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54

**New Business**

55 Open Public Input Forum (Citizens are invited to schedule one of two five-minute times through  
56 the City Recorder).

57 North Logan resident Carlos Anderson reminded the City Council that he was the citizen at the  
58 last City Council meeting who brought up the issue of getting Qwest to bring DSL into the city.  
59 He said he did some research on his own and stated that Dwayne Cook, from Salt Lake City, is  
60 the Qwest Field Representative for North Logan and that his e-mail is: dwayne.cook@qwest.com.  
61 Mr. Anderson said he was concerned about the growth in North Logan and that the city continues  
62 to be wired with archaic wire, instead of fiber optic. He said that the heart of the residential area  
63 in North Logan is located very close to the newly installed Qwest call center as well as the Space  
64 Dynamic Lab, and that both are on a fiber optic system. He said he believes that pressure should  
65 be put on Qwest to put new wiring in all the new development that is going in, instead of outdated  
66 wiring. He also asked if North Logan had an oversight committee which reviews Comcast  
67 Cable's rate hikes, or whether that right even exists. He said that the fees keep increasing every  
68 year.

69

70 Consider resolution 07-01 establishing the day, time and place for city council meetings for 2007.

71 *Mark Williams made a motion to accept resolution 07-01 establishing the day, time and place for*  
72 *city council meetings for 2007. Trent Wentz seconded the motion. A vote was called and the*  
73 *motion passed unanimously.*

74

75 Consider a concept plan for a proposed commercial subdivision (Heritage Park) located at  
76 approximately 200 to 400 West and 2850 - 3100 North.

77 Cordell Batt presented the concept plans for the proposed Heritage Park commercial subdivision  
78 and oriented those in attendance to the location of the proposed site. He explained that as part of  
79 the project, the developer would develop a continuation of 200 West, half of 400 West, half of  
80 3100 North and half of 2850 North. He said the developer is proposing to do the project in two  
81 phases. He said the first phase would be the industrial park portion of the project. He said the  
82 developer is planning to split one part of the parcel into one-acre lots; and the remainder would  
83 be left as a parcel with the idea that the developers would have future commercial development,  
84 as yet to be determined, come in to occupy that portion. He said that the east part of the property  
85 is in a CG (General Commercial) zone, and the western part is in the Manufacturing/Heavy  
86 Commercial zone (MC). He said the development will tie in to existing sewer and water in the  
87 area and the developers will continue to work with the city engineer to improve these systems, as  
88 necessary. He explained that as part of the concept plan, the applicant has indicated that they  
89 will provide all of the required reports, however, they are requesting that the city waive the  
90 geology report based on the fact that there are no known hazards in the area; as well as the fire  
91 protection report, which is only typically done when a proposed development borders the National  
92 Forest.

93 Trent Wentz asked what the water table is for that area.

94 Cordell Batt said it is most likely high and said the developers would have to determine what type  
95 of buildings they would have to build there because of that. He also said that there is no common  
96 open space, so they are asking that those three reports be waived. He said that staff has  
97 recommended to the developers that two reports be performed, which they are currently doing.  
98 He said that one of them involves working with the Corps of Engineers to do a wetland study to  
99 determine jurisdictional wetlands, if any; and since they are bordering Main Street, they will be  
100 meeting with UDOT to go through their process to determine intersection use, pull-off's, etc.

101 Trent Wentz asked if they had two openings onto Main Street.

102 Cordell Batt explained how the streets and various entrances would be worked out.

103 Trent Wentz asked if the city would be responsible for snow removal, etc.

104 Cordell Batt said that it would, on all of the proposed roads; that they would all become city roads.

105 Trent Wentz asked Cordell Batt if he had any issues with the proposal.

106 Cordell Batt said that he did not. He said the developers have submitted everything that staff  
107 required of them, and that the public hearing was held, and that the project was subsequently  
108 approved by the Planning Commission. He said that staff recommends approval of the concept  
109 plan as submitted.

110 In response to a question from Steve Soulier regarding Design Guidelines; Cordell Batt said that  
111 he gave a copy of those guidelines to the developer, who is willing to work with them. He said  
112 included in the plans that he gave the City Council members a copy of, were design elements  
113 such as lighting, common corner areas, signage, as well as some other details, which all came  
114 from the Design Guidelines.

115 Mayor Watkins asked about stormwater management, especially in terms of the one-acre  
116 parcels, and asked if stormwater issues were realistically considered because he said there is  
117 really no place for the water to go into the ground.

118 Cordell Batt said that the drainage and grading plans would be required as part of the studies the  
119 developers must perform. He said Ross Lapray would work with them, and that all of that would  
120 have to be worked out before the development plans could come back before the City Council for  
121 approval.

122 Jim Bylund, representative from Faulkner Development Group, said that the group he was  
123 working with was delighted to have the opportunity to have a project in North Logan. He  
124 explained that they were also concerned about the water table, and that the hydrology reports  
125 that have been done so far state that the water table at the rear of the property is at roughly 7.5  
126 feet, and that by the sewer, the table drops, instead of rising. He said when the sewer line was  
127 put in, the firm installing it went down 23 feet, and never hit water. He said that after digging  
128 roughly 40 test holes, the water table studies show that the water table at the front of the property  
129 is at about three to three-and-half feet; and the water table at the rear of the property is at roughly  
130 seven feet. He confirmed that all of those issues will be addressed in the development plan.

131 Trent Wentz said he thought this looked like a good project.

132 In response to a question from Steve Soulier about the one-acre lots, Jim Bylund explained that  
133 their intention is not to sell them as one-acre lots, but to use them as one acre building blocks;  
134 and that their estimates show that the average sale will be in two to four acre blocks, using the  
135 one acre building blocks for the process.

136 Jeff Jorgensen said he was concerned about waiving the geology report. He said while he  
137 realizes that there are very probably no fault-lines in that area, nor landslide potential, there may  
138 be an issue of liquefaction. He said that he thought the best place for that to be is a paragraph in  
139 the geology report that, as the soils are analyzed, liquefaction potential gets addressed.

140 Jim Bylund said that as the soil studies are done, they will look for indicators of any hazard, and if  
141 any exist, the developers would be obligated to take the next step. He suggested waiting to see  
142 the results of the soil study to determine whether there are any indications of geological hazards  
143 or issues such as Jeff Jorgensen described, and to let that study be the developers' guide. He  
144 said as soil studies are done, if what they are finding is a consistent soil sub strait then they will  
145 diminish the number of digs that they do; and if they see that there is an issue, they will increase  
146 the number of digs. He then explained that what they have found so far, as the holes have been  
147 dug, is that the sub strait is very consistent. He said that the findings have demonstrated so far  
148 that because of the soil sub strait, the footing structure would not be required to be extraordinary,  
149 and would be consistent with that required elsewhere in the valley.

150 Jeff Jorgensen said that the question of liquefaction needs to be answered because the proposed  
151 site is located on the valley floor.

152 *Steve Soulier made a motion to approve the concept plan for the Heritage Park Retail Office*  
153 *Complex with the addition that the concerns about soils expressed by Jeff Jorgensen be*

154 *specifically addressed in the development plan. Elaine Nelson seconded the motion. A vote was*  
155 *called and the motion passed unanimously.*

156 Steve Soulier asked Jim Bylund what their expected time line would be for development. Jim  
157 Bylund said that after some of the necessary processes are accomplished, including wetland area  
158 issues, they hope to break ground in August 2007. In response to a question from Steve Soulier  
159 regarding the airport, Mr. Bylund said that they will be complying with any and all issues  
160 pertaining to the airport.

161

162 7:00 – 7:10 Public Hearing is to receive public input on a proposed revision to the FY 2007  
163 municipal budget. Following the public hearing the city council may consider adopting the budget  
164 change resolution.

165 Mayor Watkins pointed out that the revisions made are very much in keeping with the city's  
166 budget targets.

167 Mayor Watkins opened the public hearing at 7:00 p.m. and as there were no public comments  
168 forthcoming, he closed the public hearing at 7:01 p.m.

169 Elaine Nelson asked about an item regarding the Cache County ambulance.

170 Jeff Jorgensen said that that is money received from the county because of the ambulance  
171 service. Jon Keller further clarified that it is a grant from Cache County. Jeff Jorgensen said that  
172 the money will be used for extrication equipment, as well as more equipment for the Wildland Fire  
173 Truck.

174 Steve Soulier said that he read the memo regarding upcoming important issues in terms of the  
175 budget. He said there are projects, such as road improvements, that need to be done in the near  
176 future, and that he is having a hard time balancing those needs against a budget item that  
177 allocates \$17K for natural gas and power installation for the new parks building.

178 Jeff Jorgensen said there is even more that needs to be done than is currently in the budget. He  
179 explained that the original building was "bare bones" and that there were no amenities or facilities  
180 included with it. He said the city was able to include office space and a restroom within the  
181 building, but that those facilities are not currently hooked up to anything. He said the money in  
182 the budget would allow the utilities to be installed, i.e. gas, electric and telephone.

183 Steve Soulier said his concern is that the building is growing from what was to be a storage  
184 warehouse to become a fairly nice facility and wonders if the \$17K could be better spent in other  
185 areas.

186 Mark Williams said that the issue of this building has been reviewed for the last four years and at  
187 the suggestion of the Mayor, the city went from building a 'million-dollar' building down to  
188 something considerably less. He said in terms of the \$17K, while there may have been some  
189 things that were missed, that even at this figure, it funds the bare-bones necessity that will allow  
190 for the function of this building which will facilitate the community's needs.

191 Trent Wentz said that he feels that Steve Soulier's points are valid and asked why this amount  
192 was not in the unfunded category of the budget, as should be any course corrections made  
193 during mid-year.

194 Jeff Jorgensen said that this was in the capitol improvements plan, to which Elaine Nelson  
195 agreed. Jeff Jorgensen said there is also a water line and sewer line that will be coming to that  
196 facility, which is also not currently funded.

197 Steve Soulier said his concern is that he wonders what else is out there and if there are other  
198 projects that need to be done that may be more critical at this time. He said it is important to  
199 weigh and balance one item against another in terms of importance, and not to appear that things  
200 are being done as a knee-jerk reaction to one request, which does not take the broader issues  
201 into account. He said that the GIS system is still in the unfunded category, but that the city went  
202 ahead and funded this building, regardless.

203 Jeff Jorgensen explained that the budget committee recommended this project over the GIS  
204 because the true costs of funding the GIS project need to be determined before the city can  
205 proceed with it.

206 Trent Wentz asked Jeff Jorgensen to comment on the \$20K plan checking. Jeff Jorgensen  
207 explained that the city is doing a lot of review of commercial structures. He said what is in the  
208 budget is not covering that. He said however, that the revenue for plan check fees from the  
209 development that requires plan checks more than outweighs the costs to the city for sending out  
210 the plans for checking by outside engineers. He said currently, the city makes roughly 10-1 in  
211 dollars for plan check fees, and therefore it is a net gain to the budget.

212 Trent Wentz commented that he thought that the budget is quite sound.

213 *Trent Wentz made a motion to approve to approve the budget change resolution. Mark Williams*  
214 *seconded the motion. A vote was called and the motion passed unanimously.*

215

216 Consider approval of release of final bond for Phase I Mahogany Ridge Subdivision (about 3400  
217 N 1600 E) and approval of new bond for Phase II.

218 Trent Wentz asked if the developers had met all of the criteria.

219 Jeff Jorgensen answered with a qualified yes. He explained that Ross Lapray had not yet  
220 received some of the test results regarding some of the concrete placed for the curb and gutter;  
221 but that Rick Lungman, representative for the subdivision development, said that he had in fact  
222 turned those in. Jeff said that when Ross Lapray returned to the office, he would confirm that  
223 with him. Jeff Jorgensen said that he would recommend approval of the project as long as the  
224 test results for the concrete come back and are acceptable. He said that is typically the case, but  
225 that proof of that is needed for the records.

226 *Trent Wentz made a motion to approve the release of the final bond contingent upon Rick*  
227 *Lungman, Jeff Jorgensen and Ross Lapray confirming the positive test results of the concrete.*  
228 *Elaine Nelson seconded the motion. A vote was called and the motion passed unanimously.*

229

230 Discuss design standards for industrial and manufacturing development.

231 Mayor Watkins asked Cordell Batt to give a summary of the document, and further stated that he  
232 had read through the standards and is quite pleased with the outcome.

233 Cordell Batt explained that the model that was used for the document was the design standards  
234 for Temecula, California. He said he learned at an APA meeting that the design guidelines for  
235 Temecula were viewed as some of the best design guidelines created, which is the reason staff  
236 chose the Temecula standards as the model. He said that the Design Review Board, as well as  
237 the Planning Commission, extensively reviewed and edited the document to conform it to the  
238 needs for North Logan. He reiterated that he gave a copy of the new guidelines to the Heritage  
239 Park developers, who incorporated some of the design standards into their plans. He said the  
240 next step is to determine whether or not this document should be incorporated into an ordinance.

241 Trent Wentz said that the City Council was very impressed with the document and asked Cordell  
242 Batt if he thought it was comprehensive enough to be utilized.

243 Cordell Batt said that the Design Review Board worked very hard on it, and that the Planning  
244 Commission went through it and was pleased with it. He said it took quite some time for both of  
245 those groups to review the document to make sure it was a good working document.

246 Mayor Watkins mentioned that Jim Bylund, who happened to be at the meeting to represent the  
247 Faulkner Group for the Heritage Park development, had been involved in the development of  
248 thirteen projects in Temecula, and asked Mr. Bylund if he wanted to comment on his experiences  
249 there.

250 Mr. Bylund said that Temecula happens to be one of the most difficult municipalities in which to  
251 work. He said the Temecula guidelines helped to create very appealing commercial  
252 developments in that area. He said things such as screening areas like loading docks, providing

253 areas for employees that are protected from traffic, lighting, etc. are items that can make a big  
254 difference in the appeal of the facility, but can be easily overlooked without the implementation of  
255 design guidelines. He said from a developer's perspective, anytime there are design guidelines  
256 like this, how the city applies the guidelines helps to determine the level of difficulty the developer  
257 will have in implementing them.

258 Steve Soulier said implementation of the guidelines will be the major issue, and that establishing  
259 how that takes place needs to be determined; and further asked Jim Bylund for his input.

260 Jim Bylund said that if there is a knowledgeable plan check process in place, the development  
261 goes smoothly, and if there is not, then the development is difficult. He said if those that are  
262 administering the guidelines know what they are doing from the beginning, it will be a much better  
263 process. He said the clearer the guidelines are to the developer, the smoother the construction  
264 will go; and the more knowledgeable the person administering those guidelines, the better.

265 Cordell Batt said he thinks that the city currently has a very good process and that the Design  
266 Review Board works very well. He said these guidelines will be an additional help. He said that a  
267 set of 'commercial guidelines' will also be reviewed, and will be brought before the City Council  
268 for review in the future.

269 Mayor Watkins said that he would like the commercial guidelines to be brought in relatively soon.  
270

271 Discuss/consider significant issues relating to development plan for Canyon Gates Subdivision:

- 272 - The general plan for stormwater management for waters in the Green Canyon  
273 flood plain.
- 274 - The methodology to be used to ensure adequate clean up of non-conforming  
275 land uses of the area, most specifically the salvage and excavation operations.

276 Matt Nielson explained that he has sold the property to Steve Condie of Crystal Springs  
277 Development, who is now the landowner and the contract holder, for Canyon Gates Subdivision.  
278 He also introduced "Anthony, John and Ty", who, with Mr. Nielson, form a group that is  
279 developing the project.

280 Mayor Watkins asked the three men who Mr. Nielson introduced to come up and explain their  
281 background.

282 Steve Condie said his background is in the real estate business and that he is a Partner in a  
283 company called NAI Commercial Real Estate, which has five offices, including one that just  
284 opened in Logan. He said he has developed 200 lots, but that he deals mostly in industrial real  
285 estate sales and leasing.

286 Ty Thomas said that his background is in public works and that he worked for a water and sewer  
287 service district for a little more than 25 years and at the time he left he had been managing the  
288 engineering department, which included surveyors, engineers and inspectors. He said he was  
289 able to get an early retirement through the State of Utah and went into the private sector doing  
290 land development. He said since he has worked with the aforementioned partners, they have  
291 developed approximately 90-130 lots in the Salt Lake Valley; that they are currently working on  
292 another project in Mesquite, as well as some other smaller projects around the Salt Lake Valley.

293 John Strasser explained that he is the principal broker of a real estate firm and a certified general  
294 appraiser. He said he works with another one of the principals on this project, Don Parker (not in  
295 attendance at this meeting); and that he partnered with the aforementioned individuals in  
296 developing a number of subdivisions. He said that Don Parker owns a company called  
297 Subdivisions, Inc. or New Team, which is one of the oldest development companies in Utah and  
298 that in the 1960's, '70's and early '80's was the largest development company in Utah and  
299 developed more lots than anyone. He said they developed land from St. George to Tremonton.  
300 He said they are very excited to come to Logan, especially North Logan, and to have this  
301 opportunity. He said they have found some beautiful ground and feel they can really make an  
302 asset to this valley.

303

304 Stormwater Management

305 Jeff Jorgensen referred to a letter from Matt Nielson to Tom Suchoski regarding stormwater  
306 management for the area of Green Canyon. He said that this matter came about as an evolution  
307 of what to do about water that might, possibly come out of Green Canyon, someday. He said the  
308 city has tried to accomplish it in such a way that is fair to the developers, as well as to the  
309 residents living downstream. He said essentially a political decision needs to be made so that the  
310 engineering decisions can proceed in order for precise grading plans to be put together. He then  
311 referred to a document which he hired Mr. Suchoski to develop as part of the city's overall  
312 stormwater management plan. The City Council members have copies of that document, which  
313 described the various design options for managing stormwater out of Green Canyon. He said the  
314 first option spreads the responsibility of taking care of the water throughout the old flood plain.  
315 He said the "old flood plain" is what is currently on the record for FEMA, but that the water most  
316 likely does not travel in that way, currently. He said this option was thought to have an  
317 unnecessarily negative impact on properties west of 1600 East. He said the next option shows  
318 the water being piped down from 1600 East to Elk Ridge Park. He said that while the city does  
319 want to use that area at Elk Ridge Park for stormwater management, they do not want it tied in  
320 with the Green Canyon system. He said the last option, which is the option the city is  
321 recommending, requires another basin to be built on the Canyon Gates property, and also  
322 requires essentially all of the Johnson Gravel Pit area to be acquired for use as a retention pond,  
323 with the ability to use it as park land as well.

324 Elaine Nelson asked what the size is for the Johnson Gravel Pit. Jeff Jorgensen said it is 10 feet  
325 deep, and is 1100 feet by 400 feet. He said it is about 10.5 acres. He said that even though it is  
326 reflected as a square on the map, it could be contoured to better fit the lay of the land and made  
327 to look like it actually belongs there.

328 Steve Soulier asked if there would be an embankment in it. Jeff Jorgensen said that there would  
329 be an embankment that would not be very high. A representative from the development  
330 explained that anything larger than a four-foot high fill qualifies as a dam by the state of Utah. He  
331 said they want to avoid that so they are intending to excavate the retention pond so there is as  
332 little or no built up embankment at all.

333 Jeff Jorgensen said that the city is recommending the third option and that what this does is  
334 obligate the city so that at some time, they would have to acquire the Johnson property and  
335 develop the storm system there. Steve Soulier asked if in doing that, it puts the Johnson property  
336 in an enviable position and places the city at a disadvantage. Mayor Watkins stated that there  
337 are a lot of building limitations in terms of developing that land even now; and that that land may  
338 be of less value than other properties in the valley. He said his concern is how the debris basins  
339 are configured, because that location is where the two natural water drainages go through the  
340 newly acquired nature park, and they will be converging. He said water basins can be developed  
341 so they are not very obtrusive, or they can be built to be very unsightly.

342 *Steve Soulier made a motion to adopt stormwater drainage option number three (3) and*  
343 *recommend that the city proceed with the planning process. Mark Williams seconded the motion.*

344 Elaine Nelson said that before the city proceeds with this, she thinks the city should go to the  
345 Johnson's with their intent to purchase that portion of the property to see how amenable the  
346 Johnson's are to letting the city purchase the land, and for what price. She said she does not  
347 want the city to be 'held captive' as Steve Soulier suggested in terms of being obligated to  
348 purchase the land.

349 Jeff Jorgensen said the city has already spoken to the Johnson's about acquiring the property;  
350 and that they are not interested in selling it right now; that they simply want to continue to be able  
351 to take the gravel out of the pit, which is good for the city, as it clears the hole that will eventually  
352 be used for water retention.

353 Trent Wentz said that he does not want to support a motion that encumbers the city to an  
354 unknown dollar amount. He asked if the option was chosen out of the spirit of fairness. Jeff

355 Jorgensen said it is intended to spread the responsibility for the stormwater out over more than  
356 just one property; and that it is a city-wide issue, which is why stormwater fees are charged to the  
357 North Logan City residents. He said it is also on the general plan for parks for the city to acquire  
358 this property. He said that notice has been sent out that the city is planning to acquire this land,  
359 and that park impact fees are based on that purchase as well as other projects.

360 Trent Wentz said that it would be nice to have an option to buy, with a price included in that.  
361 Steve Soulier said that might be nice, but that the purchase of the property may not happen for  
362 another ten years. Trent Wentz said he felt, then, that the choice is too ambiguous.

363 Mayor Watkins suggested the option of trying to work out some agreement that includes a  
364 purchase price with a possible lease-back to them for a period of time which would allow the  
365 Johnson's to do some of things that they want to do with the land. He said he did not know if that  
366 would really be feasible, however. He said this stormwater plan does have an overriding public  
367 benefit, and if a reasonable agreement cannot be made, then the process of eminent domain,  
368 which would include just compensation for the property, might need to be utilized.

369 Jeff Jorgensen said that the City Council is really in the "driver's seat" in handling this as they see  
370 fit, including the fact that they have the zoning powers. He said that if the city decides to  
371 purchase the land in ten years, and the Johnson's want more than fair market value, then the city  
372 can handle it through eminent domain, if necessary.

373 Mayor Watkins said that another action that could be easily taken is the initiation of a down-zone.  
374 He said that how this water should be distributed and held, needs to be seriously considered.

375 Jeff Jorgensen said when all is said and done, the City Council has the authority to do what  
376 needs to be done in order to make this plan happen, in order to protect the rest of the city from  
377 floods.

378 Steve Soulier asked because of the nature of this, if both stormwater and park fees could be used  
379 to fund this. Jeff Jorgensen said he thought they could.

380 Trent Wentz asked if this could be approved contingent upon an offer or a long-term lease being  
381 worked out.

382 Jeff Jorgensen said that in fairness, the developers of the Canyon Gates Subdivision need to  
383 engineer what happens on the Canyon Gates property. He said he cannot see that the city would  
384 require them to do any more in the Canyon Gates area than they are already doing. He said if  
385 the Johnson situation does not get worked out, then the city will have to find a different location  
386 for the water to go.

387 Steve Soulier said he did not think that the city would be making any more or less commitments  
388 by agreeing to this option. Mayor Watkins stated that the other two options have a greater  
389 negative impact on the community, and recommended that the City Council approve this and start  
390 an action of a down zone for the Johnson property.

391 *A vote was called and the motion passed with three in favor (Steve Soulier, Mark Williams and*  
392 *Trent Wentz) and one against (Elaine Nelson).*

393

394 Methodology used to ensure adequate clean up of non-conforming land uses

395 Mayor Watkins stated that an agreement was in place for this issue, and invited Jim Bradshaw,  
396 the legal representative for the developers, to comment on the situation.

397

398 Mr. Bradshaw said that last August (2006), his office spent a lot of time working out the  
399 development agreement with Scott Wyatt (City Attorney). Mr. Bradshaw said he thought at that  
400 time, everything had been worked out. He said it has been realized that a mistake has been  
401 made in that the agreement essentially gave all the power as to what would happen, to the  
402 current, partial landowner, which is the Lauritzen family. He explained that the provision in the  
403 agreement that is causing the difficulty is provision 1.2.6 which basically states that before final  
404 plat approval, the developers will deliver to the city something signed from the landowners  
405 abandoning all of their rights to haul gravel and to store junk on their property. Mr. Bradshaw said

406 that despite the fact that the Lauritzen family is contractually obligated to cooperate and do what  
407 is required to get this project approved, they have steadfastly refused to sign such a document.  
408 He said after meeting with the city and with Scott Wyatt, he suggests that the city modify the  
409 provision to simply say that the developer will provide 'reasonable and adequate assurances' to  
410 the city prior to final plat approval and that there will be no gravel operations and that the junk will  
411 be cleaned up. He said the contract, which was formerly between Matt Nielson and the  
412 landowner, and is now between the new, aforementioned developers and the landowner; clearly  
413 and unequivocally provides that the landowner will, within 120 days of notice, clean up the  
414 property; and that if they do not clean up the property within 120 days, then the developers are  
415 authorized to enter the property and clean it up themselves.

416 Steve Soulier asked if the Lauritzen's had already received that notice. Mr. Bradshaw said that  
417 they gave notice to the Lauritzen's in November (2006). He said that if they do not do the clean  
418 up by the required time-frame, the developers will do it themselves and take the cost of doing so  
419 out of the next phase closing. He said in regards to the gravel trucks, the developers have given  
420 the Lauritzen's notice that they need to shut down all gravel operations, and the contract clearly  
421 stipulates that there can be no gravel contracts in effect after the first closing. He said that he has  
422 prepared a lawsuit and will ask the court to enjoin them from hauling gravel. He said he is very  
423 confident that he can give the city every assurance that the city needs that these two things will  
424 be taken care of; but that what he cannot do is physically make the Lauritzen's sign the  
425 agreement.

426 Steve Soulier asked Mr. Bradshaw if he realistically thought that the Lauritzen's were going to  
427 follow through and clean up their property.

428 Mr. Bradshaw said he thought that they would, but that it did not really matter, because it will get  
429 done one way or another. Per a question from Steve Soulier, Mr. Bradshaw stated that EPA  
430 Phase I and II environmental evaluations have been done, and that the only thing they have  
431 found is crank case oil which has leaked into the ground and will be cleaned up under state  
432 supervision. He said the clean up will not be much of an issue at all.

433 Mark Williams asked if City Attorney, Scott Wyatt agreed that there was a mistake made in terms  
434 of the language of the agreement, or does he suggest otherwise. Mayor Watkins said that he  
435 spoke to Scott Wyatt. Mayor Watkins said that the developers do not have absolute assurance in  
436 getting it done and that they could in fact end up in a lawsuit if they attempt to go on the property  
437 to clean it up themselves. He said the Lauritzen's were noticed a month prior, and had still not  
438 initiated the clean up, which in actuality might take more time than they were given in the first  
439 place.

440 Mr. Bradshaw said that it is very clearly stated in the contract that if the Lauritzen's do not clean  
441 up the land "buyer shall have the right to enter the property to perform the clean up" (quoted from  
442 the contract, per Mr. Bradshaw). He said he did not feel that anyone could contest the buyer's  
443 right to go on to the property and do the clean up if the Lauritzen's fail to do so. He said along  
444 with the \$300,000 bond being proposed to insure that the developer will clean it up, the contract  
445 gives the city more than enough assurances that the property will get cleaned up. He said that  
446 the city has the developers in a catch-22 because it is impossible to require the developer's to  
447 force the Lauritzen's to sign the contract. He said he is suggesting that the city make final plat  
448 approval contingent upon the property getting cleaned up. He said the developers are willing to  
449 agree to that because they feel confident that it will happen one way or another. He said he is  
450 concerned that the city will hold up the application until the property is cleaned up, which would  
451 take a lot of time.

452 Mayor Watkins said that the application is currently being processed in the city.

453 Mark Williams said he wants this situation to be reviewed by Scott Wyatt before any decision is  
454 made. He said there is confidence in the fact that there are reputable developers funding this  
455 project, but that he would still be more comfortable knowing what Scott Wyatt would advise.

456 Jeff Jorgensen suggested that if there was some specific language that could be approved that  
457 would change the paragraph under discussion, and would be agreeable to Scott Wyatt, the

458 developers, as well as the City Council, that such a paragraph be prepared for the next City  
459 Council meeting for approval, so the issue could move forward. He said the Mr. Lauritzen has  
460 agreed to everything that was required of him in the original contract and that perhaps the  
461 modified language could be tied into what the Lauritzens have already agreed to do, and that the  
462 developers will make sure that they hold the Lauritzens to the agreement that they have with the  
463 developers.

464 Mayor Watkins said that at the next meeting, the City Council will have some recommendations  
465 from Scott Wyatt as to how the city will be protected in getting the property cleaned up so that lots  
466 do not get built with the junkyard still there.

467 Jeff Jorgensen asked Matt Nielson to give copies of the Phase I and Phase II environmental  
468 studies to the city for review. Mr. Nielson agreed to do so.

469  
470 Discuss city council and mayor assignments to various boards. Also discuss city plans and goal,  
471 plus general priorities for the upcoming year.

472 Mayor Watkins referred to the document that Jeff Jorgensen created which lists the various  
473 boards and committees.

474 Jeff Jorgensen said one correction that needs to be made is that Steve Soulier is the  
475 representative on the Ice Arena Advisory Board, not Val Potter.

476

477 *Steve Soulier made a motion to approve the boards and committees as recommended by Mayor*  
478 *Watkins. Elaine Nelson seconded the motion.*

479

480 There was discussion that Steve Soulier should actually be in the place of Mark Williams on the  
481 Stormwater Management Board list and Mayor Watkins instructed Jeff Jorgensen to make that  
482 change.

483

484 *A vote was called and the motion passed unanimously.*

485

486 Mayor Watkins referred to a list of the city plans and goals for 2007. He said the city newsletters  
487 that will be going out in the next few months will cover the city's budget; explain how the city is  
488 funded including how revenues come in and how they are disbursed; and then there will be a  
489 couple of newsletters sent out regarding taxes, as well as a review of the city's need to evaluate  
490 property taxes.

491 Steve Soulier asked where the city stands regarding the cemetery. He said a lot of money is  
492 going to continue to be spent on it and that the city needs to look long term at establishing a  
493 cemetery district with taxing powers so that it does not become a drain on the budget. Mark  
494 Williams said that has been a question that has come up for several months and said he will take  
495 the issue to the Cemetery Board and will bring back their response. Trent Wentz said he does  
496 not think that the cemetery needs to be completely finished before it starts getting utilized. Steve  
497 Soulier said that he does think, however, that it should be completed in a timely manner so that if  
498 someone does get buried there, that in ten years, the cemetery is finished.

499 Steve Soulier asked why, in the list of important issues, it was stated to have the 200 East project  
500 accomplished without federal funding. Mayor Watkins said that one of the reasons is that it will  
501 cost roughly half as much to do without federal funding. He said that that possibility still exists,  
502 but that other options are being looked at as well. He also mentioned that the alignment for that  
503 road has yet to be determined.

504 Steve Soulier said he is very pleased about the general fund balance, but asked what the plan  
505 was to get the capitol improvement fund up and running.

506 Elaine Nelson said she wanted to compliment Mayor Watkins because Jeff Jorgensen has  
507 spoken for years about needing to get more money into capitol improvement plan projects and  
508 that Mayor Watkins is the first mayor to make that happen.

509 Mayor Watkins said that a plan has been worked up and will be discussed seriously in budget  
510 discussions, and asked Jeff Jorgensen to comment on it.

511 Jeff Jorgensen said that it is going to be “a tough hill to climb” and that it is going to realistically  
512 take years for the fund to be where the city wants it. He said the city is going to have to hold  
513 spending where it is, that both property and sales taxes will need to grow, etc. He said it is a  
514 process that will take some time to develop. He explained that the city has been setting money  
515 aside for the last ten years for re-construction types of projects and these types of uses; they just  
516 have not been put in a separate category. He said the city has in fact been accomplishing these  
517 types of projects for quite some time, such as replacing vehicles and replacing roads with  
518 processes that extend the life of those roads; that it is not as if the city just started working on  
519 these ‘capital improvement’ types of projects. He said, however, to get the fund to where the city  
520 wants it to be, is going to take some time.

521 Mayor Watkins said that while the city is in a “good window” at this point, it has a fluctuating  
522 income and therefore needs to be worked on every single year. He said the city has not raised its  
523 property taxes for sixteen years and those taxes, comparatively, are really low. He said the city  
524 may need to look at amending them to have them increased, and possibly doing so every two  
525 years. Both Mark Williams and Trent Wentz agreed that property taxes need to be increased.

526

527 Review various annexations which have been requested.

528 Jeff Jorgensen presented an overhead showing various properties in the county that have  
529 requested annexation. He said he will prepare the resolution for the next City Council meeting  
530 and will give an update of how the process is going. He said that North Logan is getting a good  
531 share of the unincorporated areas between North Logan and Hyde Park.

532

533 Review progress made to determine feasibility of reducing health care costs.

534 Jeff Jorgensen said that the city is looking at working with an insurance broker to help them  
535 evaluate what the best options would be in terms of the city's health care costs.

536

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

538 Jeff Jorgensen mentioned that the City of Smithfield's property taxes are also, like North Logan  
539 City, way too low and that Smithfield is working with their city council to try to rectify that. Trent  
540 Wentz asked how a property tax rate is established. Jeff Jorgensen said it can be done based on  
541 the city's needs; another way is to compare what the rate has been historically; and yet another  
542 way is to look at a list of various cities and determine what the average might be.

543 Trent Wentz said that if an average is used on the list that includes North Logan, it would raise  
544 the tax level to 0.001492. Jeff Jorgensen said that would put the city at slightly below doubling  
545 the current figure, but that it is considerably below where it was sixteen years ago (which was  
546 0.002). Trent Wentz said he thinks that North Logan should be somewhere in the mid-range of  
547 the list.

548 Steve Soulier said to remember that property owners get benefits from the city, such as police  
549 and fire protection. He said what benefits property owners get from the city should be balanced  
550 against the taxes they pay. Elaine Nelson said as a resident, however, seeing the property tax  
551 increase in the paper can be very unsettling; and that increases should be done incrementally  
552 and not all at once, so as not to upset the residents.

553 Mayor Watkins mentioned that there is a general misunderstanding of what property taxes  
554 actually are and how they are broken down. He said the portion that a city actually receives is  
555 very small.

556 Jeff Jorgensen said one community to consider and compare to is Riverdale, which not only has  
557 massive amounts of sales tax generated per person, but that their property taxes are much higher  
558 than North Logan's, as well.

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560 Mayor Watkins asked the City Council if they were all comfortable with having the dedication for  
561 the nature park on the same day as the 24<sup>th</sup> of July celebration, to which they all said that they

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were.

*Trent Wentz made a motion to adjourn the meeting. Elaine Nelson seconded the motion. A vote was called and the motion passed unanimously.*

The meeting adjourned at: 8:35 p.m.

Approved by City Council:

February 1, 2007

Transcribed by Marie Wilhelm

Recorded by

\_\_\_\_\_  
Jeff Jorgensen/City Recorder