

1 **Minutes of the North Logan City**
 2 **City Council**
 3 **Held on September 6, 2007**
 4 **At the North Logan City Library, North Logan, Utah**
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8 The meeting was called to order by Mayor Watkins at 6:32 p.m.

9
10 Council members present were: Lloyd Berentzen, Steve Soulier, Scott Galbraith and Elaine
11 Nelson. Trent Wentz was excused.

12
13 Others present were: Pat Northenor, Al Moser, Don Younker, Marla Bennion, Jeff Bennion, Kevin
14 Dustin, Lynn Belnap, Clair Murray, Irene Murray, Jon Keller, Troy Oldham, Susan Durham, E.
15 Kent Gibbs, E. Kim Arnell, Barbara Middleton, Marta DeBerard, Brian Cannell, Keith Christensen,
16 Gordon Younker, Russell Goodwin, Bryon Geddes, Cordell Batt, Jeff Jorgensen and Marie
17 Wilhelm.

18
19 The Pledge of Allegiance was led by Elaine Nelson.
20 An invocation was given by Steve Soulier.

21
22 **Adoption of Agenda**

23 *Steve Soulier made a motion to adopt the agenda as presented. Elaine Nelson seconded the*
24 *motion. A vote was called and the motion passed unanimously.*

25
26 **Approval and Follow-up of Minutes of August 2, 2007 and August 16, 2007**

27 **City Council Meeting Minutes of August 2, 2007**

28 *Steve Soulier made a motion to approve the minutes as presented. Elaine Nelson seconded the*
29 *motion. A vote was called and the motion passed unanimously.*

30
31 **City Council Meeting Minutes of August 16, 2007**

32 *Steve Soulier made a motion to approve the minutes as presented. Elaine Nelson seconded the*
33 *motion. A vote was called and the motion passed unanimously.*

34
35 **Follow-up**

36 Scott Galbraith asked about the status of 2500 North and said he feels the City should make a
37 decision about it. Cordell Batt explained the timing and said a public hearing will be held during
38 the City Council meeting to take place on September 20th; and in the following meeting, a
39 resolution will be considered changing the General Plan; including the change to 2500/2600
40 North.

41
42 **Review of Action Items**

43 Steve Soulier asked about the status of the cemetery sprinkler system. Cordell Batt said as
44 reported at last staff meeting, the irrigation system is almost completed. He said they are going
45 to try to hydro-seed it this fall so that the grass gets a start and will come up in the spring. Steve
46 Soulier asked when the anticipated availability is and Mayor Watkins said that target date should
47 be in late spring or early summer of the following year.

48 Steve Soulier asked about an item on the list regarding an agreement with canal companies
49 regarding maintenance and other issues, and asked what that was about. Mayor Watkins
50 explained that this is something that he originally had the previous City Attorney, Scott Wyatt,
51 working on prior to his recently leaving. He said current City Attorney, Bruce Jorgensen is "up to
52 speed" on the whole situation and other comprehensive water management issues.

53
54 Per Mayor Watkins's request, North Logan resident Al Moser explained that he met with a
55 representative at Utah State University who is putting together a proposal to do a "spec", which

56 will be completed in approximately three weeks to determine various stormwater issues. He said
57 this proposal will then be given to the Mayors of the various area communities. He said this is a
58 long range endeavor, and that this proposal is just the first part of the plan.

59
60 Mayor Watkins explained that concurrently, the canal agreement, which is flawed, is also being
61 reviewed.

62 Steve Soulier said he would like to see this issue be brought back before the City Council in
63 perhaps six months, for a more extended discussion, as he feels that the City needs to develop a
64 long term policy.

65 Steve Soulier asked about an item on the list regarding establishing a weed enforcement person
66 and said he was concerned about the cost of creating an additional staff person. He said he is
67 not sure that position is necessary and said he hopes that position is not filled until there is an
68 extended discussion with the City Council. Mayor Watkins said that they are reviewing all
69 options, one of which is to work with Utah State University and perhaps find an intern.

70 Steve Soulier said regards to hiring an engineering tech, as well as an assistant Fire Chief; he
71 said he just wants to make sure that the City follows the proper procedures in doing so. He said
72 he would like a briefing from Jeff Jorgensen detailing the procedures and how they will be
73 followed; so that if we hire these people, we get the best people possible for the positions.

74 Elaine Nelson asked how many miles are on the street department vehicle that is up for bid; and
75 said that no one is bidding on the vehicle currently with the \$15K price and that if the price gets
76 lowered to \$13K, rather than selling it, it might instead be worth keeping and allow another
77 department to use it, such as the Parks Department, or another department.

78

79 **New Business**

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

82 No one was scheduled to speak at this meeting.

83

84 Discuss City's Emergency Response Plan and lessons learned from the Sept. 5th table-top
85 disaster response exercise.

86 Chief Hawkes described the table top exercise, and mentioned the three individuals from the
87 state of Utah's Department of Homeland Security who came to observe and said they would be
88 available any time to give support, as well as the fact that they will attend the forthcoming
89 September 19th event. He said he worked with Craig Humphries from the Cache County Fire
90 Marshal's office in determining the scope of the exercise. He explained that a weather situation
91 was used as a mock emergency, which included issues of extreme winds, downed power lines,
92 high temperatures and power outages. He said one of the first issues they realized was that
93 there needs to be good communication between the departments and an efficient system for how
94 information gets channeled; including recognizing the need for enough telephones and radios as
95 well as good cell phone coverage. He mentioned Kelly Strong and the computer program that
96 Mr. Strong developed to aid in the emergency response process, and how that system will be
97 refined to suit the City's needs. He also said that members of the community who are in
98 leadership roles attended the event to learn the city's emergency procedures as well as to offer
99 input on the exercise. He said the community will be involved in the event held on September
100 19th and briefly explained how that will take place.

101 Lloyd Berentzen mentioned that Cache County held a table-top exercise earlier this day and
102 asked if there had been any coordination between the other cities and North Logan City. Chief
103 Hawkes said he had just learned about Cache County's exercise; and they will be holding another
104 event at USU with the city of Logan and Cache County, on Saturday, September 29th, (following
105 North Logan City's event on the 19th) and that North Logan City has been invited to observe that
106 event, and will do so. Per a question from Steve Soulier, Chief Hawkes explained that the USU
107 Innovation Campus has two, overlaying jurisdictions; USU PD covered the USU specific facilities;
108 and the private businesses are covered by North Logan City.

109 Chief Hawkes explained that in the event of an earthquake, North Logan City essentially
110 becomes a participant within a larger mode, which is Cache County EOC (Emergency Operations
111 Center); and then North Logan City becomes more of an operations center than an EOC.

112 Lloyd Berentzen asked if, in a valley-wide event, North Logan City has someone assigned to be
113 the representative at the Cache County EOC. Chief Hawkes explained that not every city in the
114 county is represented in the EOC; but that there is direct communication with the county through
115 either radio or phone. Jeff Jorgensen said that if North Logan City is in a support role, he would
116 most likely be the one at the EOC; but that if the event is taking place primarily in North Logan, he
117 would be here in North Logan City to help manage the situation.

118 Steve Soulier said he has is concerned about the fact that citizens make assumptions that the
119 members of City Council are more informed than they actually are; and wants to make sure that
120 City staff involves the City Council members and make them aware of what they need to know
121 and do, in order to help the citizens in the event of emergencies. He also said he wants to make
122 sure that there is not constant turnover with the citizens who are in support roles, particularly
123 those involved with the local area churches.

124 Chief Hawkes explained the calling tree and said that in order for consistency to remain, the
125 calling tree will utilize addresses, rather than the individuals who live at those addresses, so that
126 communication can continue through the years regardless of the fact that residences change
127 hands.

128 Jeff Jorgensen mentioned that the City Council members were invited to the table top and had
129 hoped that some of them would have attended. He said that the exercise taking place on
130 September 19th, will be an all day event and that hopefully the City Council members could spend
131 perhaps an hour with them at some point during the day, which will begin at approximately 11:00
132 a.m. and go into the evening.

133 Lloyd Berentzen mentioned that there is good training available, specifically regarding the role of
134 elected officials and understanding their roles in these types of events; and that perhaps that
135 training could be utilized.

136

137 **7:00 Public Hearing to Consider the concept plan for the Murray Subdivision located at**
138 **approximately 1250 East and 2700 North and using the Flag Lot Ordinance. Being proposed is**
139 **the division of 5.53 acres into five lots.**

140 Cordell Batt presented the plan and oriented those in attendance to the location; and explained
141 how the original subdivision was laid out. He said the current request is to break the subdivision
142 into five lots; and that they are requesting to use the flag lot ordinance to develop access to two of
143 the lots, without having to destroy some existing structures.

144 Per a question from Lloyd Berentzen, Jeff Jorgensen explained that when land is subdivided, a
145 flag lot can be done concurrently with the subdivision of the land. He said any subdivision can
146 use a flag lot element in it, if it is the only way to create access to a part of the land.

147 Scott Galbraith said access rights on the flag lot road need to be stated clearly from the
148 beginning.

149 Per a question from Elaine Nelson, Cordell Batt explained that the only difference between a
150 minor and a major subdivision, is that if a subdivision has less than nine lots, it can be handled
151 with the minor subdivision procedure and done with metes and bounds; and if there are more
152 than nine lots, it is considered a major subdivision and is done with a plat. Cordell then reviewed
153 the discussion and motion made by the Planning Commission at their meeting where this item
154 was on the agenda.

155 Steve Soulier asked Mr. Murray if the barn and shop that are located on lot four would remain on
156 lot four, and be maintained as the property of the lot's owner, and Mr. Murray said that was
157 correct.

158 Elaine Nelson asked why a rezone was not considered for this area, and said that the Murrays
159 could potentially divide into many more lots. Cordell Batt said that rezones are not typically
160 favored in this area; and that the Murrays would like to maintain the integrity of the zoning that
161 already exists for the area.

162 Steve Soulier asked if the only way to avoid doing a flag lot then would be to remove the existing
163 structures, and Cordell Batt showed some examples of how a road could be put in and still save
164 the buildings; but were not very realistic options. Steve said in terms of the flag lot road, he is
165 concerned about covering more land with asphalt.

166 Mayor Watkins asked the Murrays if they would like to comment; and Mr. Murray said that he
167 would like keep the lots large, and said he cannot see any reason to break the land up into
168 smaller lots; and wants to keep the land as it is already laid out.

169
170 *Mayor Watkins opened the public hearing at 7:16 p.m.*

171
172 Pat Northenor said that she was not sure whether Utah state law had changed in the last few
173 years in regards to minor subdivisions, but as the state law was originally written, and because
174 the state law included it, North Logan City included a clause in *their* laws that a minor subdivision
175 cannot be required to dedicate property to the city as part of the subdivision that developers were
176 putting in. She said if the developers are required to put in a public road, then it would have to be
177 considered as a major subdivision, rather than a minor one.

178
179 North Logan resident Marla Bennion asked what the requirements of open space would be in this
180 instance; and also asked if the Murrays would be required to have a plan for water retention.

181
182 *As there were no further public comments forthcoming, Mayor Watkins closed the public hearing*
183 *at 7:19 p.m.*

184
185 Cordell Batt mentioned the various reports that staff is requesting of the Murrays, as well as the
186 ones the Murrays asked to have waived. He said staff has required the Murrays to complete a
187 Water Conservation Plan which will include information on water share rights and how they will be
188 divided among the properties, which will become part of the recorded information. He also said
189 he believes Pat Northenor's statement was correct in regards to the development needing to be
190 defined as a major subdivision if a public road is built. Per a question from Lloyd Berentzen about
191 water shares, Mr. Murray said that there are three water shares that will remain with the
192 subdivision property.

193 Jeff Jorgensen explained that in terms of open space, as long as each lot is over an acre in size,
194 the owners (Murrays) are not required to dedicate open space. He also said that in regards to the
195 question of water drainage, the Murrays are required to explain their plan in their Water
196 Conservation Plan.

197 Cordell Batt said that the City Council should consider infrastructure improvements when making
198 their decision. He explained some of the existing improvements to the area and said that they
199 may want to give some direction on how the improvements should look as far as curb, gutter and
200 sidewalk are concerned and when those improvements should take place.

201 Steve Soulier asked if the City Council was supposed to consider what would be happening on
202 the south side of 2700 North as well as 1250 East. Jeff Jorgensen said that was correct and
203 suggested that the City Council take a physical look at the area in order to best determine what
204 would work there.

205 Steve Soulier said he does not like what is on the north side of 2700 North and does not want it
206 continued, as he said he feels the curb there is not working. He said he would like some
207 recommendations from staff for some alternatives along this area.

208 *Steve Soulier made a motion to approve the concept plan as presented with the understanding*
209 *that staff will provide the City Council with some recommendations regarding infrastructure*
210 *improvements.*

211 Scott Galbraith reminded the City Council that they had agreed not to vote on any item on the
212 same night that a public hearing was held on it. Steve Soulier withdrew his motion.

213 Scott Galbraith commented to the Murrays that he is pleased that there are one-acre lots for this
214 project, and that it does not make sense to him to put such a large road within the development.
215 He concurred that drainage needs to be worked out, as well as the planning of 2700 North in its

216 entirety.

217

218 Consideration of the Development Plan and Preliminary Plat for the Wildercrest. Subdivision (80
219 acres, 63 lots) located at approximately 2200 East and between 2700 North and 2300 North,
220 North Logan (Tabacon Builders).

221 Cordell Batt presented the plan and said the developers were required to do all of the reports plus
222 some additional ones, which are all listed in the staff report; and said they have all been
223 submitted. He explained the location and how it ties in with 2300 North and 2600 North, as well
224 as the Bonneville Trail Estates Subdivision. He further explained the developer's plans regarding
225 trails and park space; and said they will be dedicating seven park space areas as well as one
226 Class 2, non-buildable area. He described the areas where a road grade above 12% was
227 necessary; one of which was needed because of the existing grade in the Bonneville Trail Estates
228 Subdivision, and where it ties into Wildercrest. He said the developers had a meeting that day
229 with the city's Parks and Recreation Committee, and are finalizing the agreement regarding the
230 trails. He said staff has reviewed all of the reports and are recommending that the City Council
231 approve the development plan and preliminary plat; and said that there will of course be some
232 minor adjustments as the plans proceed which will all be completed prior to final plat approval.

233

234 Planning Commission Chair Keith Christensen briefly described the discussion the Planning
235 Commission had, specifically regarding the issues of the trails; and explained that what the
236 Planning Commission felt comfortable doing was to make a recommendation contingent upon
237 staff's recommendations in the report, as well as the trails issues being worked out; and in
238 addition to the caveat that a trails specialist would be used to design the trails. He also said that
239 part of the Planning Commission's recommendation included requiring a written or oral statement
240 from the City Engineer (Ross Lapray) explaining that he had reviewed and approved the road
241 grades going over 12%. He said he did not see Ross Lapray at tonight's meeting and asked if he
242 had done a written statement, and Cordell Batt said he had not. He said the Planning
243 Commission has had a couple of these situations go before them, and continue to wonder
244 whether they can approve roads over the city's established 12% slope limit, without
245 recommendation from the City Engineer.

246

247 Jeff Jorgensen said he felt that part of the approval process should be to approve the ancillary
248 agreement that includes the items that the city is being required to do for the road at 2300 North.

249

250 Developer Troy Oldham explained that his other partners are Scott Galbraith, Brian Cannel and
251 Rod Thompson, who are all North Logan residents. He thanked city staff for their help and
252 guidance on this project. He described the meeting he had that day with Parks and Rec, which
253 he said was very helpful, as well as being able to utilize a good copy of the Bonneville Trails
254 Master Plan, which he said is referenced in their development plan. He said going forward, the
255 name of the development will be "Wildercrest". He mentioned other communities' plans that they
256 reviewed in helping consider their parks plan, including the areas of Park City, Utah; Bend,
257 Oregon; Seattle, Washington; and St. George, Utah. He said the first phase of development will
258 include 31 lots. He said they are going to work with the North Logan City in developing 2300
259 North for the ingress and egress of the property. He said that the upper trail will serve as a fire
260 break, connect to the Bonneville Shoreline Trail, as well as connect the two adjacent subdivisions
261 to the north and south of their development. He also said there will be very strict CC&Rs for the
262 subdivision describing what elements will be allowed for development of the structures as well as
263 the trail.

264

265 Steve Soulier said that one thing that will have to occur that he said may be unique to this area is
266 lighting. He said there will be a lot of people traveling along the parks and trails, and that some
267 kind of plan needs to exist. He said that he likes the idea of the parking lot, but sees it as a
268 potentially frightening area that it is very dark and could be dangerous. He said as this gets
269 developed, a lighting plan for the trails and the parking areas needs to occur; otherwise this area
270 could go downhill.

271 Mayor Watkins said in terms of lighting, it is something that needs to be considered very carefully.
272 He mentioned that lighting throughout the valley, particularly up on the hill like that, could
273 potentially “wash out” the stars and the natural beauty of the night skies. He said the lighting for
274 the residential areas, as well as the commercial areas, needs to be considered closely in terms of
275 quantity and design.

276 Steve Soulier said some of the lights that are installed in the city are effective, but are not very
277 attractive and that particularly in the residential neighborhoods, the design of the lighting should
278 be taken into consideration in order to get something attractive. He said proper lighting can add
279 value to the properties, and that he suggests that these developers make lighting part of their
280 plan, as they could set a standard for other areas.

281 Mr. Oldham mentioned that some of the trails communities that they reviewed have light pollution
282 ordinances, where lighting exists, but is subtle.

283 Scott Galbraith asked Jeff Jorgensen about city lighting requirements, and Jeff Jorgensen
284 suggested that the developers work with Police Chief Kim Hawkes to get direction about where
285 the lighting installations should be located.

286 Steve Soulier suggested to Cordell Batt that this issue be considered for future subdivisions.

287 Lloyd Berentzen asked if there was any way to remedy the 12% grade on the road; and if there
288 was precedence for allowing that grade in the past with other subdivisions.

289 Cordell Batt said Ross Lapray had reviewed one area within the development in order to
290 determine a way to lower the slope; and further said that the elevated slope is simply due to the
291 nature of the topography in some of the areas. Lloyd Berentzen asked if it is an issue the city
292 should review; and Cordell said that Ross Lapray could better explain to the City Council whether
293 or not slopes going over the 12% grade is a significant issue. Jeff Jorgensen mentioned that
294 there are probably four or five places in the city where the slope is above 12%. Cordell Batt said
295 this is not something that often happens, but is more likely to occur in the benches due to the
296 slopes and the lay of the land; having to get back to a level area and then continue.

297 Mayor Watkins asked the Parks and Trails Committee if there was anything they wanted to
298 address.

299 Marta DeBerard, Chair of the North Logan Trails Committee, said she had a very productive
300 meeting with developer Troy Oldham, and said she feels that the developers have been very
301 accommodating. She said determining issues like this is a new process for everyone concerned,
302 and feels that the language in the agreement that they came to is there to protect both parties; to
303 get the trail that both parties want. She said she feels that it will be a very good process and will
304 be very helpful to have had this experience to use in discussions that will be forthcoming for other
305 upcoming developments.

306 Keith Christensen mentioned that he really appreciated the work and efforts done by the Parks
307 and Trails Committee.

308 North Logan resident Kent Gibbs said he owns property that is immediately to the west of this
309 development and asked if the city had made provisions for stormwater run off and sewer drainage
310 for this area, particularly in terms of the “100 year” storm.

311 Cordell Batt said that it was in fact considered, and explained that the ordinance requires that the
312 city reviews the 100 year storm issues and what affect it may have. He said the whole
313 mountainside is taken into consideration and all the water that may come through there, and how
314 that water would be effectively handled.

315 Steve Soulier said he is concerned that this project is obligating the city to a lot of expenses such
316 as the parks and the development of 2300 North, and that therefore a different budgeting system
317 should be figured out. He said having enough money to do these projects, and do them well, is
318 going to take some serious advance planning for the future, on the city’s part.

319

320 *Lloyd Berentzen made a motion to approve the development plan and preliminary plat for the*
321 *Wildcrest Subdivision, including the ancillary agreement with the modifications made for the*
322 *Parks and Trails Committee, as well as allowing the specified roads within the development to go*
323 *above the standard 12% road grade. Elaine Nelson seconded the motion.*

324

325 Lloyd Berentzen asked the developers what the timing of development would be. Mr. Oldham
326 said that they hope to get some of the infrastructure elements started as soon as approval
327 occurs; and that part of the timing is contingent upon the weather, but that the intention is that
328 Phase 1 will begin in spring (2008). Lloyd said he wanted to extend his appreciation to the
329 developers for meeting with the Parks and Trails Committee. Mr. Oldham said it was in fact very
330 beneficial to have done so; and got great information and feedback in how to make the trails the
331 best they can be for the owners as well as for the community.

332

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

334

335 Elaine Nelson said with the passage of this large subdivision, as well as the Bonneville Trail
336 Estates Subdivision, she had some concerns about ensuring that the city use a qualified
337 geotechnical engineer when the soil studies indicate there may be problems. She said for the
338 Bonneville Trail Estates and the Wildercrest subdivisions, she wants a qualified geotechnical
339 engineer to come out and review them; because otherwise, if Ross Lapray approves them and
340 anything happens, the city may be legally liable. She said she does not feel that Ross should be
341 making these determinations for the future, and that an expert should be used each time from
342 now on. She said she would like to hear what the other City Council members feel about this,
343 and Mayor Watkins said they could discuss it at a later time.

344

345 Consider resolution to appoint North Logan City's trustee on the Cache Mosquito Abatement
346 District Board.

347 *Steve Soulier made a motion to approve the resolution to appoint Elaine Nelson as North Logan*
348 *City's representative to the Cache Mosquito Abatement District Board. Lloyd Berentzen*
349 *seconded the motion. A vote was called and the motion passed unanimously.*

350

351 Discuss and consider alternatives for "Welcome to North Logan" sign for south end of the city at
352 Wal-Mart.

353 Jeff Jorgensen presented the options and the associated costs for the sign. Steve Soulier said
354 he would like to see the city move ahead with this. The City Council discussed various design
355 ideas, as well as the possibility of having a sign on both ends of town. Scott Galbraith said he
356 would prefer rather than having the statement "Innovation Gateway" on the sign, that perhaps
357 using the city's motto "The Best Place to Call Home" be used instead as well as a different font;
358 and the City Council agreed. The City Council agreed to have the sign developer create some
359 new mock-ups with these modifications for the City Council to review.

360

361 Consider change to minimum bid price to ask for sale of Streets Department vehicle.

362 Jeff Jorgensen said that the city had an offer on the truck for \$13K.

363

364 *Lloyd Berentzen made a motion to change the minimum bid to \$13K. Steve Soulier seconded the*
365 *motion. A vote was called and the motion passed unanimously.*

366

367 Introduce concepts for ordinance on requiring water rights as a condition of development.

368 City Attorney, Bruce Jorgensen, reviewed the document that was passed out to the City Council
369 and further explained water use and the rights that are associated with it. He explained that
370 some of the actual water has been lost through forfeiture, regardless of the rights stated on
371 paper, and the city needs to make sure that it is getting the water that it is supposed to get.

372 Steve Soulier said he has an issue with government taking water away from property owners. He
373 said if it can be done, he thinks a way should be found to tie the water to the land; so that the
374 landowner owns the water rights, and not government. He said he is interested in protecting and
375 making sure that the water that has been traditionally available to the land here in North Logan,
376 stays with the land here in North Logan.

377

378 Bruce Jorgensen mentioned that sometimes there is an issue with tying the water to the land
because in some cases, for instance, the water rights might get tied up for quite some time in

379 probate or something similar; therefore something needs to be put in place so that the rights can
380 be managed continuously, year after year.

381 Mayor Watkins asked about the issue of “stripping” water off of property in the state of Utah; and
382 Bruce Jorgensen said that if the water is stripped off, a fee may be charged for the water that
383 could have been transferred, so that the opportunity exists to purchase it on the open market.

384 Jeff Jorgensen said it could be made as a condition of development, but to tie water to the land
385 without development is much harder to do.

386 Steve Soulier said how it was managed where he (and Bruce Jorgensen) lives, was to transfer
387 the water rights to the water line or distribution company, which was a way to tie it to the land;
388 and he said he wonders if there is a way to do the same kind of thing community wide. He said
389 he just feels that all options should be explored before determining that the city is the best option.

390 Lloyd Berentzen asked to what extent is North Logan deficit in terms of its water situation.

391 Jeff Jorgensen said if there was no irrigation water coming into North Logan, there is no way that
392 culinary water could handle the load. He said the city needs to increase its culinary water rights
393 to ensure enough coverage of the proposed build out. He said the city has enough to get there in
394 part; but during certain times of the year or under certain circumstances, the city’s water could get
395 maxed out. He said when a development comes through, there are times when the city requires
396 that the water rights are maintained with the properties and is specified on the plat; but that as
397 these areas get developed, that is not going to be enough to water lawns, for example. He said if
398 a reallocation occurs, it is possible that the city will lose water to other places; but that the city
399 could hold if for places that do not currently have access to secondary water.

400 Jeff Jorgensen said the water study that was done several years prior recommended that the city
401 do something like what is being considered.

402 Scott Galbraith said that for most all of the developments that he has seen in his four years on the
403 City Council, they have asked if the development has irrigation water and if it is remaining on the
404 property, which it always has. Jeff Jorgensen said that landowners can still sell off their water
405 rights at any time, however. Steve Soulier mentioned that Lydia Embry said that she told him that
406 as a citizen, she may choose to sell off her water shares at any time.

407 Bruce Jorgensen explained that the city cannot stop a property owner from selling their water
408 shares; but can control how they develop their land after they sell the shares. He said rather than
409 telling an owner that they cannot build on their property without having water rights for it; the
410 better way to go is to charge a fee in lieu of water rights.

411 Scott Galbraith mentioned that he is working on a project in Garden City, Utah, (Bear Lake area)
412 and that his development was required to have a certain amount of water shares associated with
413 the property in order to do the project; and that they had to purchase one additional share in order
414 to comply and complete their project; and that perhaps that should be considered for people who
415 want to develop land where there are not enough water shares associated with the property to
416 irrigate it.

417 Steve Soulier said there is simply not enough water available; and that the potential to lose the
418 water that is not used to the Wasatch Front is becoming more of a potential.

419 Mayor Watkins said that the state is looking at the issue of “beneficial use” which is the matter of
420 claims being made on water from one municipality to another; and that if a city has surplus water
421 and cannot prove the city’s beneficial use out thirty years, the city can lose it. He said there are
422 issues of cities who have surplus water selling to other municipalities. He said it has been highly
423 recommended that North Logan City does a “beneficial use plan” to ensure that our city’s water
424 rights are protected.

425 Bruce Jorgensen said that it is important that if North Logan City has more wet water rights than it
426 is actually currently using; then applications need to be on file to resume the use of that water or
427 to begin the use of it. He said state law allows the city up to fifty years to hold water for the future
428 growth of the city; but that they cannot just hold it without making plans for it or filing applications
429 on it.

430 Steve Soulier said he feels that the city’s focus has been too centered on the culinary water

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needs.
The City Council agreed to proceed with the preparation of a draft ordinance and to do a beneficial use plan.
Executive Session (Closed) to discuss pending litigation and possible land purchases by the city.
Steve Soulier made a motion to close the regular meeting session and move into executive session for the purpose of discussing litigation and possible land purchases by the city. Elaine Nelson seconded the motion. A vote was called and the motion passed unanimously. This occurred at 8:35 p.m.

Minutes for this meeting were written under separate cover.

Steve Soulier made a motion to close the executive session and open the meeting. Elaine Nelson seconded the motion. A vote was called and the motion passed unanimously. This occurred at 9:25 p.m.

Reports from city officers, boards, and committees

Mayor Watkins mentioned that the Stroud trail be under construction shortly.

Steve Soulier said he would like the city to find \$5K in this year’s budget to set aside for the acquisition of trees to plant along some of North Logan City’s streets. He said he would also like to revise the subdivision ordinance, or wherever appropriate; to add the requirement of trees and to have them planted along the streets in new subdivisions.

Elaine Nelson said she would like to discuss lowering the speed limit along 800 East at some future meeting. Mayor Watkins said that it be on the agenda for the September 20, 2007 City Council meeting.

Lloyd Berentzen mentioned that he will not be in attendance at the next City Council meeting (September 20th meeting).

Steve Soulier 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: 9:30 p.m.

Approved by City Council: September 20, 2007

Transcribed by Marie Wilhelm

Recorded by _____
Jeff Jorgensen/City Recorder