
168 anticipated. He explained that the minimum time the City can enforce something, if there is a
169 problem on a piece of property, is forty days. He said by that time, it is too late. He said by state

170 law, the minimum the City has to allow is ten days for notice, but the other thirty days come into
171 play if the violator appeals the action; therefore he is recommending that the City be able to
172 enforce action on the eleventh day, and be able to charge the violators, and deal with payment
173 issues later, if necessary. He said he would like to work with City Attorney, Bruce Jorgensen, to
174 work it into the administrative remedies portion of the city code. He explained that it could be
175 handled in a way similar to parking tickets. He said he wanted to get the feel of the council on
176 this, and he would then bring an ordinance back to them for review and approval.

177 He addressed additional questions from the council and further explained his recommendations
178 for administrative remedies.

179

180 **Reports from city officers, boards, and committees**

181 Mayor Berentzen mentioned that Hyde Park is interested in purchasing North Logan City's old
182 sweeper [which was previously declared as surplus]. Jeff explained that Hyde Park is offering
183 \$25K; but that they want to pay for it over five years, at \$5K per year. Jeff said Hyde Park has
184 given the City an agreement, which he said he has some problems with; including that if Hyde
185 Park goes two years, for example, into the agreement, and the sweeper stops working, they can
186 discontinue payment. Jeff said neither we nor they cannot obligate their future city councils into
187 an agreement; therefore he suggested agreeing to Hyde Park's purchasing the sweeper, but
188 changing this agreement so that North Logan City would keep any money they received up the
189 point of the sweeper not working, but also get the sweeper back. Roger Anderson asked if this
190 agreement is interest free, which Jeff said it was.

191 The council discussed this situation further. Mayor Berentzen said he does not agree with the
192 idea that if the sweeper breaks, they are no longer obligated to pay; to which the council
193 concurred.

194 The council continued their discussion. Jeff reiterated his recommendation to include in the
195 agreement that North Logan City keeps any monies they have received, as well as having the
196 sweeper returned to us in working condition, in the event of equipment failure; and explained that
197 we have a similar agreement with any equipment that North Logan City purchases, i.e., that we
198 would have to return anything that we discontinued payment on.

199 Mayor Berentzen said he liked the idea, as discussed, that the sweeper needs to be returned in
200 working order; and Jeff said something like that can put into the agreement.

201 Roger Anderson referred to the fact that the City's new sweeper is used to do chip and seal; and
202 asked whether this old sweeper could be used to do that instead of our new one.

203 Alan Luce explained that the sweeper we have is sturdy enough to handle that job.

204 The council agreed to sell the sweeper to Hyde Park, as discussed. Jeff and Bruce would revise
205 the agreement according to what the council had discussed and the Mayor could then sign it.
206

207 Roger asked about the work being done on 1000 East. Alan explained that a water line is being
208 replaced and chip-sealing is being done.

209 Roger asked how the City's culinary water levels are looking in these last weeks of summer. Alan
210 explained that although we are not at the point of restricting water; a message was included in the
211 last newsletter giving strong encouragement to restrict water use. He said that if one of our wells
212 were to go down, we would have to go to restrictions.
213

214 Damon Cann asked whether we are going to do a future trails plan; and Alan explained that the
215 City already has a trails master plan in place. Cordell explained what work is going in to the
216 master plan at this point. Jeff explained that it is the Parks and Trails plan that includes the trails.
217 This was discussed further.
218

219 Alan said that the splash pad is about halfway done at Meadow View Park, and that the trails
220 there will be going in soon, as well.
221

222 Chief Kim Hawkes gave an update on the progress at the temporary police station. He said the
223 final move-in date should be the next day.

224 Mayor Berentzen commended the police department and staff for managing this within the
225 allotted budget; and said what the department has done there is impressive.

226 Roger Anderson asked if there are plans to communicate the new location to citizens.
227 Chief Hawkes said he was on Jenny Christensen's radio show, and that it was in the Herald
228 Journal, as well as the City newsletter. He also said there will be sign placed out on the main
229 highway [Main Street].

230 Scott Bennett mentioned that the police department also has a new website domain dedicated to
231 them, which is northparkpolice.org.

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233
234

235 *Nancy Potter made a motion to adjourn the meeting. Kristen Anderson seconded the motion. A*
236 *vote was called and the motion passed unanimously with Nancy Potter, Roger Anderson, Damon*
237 *Cann and Kristen Anderson voting in favor.*

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240 The meeting adjourned at: 7:41 p.m.

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243 Approved by City Council: September 5, 2012

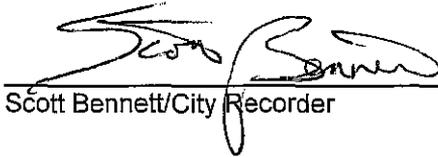
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246 Transcribed by Marie Wilhelm

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249 Recorded by

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Scott Bennett/City Recorder