

55 Lacona Hogan, Dee Israelsen and Kay Gilgen, as well as other members of the Cemetery
56 Committee, Roy France and John Stocking, who were not able to be in attendance.

57

58 **6:15 Public Hearing to open the FY2009 budget and receive public input on proposed changes**
59 **to the budget. Following the public hearing the council may consider a resolution adopting**
60 **changes to the budget.**

61 Jeff Jorgensen reviewed the changes being proposed in the FY 2009 budget. Various items in
62 the revenues area included the potential gain of \$32K in property taxes; the money saved from
63 last year's budget in some departments not spending all that they were allocated, and potentially
64 using that savings to lower the energy, sales and use tax by one percentage point to 3%; and, an
65 increase in fees expecting to be received for trash collection fees. He also mentioned that the
66 anticipated monies expected from the cemetery had not all come in yet, but that they are still
67 expected to; that a fund is being set up so people can donate money for the cemetery; and that
68 the Thorne Endowment came in at \$20K more than they anticipated. He mentioned some of the
69 expenditures, including monies needed for handicapped doors at the library; making some
70 changes to the office space in the main city office; setting aside about half of the needed funds for
71 installing the exhaust system for the fire department; weed control; potentially making a \$3K
72 donation from WalMart part of the budget; some accessories for a tractor for the parks
73 department; trees for the cemetery as well as asphalt for the road between the canal and the
74 cemetery; and some monies set aside for various road projects, including the road to Green
75 Canyon being improved.

76

77 *Mayor Watkins opened the public hearing at 6:50pm.*

78

79 Pat Northenor noted the item on the agenda regarding lowering the energy sales and use tax;
80 and is on the agenda *after* the item slated for adopting the budget. She said it might be more
81 appropriate to discuss that item *before* considering adopting the budget. She also said that in
82 terms of lowering the energy sales and use tax; perhaps it should be considered as a change to
83 the *next* budget revision, after the city has had a chance to see what the economy is doing
84 nationally. She said the city might be getting ahead of itself in dropping it at this point.

85

86 Lydia Embry said in regards to what Pat Northenor just said, Rocky Mountain Power and Questar
87 Gas have both increased their rates. She also said she had three questions in terms of the
88 budget: (1) on line 10-441-746 regarding \$50K for roads, she asked if that was actual money
89 being transferred, or if it is a case of waiting until the state does something about putting in a road
90 before the possibility of money coming up; (2) on line 10-451-318 regarding Weed Control, she
91 asked what the intentions and purpose of a weed survey were. She said her further questions
92 were in regards to the cemetery and asked what a reserve fund is. She said the land for the
93 cemetery was paid for out of general fund monies, and that costs will then come from the general
94 fund; so she does not therefore see the need for a reserve fund designated specifically for the
95 cemetery. She also referred to a line regarding contributions citizens make to the cemetery; and
96 asked if those would be cash contributions, or contributions in kind, or simply just "contributions".

97

98 *Mayor Watkins kept the public hearing open for the next item (i.e., Agenda #5, regarding Canal*
99 *setback. See minutes under that item).*

100

101 Steve Soulier referred to expenditures and said that he feels that the accessories for the park's
102 tractor should not be funded at this time even though they may be needed; but feels it should be
103 done with the next revision. Jeff Jorgensen suggested perhaps just getting just the snowblower
104 accessory for the tractor, which the city can use right away.

105 Steve Soulier expressed his concern about items getting done and the money being spent prior to
106 the expenditure actually being approved by the City Council. He also said he is in agreement to
107 setting up the reserve fund for the cemetery; but said that he feels that a decision needs to be
108 made in terms of how much money that comes in will actually be set aside for perpetual care of
109 the cemetery.

110 The City Council discussed funding the weed program which Jeff Jorgensen had explained.
111 Terrel Huppi discussed the request for the accessories for the park's tractor.
112 Steve Soulier said he supports that, but wants only to approve that which is absolutely necessary.
113 Per a question from the City Council, the costs were discussed assuming purchasing only those
114 accessories that would be needed to operate the tractor as a snowblower, and how to proceed
115 with this.

116
117 *Steve Soulier made a motion to approve the FY2009 Budget Revision 1, with the amendment that*
118 *the budget item for the park's tractor would be reduced to only cover the costs of those*
119 *accessories needed for the snowblower, and that all other items in the budget revision would be*
120 *approved as is. Elaine Nelson seconded them motion. A vote was called and the motion passed*
121 *unanimously with Kevin Dustin, Lloyd Berentzen, Al Moser, Steve Soulier and Elaine Nelson*
122 *voting in favor.*

123
124 **6:30 Public Hearing to receive public input on a proposed ordinance correcting the subdivision**
125 **requirement to establish a set-back along canals. Following the public hearing the council may**
126 **consider adopting this proposed ordinance.**

127 Mayor Watkins asked if anyone would like to comment.

128
129 Lydia Embry asked why the city is considering this ordinance and why it was needed. She
130 questioned the need for the set-back when there is already a maintenance easement and pointed
131 out concerns she had with the verbiage in the ordinance, in particular pointing out that the
132 ordinance should only apply to subdivisions adjacent to canals.

133
134 *Mayor Watkins closed public hearing at 6:58pm as there were no further public comments.*
135

136 Jeff Jorgensen discussed the history of the request, and why and how it came about; and agreed
137 that Ms. Embry's suggested change in verbiage was appropriate. He said the intention is simply
138 to stop people from building things so close to the edge of the canal. He gave his opinion that
139 doing so was not an illegal "taking".

140 Steve Soulier said that he felt this ordinance is not benefitting the citizenry as a whole; it is
141 benefitting a *company*, i.e., the canal company. He said his interpretation of what the State
142 Property Rights Ombudsmen said is that a city cannot take land this way, take land for a *private*
143 *company*; that giving them such easements is *not* allowed. He said the canal companies have an
144 obligation to pay for easements, or owners can donate it to them if they want; but that otherwise it
145 is a taking, and is a taking of private property.

146 The City Council agreed to have City Attorney, Bruce Jorgensen review this and come back to
147 the City Council with more information.

148
149 **Consider an ordinance reducing the city's Energy Sales and Use Tax Rate from 5% to either 4%**
150 **or 3% in accordance with the adopted municipal budget.**

151 Elaine Nelson asked why the Energy Sales and Use Tax had not already been lowered as agreed
152 upon per the last budget approval passed in June. Jeff Jorgensen said an ordinance doing so
153 needed to be passed by the council separate from what was done in the budget. He said his not
154 having the council pass such an ordinance and sending it to the tax commission in June was an
155 oversight on his part.

156 Elaine Nelson said she feels that the council should reduce the tax rate to 4% as originally
157 planned, as it takes several months to change.

158 Steve Soulier said he is very much in favor changing it to 3% right away, and further commented
159 on his feelings about this tax.

160 Lloyd Berentzen discussed his concerns and issues regarding this tax, as well as the property tax
161 in relation to property values adjusting down, and how that will affect the city's budget; and said
162 he is concerned about making any changes prematurely.

163 The City Council discussed the Energy Sales and Use Tax, as well as properties taxes, at length.

164 Al Moser said he feels the economy is definitely going to go through a recession, and feels that
165 the sales and use tax in particular, is the most unfair tax of all. He said when energy taxes go up
166 people are going to pay more to North Logan City. He said he felt this is an unfair tax that was
167 passed by a City Council which was not brave enough to adopt a property tax increase which
168 would have had to have been noticed to the public. He explained that the council can adopt the
169 energy, sales and use tax without the need to hold a public hearing; or, otherwise, notify the
170 public as is required on a property tax increase. He said the council now has an opportunity to
171 "undo" an injustice that was done.

172 The City Council further discussed property taxes, and the energy, sales and use tax.

173 Kevin Dustin said he would rather maintain things as they are, rather than keep changing the
174 figures, until the council can see in what direction the economy is going.

175 Elaine Nelson mentioned that the property taxes for our city is comparatively low; and said that
176 most of the outlying cities in our area charge 6% for the Energy, Sales and Use tax. She said she
177 is in favor of getting rid of this tax, but that we should be realistic.

178 Al Moser said he felt it is the nature of government that when there are excess funds, the
179 government rarely considers giving it back to the citizens; but then they *charge* more to the
180 citizens by raising taxes when there *is* a need.

181 Lloyd Berentzen said he felt if the citizens feel the needs of the city are adequately covered, then
182 there is an excess.

183

184 *Steve Soulier made a motion to adopt the proposed ordinance changing the Energy, Sales and*
185 *Use tax to 3%, and to make it effective as soon as possible. Al Moser seconded the motion.*

186

187 *The City Council continued to discuss this further, and Steve Soulier withdrew his motion.*

188

189 *Steve Soulier made a motion to adopt the proposed ordinance changing the Energy, Sales and*
190 *Use tax to 3%. Al Moser seconded the motion. A vote was called and the motion passed with,*
191 *Lloyd Berentzen, Al Moser, Steve Soulier and Elaine Nelson voting in favor; and Kevin Dustin*
192 *voting against.*

193

194 Consider an ordinance establishing a "Residential Assistance Program" for the purpose of helping
195 citizens with extraordinary needs pay their utility bills using funds generated from others paying
196 late fees and water shutoff fees.

197 *Steve Soulier made a motion to approve the ordinance. Kevin Dustin seconded the motion.*

198 Lloyd Berentzen said he would like these kinds of things to be taken care of privately, and would
199 not like to see the city get into the business of covering these kinds of needs.

200 Al Moser said there are places for people to go for assistance. He said he felt that if the city *does*
201 decide to use this program, the ordinance would have to be re-written to explain the oversight that
202 would be needed, and to decide who would be authorized to make the judgments in these cases.

203 Kevin Dustin asked how many people annually this affects; and Jeff Jorgensen said
204 approximately a dozen. Jeff Jorgensen said he would prefer to not have to make these kinds of
205 decisions but would support the council's decision either way, whether or not such a program is
206 something the council wants to do.

207

208 *A vote was called and the motion failed with and Lloyd Berentzen, Al Moser, Steve Soulier and*
209 *Elaine Nelson voting against, and Kevin Dustin voting in favor.*

210

211 Training regarding the principles of eminent domain, especially as it relates to the acquisition of
212 rights-of-way for roads.

213 Bruce Jorgensen presented the principles and state requirements with regard to eminent domain;
214 and how those guidelines relate to the acquisition of right-of-way property for the development of
215 200 East.

216 Mayor Watkins referred to areas on a plat map, copies of which had been given to the City
217 Council, describing the areas needed for rights-of-way, primarily along 200 East. He also

218 described what seems to be the current County Council's position in potentially not wanting to
219 authorize a bond to pay for road improvements with the ¼ cent sales tax funds. He explained
220 that if the County Council does not authorize the bond, it makes the immediate need to acquire
221 rights-of-way moot. He further described some of the various issues and needs related to this
222 road development. He said if the bond funding goes through, it *could* make funds available
223 around January 6, 2009.
224

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

226 Elaine Nelson said that the city has received the Healthy Community Award. Elaine Nelson said
227 she would like to write a small paragraph for the newsletter about it, to which the Mayor agreed.
228

229 Kevin Dustin, asked who the liaison is for the county regarding waste collection; and asked why
230 recycling only happens every two weeks, rather than weekly. In response, the Mayor explained
231 his understanding of the issue.
232

233 Mayor Watkins discussed 200 East, and said that he wants to bring a workshop together. He
234 also mentioned the need to discuss how some of the treatments will be done with respect to
235 landscaping, trees, the median, lighting, etc. and how that should be done; as this will be an
236 impactful statement of our city.
237

238 Mayor Watkins discussed the issue of preliminary plans being drawn up for the new city offices.
239 He said he would like to discuss this as a workshop, rather than within a regular City Council
240 meeting.
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243
244 *Steve Soulier made a motion to adjourn the meeting. Elaine Nelson seconded the motion. A*
245 *vote was called and the motion passed unanimously with Kevin Dustin, Lloyd Berentzen, Al*
246 *Moser, Steve Soulier and Elaine Nelson voting in favor.*
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251 The meeting adjourned at: 8:12pm
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254 Approved by City Council: November 5, 2008
255

256
257 Transcribed by Marie Wilhelm
258

259 Recorded by _____
260 Jeff Jorgensen/City Recorder
261

262
263
264 * Due to the fact that there is other documentation related to this agenda item that may not be included in the official
265 minutes of this meeting, the following repositories, cross referenced to applicable agenda items within these minutes, shall
266 indicate where additional documentation can be found for future reference for that agenda item:

- 267 1. Annual City Council meeting binders in the Office of the City Recorder
- 268 2. Budget folders in the Office of the City Recorder
- 269 3. Special Project folders in the Office of the City Administrator
- 270 4. Subdivision Folders in the Office in the City Engineer