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**Minutes of the North Logan City
City Council
Held on April 15, 2009
At the North Logan City Library, North Logan, Utah**

The meeting was called to order by Mayor Watkins at 6:00 p.m.

Council members present were: Kevin Dustin, Lloyd Berentzen, Al Moser, Elaine Nelson, and Mayor Watkins. Steve Soulier was absent.

Others present were: Russell Goodwin, Terrel Huppi, Robert Wilhelm, Alan Luce, Curtis Jacobs, Bill Heaps, Collin Heaps, Kay Gilgen, Mardell Parrish, Ty Thomas, Tyler Orr, Brent Nyman, Mark Nielsen, Wade Swan, Keith Christensen, Shawnie Christensen, Jeff Jorgensen, Scott Bennett, and Kim Weis.

The Pledge of Allegiance was led by Al Moser .
An invocation was given by Kevin Dustin .

Adoption of Agenda

Lloyd Berentzen made a motion to adopt the agenda. Al Moser seconded the motion. A vote was called and the motion passed unanimously with Lloyd Berentzen, Kevin Dustin, Al Moser, and Elaine Nelson voting in favor.

Approval and Follow-up of Minutes for March 18th, 2009 City Council Meeting

Lloyd Berentzen made a motion to approve the minutes for City Council Meeting on March 18th, 2009. Al Moser seconded the motion. A vote was called and the motion passed unanimously with Lloyd Berentzen, Kevin Dustin, Al Moser, and Elaine Nelson voting in favor.

Kevin Dustin made a motion to approve the minutes for Executive Session on March 18th, 2009. Lloyd Berentzen seconded the motion. A vote was called and the motion passed unanimously with Lloyd Berentzen, Kevin Dustin, Al Moser, and Elaine Nelson voting in favor.

Follow-up

None.

Review of Action Items

Al Moser asked about the UDOT meeting on April 22nd. Mayor Watkins explained that it was a progress meeting. In order to comply with the EIS, we have a 30% review by UDOT, then a 60% review, and then a final review. It's more of a procedural thing. The Mayor and Jeff will not be attending. Ross will go down to Ogden to discuss the project with UDOT.

Kevin Dustin asked if the tree planting was still going to occur. Jeff Jorgensen reported that it is planned for Friday. Al Moser said the weather reports have been updated from rain to snow. Kevin Dustin asked if there was a need for more volunteers. Alan Luce stated that he had volunteers but is willing to have more. The hope was to plant 20 trees the first day and then 30 more on Saturday. At this point he is hoping to at least get the holes dug.

Mayor Watkins called Terrel Huppi and Bob Wilhelm up to the podium. The Mayor received a letter from Utah Department of Environmental Water Quality recognizing 15 years or more of service and knowledge. Mayor Watkins read the letters to each of them and presented them with letters.

56 **New Business** #1

57 Open Public Input Forum

58 a. Russell Goodwin – He expressed concerns he has with the proposed new North Logan City
59 office and civic center. A copy of his memo to the Council was presented and will be included in
60 the city's files.

61
62 **Consider Development Plan for the Park Place Subdivision. Being considered is a twelve lot**
63 **residential subdivision of 7.05 acres located at 2500 N. 800 E.**

64 Jeff Jorgensen told the Council that final approval needs to be given for the development plan. A
65 final plat will be filed after approval. The Planning Commission has given their approval and staff
66 is in favor of having it approved. There will be a retention pond in the northwest corner on part of
67 Lot one. The road starts off the same width as the road on the west and the developers are
68 asking the City to pay for costs to widen it out, which will be about \$12,000. The road starts with
69 80' right-of-way and narrows to a 66' right-of-way. There is an estimate from their engineer to
70 finish the south side of the road fronting the City's property, in the Elkridge West portion. This
71 project is listed in the City's budget as being unfunded. The east lots need to have their own
72 water shares.

73 Jeff Jorgensen explained the design engineers' opinion that a roundabout would not be a good
74 idea for the intersection at 2500 N and 800 E as the area has high foot traffic of children needing
75 to cross there. Al Moser stated that he did not want to say that there would never be a
76 roundabout located there as there are ways to make it pedestrian friendly. He believes the road
77 could transition to 80' down by library. Even if one is not built today one could be built in the
78 future. Lot one would need to give up more property if a roundabout was built.

79 Lloyd Berentzen said that he was not in favor of purchasing the property to widen 2500 N and
80 said that the property should be dedicated by the developer since there was some give and take
81 meaning the city allowed for increased density here to allow for more lots. The developer spoke
82 of the current street being at 40' but the master plan states 66'. They will follow the master plan
83 and pay for that. However, part of the street is at 80' and then transitions down 14'.

84 There was discussion regarding the driveway cut on lot one and it would need to be on 2500
85 North and not on 800 East. The developer assured the Council that lot one would be developed
86 meeting the setbacks.

87 Al Moser asked if all the water associated with the land was being distributed amongst the lots.
88 The developer is working on each property receiving the amount of shares required by the canal
89 company.

90 Elaine Nelson stated that although she did not vote for rezone originally, she is heartened by
91 seeing 11 lots being built instead of the 15 that was allowed.

92
93 *Elaine Nelson made a motion to approve the development plan with the following stipulations:*
94 *the City participate in widening the road to 80' for \$12,000 and the final plat will include a note*
95 *stating that Lot 1 will not be allowed a driveway access on 800 East. Al Moser seconded the*
96 *motion.*

97 There was further discussion regarding the transition to 80'.

98 *Adopted by a roll call vote as follows:*

99 *Ayes: Kevin Dustin, Lloyd Berentzen, Al Moser, and Elaine Nelson.*

100 *Nays: None*

101 *Absent: Steve Soulier*

102 **MOTION CARRIED 4-0**

103
104 **Receive presentation on a next year's budget proposals from the utilities department.**

105 Bob Wilhelm presented the budget for the utilities department and stated that Jeff Jorgensen did
106 a good job of forecasting amounts. He mentioned that he has lost four employees over the years
107 and would like to have one position replaced. He wants to take two part-time positions and turn it
108 into one full-time position. Water meters have been increased to get more radio reads and avoid
109 pulling lids. This allows his crews to drive by to get radio reads and will work in the winter with
110 the snow. There is a detection device with the radio reads that can monitor a specific property if
111 a property owner has questions regarding a potential water leak. Al Moser asked if the device

112 ran on a battery. Bob stated that the battery is supposed to last 10 years and is located inside
113 the register so the brass base would not need to be replaced. Bob spoke of the monies allocated
114 for capital improvement projects, specifically for 200 East. Jeff Jorgensen said that it will be
115 designed enough to know what the costs will be within a month. The truck being used for Terrell
116 Huppi needs to be replaced by one that is more road-worthy. The truck being used has 120,000
117 miles on it. Terrell needs to take soil samples for lead and copper content to Salt Lake. The old
118 truck can be made into a water meter reading truck and will work for around town purposes. The
119 little S10 that is currently being used to read water meters can be transferred to the parks
120 department or auctioned off. Bob budgeted for generator capabilities on the Jack's Tire & Oil
121 well. Last year he set aside \$50,000 and will be setting aside the same amount to install a
122 generator that would keep the pump running in case they lose power. The budget has \$80,000
123 set aside for a back-up generator at Beef Hollow Booster #1. In answer to a question about the
124 storage capacity of the water system it was explained that the city has four tanks with a total
125 capacity of three million gallons. Al Moser asked if the generator would be powered by diesel
126 power. Terrel Huppi answered that it would be powered by either propane or diesel. Al Moser
127 said he thought natural gas could be used at Jack's site.

128
129 Bob Wilhelm presented the budget for the sewer department. He reported that Brent Redd
130 passed another certification test. The transmission and collection budget has increased to
131 \$25,000 in order to fix several manholes that are leaking and are taking in groundwater. The City
132 pays for groundwater to be treated at the treatment plant in the City of Logan. The worst
133 manhole is near Wal-Mart. Lloyd Berentzen asked why the benefits were equal to pay increase.
134 Jeff Jorgensen answered that it was increased because of the proposed hiring of the full-time
135 person, whereas, the part-time positions did not have health benefits before.

136
137 Quarterly Financial Report for end of 3rd Quarter.
138 Jeff Jorgensen presented the financial report for end of third quarter. The City is a little ahead of
139 projections and the projections put us at 2007 levels. Property tax is 8.4% below target. Even
140 with the energy sales and use tax being lowered to 3%, the City is well ahead of target. Jeff is
141 proposing to keep the tax rate at 3% in the proposed budget. Building permit targets were
142 lowered and the City is barely below target, keeping the projection similar to last year. Court fines
143 are on target, however, it is a little low from this past month. Class "C" road funds are above
144 target, budgeting is hard to judge and depends on how much people drive. Once all the budgets
145 are added together the totals are just barely below the revised target. Refuse collection is
146 tracking along where it should be. Road and park impact fees are below target so the target was
147 lowered and the year should end just below target. Water and sewer impact fees are above
148 target. Metered water sales are above target by about 20%. Sewer collection is also a little
149 above target. To summarize: the city is staying on track with sales and the energy sales and use
150 tax; there are plans on 200 East to bury the ditch; and there are plans to spend about \$150,000 in
151 chip seal project. The plan is to hold the line on expenditures in the fourth quarter. Al Moser
152 commended that the budget is in good shape. Elaine Nelson reminded the Council that there
153 have been two budget revisions to include the \$446,000 in revenue shortfall.

154
155 FY2009 Public comment period to receive input on the draft FY2010 budget.
156 Resident, Lydia Embry spoke regarding the budget as outlined in her memo to the Council.

157
158 Jeff Jorgensen recommended looking at City's more detailed budget on the web site as he plans
159 to update it on Fridays.

160
161 Consider the Concept Plan for a four lot commercial subdivision of about 12.5 acres located on
162 the southwest corner of 2500 N and Main to 200E.

163 Jeff Jorgensen described the concept plan where the developer is looking to divide property into
164 four lots. Details will be worked out as they go through the development plan stage. The planning
165 staff concurs with these plans except with the access points. Staff will require a traffic study to
166 evaluate the traffic in the area based upon proposed plans as well as normal studies. The
167 development of part of this subdivision hinges on the environmental study to decide the corridor

168 between North Logan and Hyde Park. The corridor could possibly be on 150 East or 200 East.
169 The developers have their opinion on where the corridor should go and is more in line with the
170 thinking of the City. However, the development of part of the subdivision cannot be approved
171 until the study is completed. The Council can approve the Concept Plan. Lloyd Berentzen
172 expressed support for the property owners as they had acted in good faith on original
173 developments and then it was taken out from underneath them. He does not want to preclude
174 them from doing things because of the uncertainty of the east side of their project. Jeff
175 Jorgensen expressed the same sentiments, the City should do what they can to help the project
176 keep moving forward, it is a mixed use zone. The developers have a good idea of what they want
177 to do on lots one and two, however there are enough uncertainties on lot four that are
178 complicated, but they should be able to move to the next stage. Mayor Watkins mentioned that
179 the EIS is still in play and will continue on for at least another year or more and asked if the City
180 can ask the developer if they can hold on to their project because of a potential problem. Jeff
181 Jorgensen stated that he's been told that the City cannot approve anything for lot four that would
182 push the decision from one route to the other. Mayor Watkins does not agree since the plan is
183 following the current zoning and master plan and does not believe that UDOT would put the
184 project on hold. Lloyd Berentzen asked what legal recourse the developer would have if they
185 developed lot four and UDOT came back and determined that something was in the way. Mayor
186 Watkins does not believe that anything will preclude the developers from moving forward until
187 there is a record of a decision made. Jeff Jorgensen will get this item clarified but reminded the
188 Council that the focus needs to be on approving the concept plan. Elaine Nelson asked if the
189 developers have discussed the type of housing planned for lot four. Jeff Jorgensen said they
190 were planning on multi-family units. Elaine Nelson asked what is being approved tonight
191 because her paperwork is showing development plan. Jeff Jorgensen stated the concept plan is
192 what needs to be approved tonight.

193
194 *Lloyd Berentzen moved to approve concept plan. Kevin Dustin seconded the motion.*

195
196 There was discussion. Elaine Nelson spoke of participating in Governor Leavitt's 21st Century
197 Envision Project with at least 100 residents also participating. She expressed concern that an
198 auto lot on 2500 Main was being planned as that is not what the residents envisioned. She
199 expressed dismay about having a used car lot next to the Welcome to North Logan sign.

200
201 *A vote was called and the motion passed with Kevin Dustin, Lloyd Berentzen, and Al Moser*
202 *voting in favor. Elaine Nelson voting in the negative.*

203
204 Consider a revised version of the concept plan for the Canyon Gates Subdivision, a 272 lot
205 subdivision of 146 acres located between 1600 and 2100 East and from about 200 to 2400 North.
206 Also to be considered is a proposed ancillary development agreement for the subdivision.

207 Jeff Jorgensen presented a map and showed that the property has four different zones within its
208 borders. The planning commission wants the Council to treat it as one zone as the density will be
209 shifted around. An ancillary agreement has been done that will describe how this subdivision will
210 be developed because the development will not be done in one phase and there may be more
211 changes from phase to phase but there is not a preliminary plat to nail down the specific details.
212 The ancillary agreement will provide its own zoning regulations and there will be details regarding
213 drainage basins, cross-sections of roads, soils analysis and studies, etc. The development plan
214 is about 99% complete even though the revised concept plan is just coming before the Council.
215 There are three things in regards to this development: a concept plan, an ancillary plan
216 agreement, and a development plan (which is not ready for a vote tonight). Lloyd Berentzen
217 clarified that the concept plan is the only thing that the Council is looking at tonight. Elaine
218 Nelson asked if the development plan would be completed in phases or for the whole 146 acres.
219 Jeff Jorgensen explained that the development plan and concept plan are for whole 146 acres
220 and describes the soils reports and drainage plans for the whole thing. Then as each phase is
221 done a final plat will be presented, but the Council needs to agree on what is allowed for each
222 plat in regards to density, setbacks, etc. The subdivision is difficult because it has multiple zones,
223 if the Council would agree on the ancillary agreement it would govern the final plats as they are

224 approved as the project moves along. The developers are requesting to change from option two
225 which would allow for a density based upon an average density for the overall project to option
226 three, which is a density bonus option. Using the density bonus option is the City Administrator's
227 recommendation and is used when the developers donate park land allowing for a higher density.
228 Jeff reminded the Council that if the developer was to max out the number of lots they could put
229 in they could end up with a hundred or more lots than originally proposed. With this revised
230 concept plan only 10 or 11 additional lots are being requested. The developer is asking for the
231 small lots to be as small as 6,700 square feet lots and they would also include larger lots abutting
232 the retention pond which would be intended as horse properties.

233 Elaine Nelson asked what the topography will look like with the changes. Jeff reported that a
234 good share of the topography will be changing. Areas that would have been in the FEMA flood
235 plain will not be in a flood plain anymore. He stated that it will actually be safer in the event of a
236 major rain storm. Once the project is completed FEMA will be asked to change their flood plain
237 map. Elaine asked the developer to be on alert of the potential risks if FEMA did not change the
238 maps.

239 Resident, Kay Gilgen and Brent Dahle asked about access to surrounding property owners to
240 hook up to sewer and utilities. Jeff stated that Article eight of the ancillary agreement would help
241 surrounding property owners to hook up to sewer and utilities by providing access roads to these
242 properties.

243
244 *Al Moser moved to approve the revised concept plan as presented. Lloyd Berentzen seconded*
245 *the motion. A vote was called and the motion passed unanimously with Kevin Dustin, Lloyd*
246 *Berentzen, Al Moser, and Elaine Nelson voting in favor.*

247
248 Jeff discussed the ancillary agreement and how it would do away with the original development
249 agreement since that agreement does not really apply anymore. Some important points of the
250 ancillary agreement is that the developer will be providing improvements such as a trail and a
251 flood basin system with a retention basin, etc.

252 This does not change the storm water system that has been approved. The route and size of the
253 retention ponds stay the same. It spells out lands to be dedicated to North Logan City. Article
254 five discusses construction of 2300 North from 1600 East to the cemetery property. About half of
255 the road is shared with the cemetery park and since the City is the developer of the cemetery
256 park the City will have a shared cost with the developer of Canyon Gates. Also, 2300 North is
257 identified on the capital improvement plan upon which the impact fees were computed. The road
258 will end up with a 50/50 cost with a higher City cost for the road in cemetery and is spelled out in
259 article five.

260 Al Moser asked about the City irrigation line that goes through the property that is not addressed.
261 He said the plans are platted right over it. This water is used for Elk Ridge Park and will need to
262 be addressed.

263
264 Jeff stated that Article six are zoning regulations for this subdivision, such as, density, number of
265 lots, and at least 20 acres dedicated to the City. Article 7 is basically the points of contact and
266 what to do if there are problems.

267
268 Article 8 addresses the concerns that Mr. Gilgen and Mr. Dahle have. Mr. Gilgen and Mr. Dahle
269 would like language to be spelled out in the ancillary agreement addressing the issue of access to
270 utilities and to their properties. Mr. Dahle asked to unsure that sewer lines be installed at the low
271 point where sewer would exit his property and flow into the sewer mains planned for the Canyon
272 Gates property. Al Moser stated that he wanted it written also, not on the concept plan but on the
273 plat plan. Mayor Watkins had a couple of comments regarding this project. He stated that there
274 will be ongoing excavation with gravel for many years. As it stands, gravel has to come out on
275 1900 North and he's concerned that as time goes on there will be an increased burden on
276 neighborhoods and on the road surface. He would like the agreement to include an alternate
277 route for removal of gravel along 2100 North. The bridge over the canal on 2100 North may need
278 to be strengthened to support the truck loads. Jeff Jorgensen stated that this needs to be
279 addressed in the development plan and the timing be added so that each road shares the burden.

280 Mayor Watkins asked if there was anything that needed to be written in the agreement to ensure
281 the developer acquires the right-of-way for 2300 North where it meets with 1600 East. The
282 developer reported that they had already purchased the property.

283
284 The City's attorney advised that Article 5.1 should not have language that would obligate future
285 City Council's to use impact fees or sales tax fees if funds are not there.

286
287 Mayor Watkins asked if the Council was ready to vote on the ancillary agreement tonight. Jeff
288 Jorgensen and the developer discussed some minor changes that would be agreeable to both
289 parties and Jeff made the changes on the spot for the council to consider.

290
291 Elaine Nelson stated that there may not be sewer or water impact fees available to his
292 development as she does not remember this property being on the impact fee study. Jeff stated
293 that there is joint participation for the bridge, road, culinary water distribution line, and wastewater
294 collection line in association with 2300 North as that has been identified in the master plan.

295
296 *Lloyd Berentzen moved to approve the ancillary agreement subject to legal review and final sign*
297 *off within a reasonable period of time. Al Moser seconded the motion. A vote was called and the*
298 *motion passed unanimously with Kevin Dustin, Lloyd Berentzen, Al Moser, and Elaine Nelson*
299 *voting in favor.*

300

301 **Reports from city officers, boards, and committees** #1

302 Mayor Watkins stated that there was not a need to go into Executive Session to discuss the open
303 space property in North Park Village. Mayor Watkins reported that he has met with Reed
304 Sorenson and his wife and they would like to purchase the property spoken of at a prior meeting.
305 They will be giving the City first right of refusal with no other restrictions. An agreement will be
306 drawn up by the City's attorney and be brought back before the Council for approval.

307

308 Lloyd Berentzen left the meeting at 8:10 pm.

309

310 Jeff reported that he has made as many reservations as he could get (four) at the Sheraton Hotel
311 for the Utah League meeting in September. He stated that this would be a good time to go and
312 see how other cities are doing things in these tough times.

313

314 Dave Miner, the City's municipal bond council, stated that the water bond is renewable and he
315 believes he can save \$70,000 if it is refinanced. Jeff was advised to press forward and bring
316 back information.

317

318 Mayor Watkins reported that he has asked Leo Krebs to be the grand marshal for the Pioneer
319 Day Parade and he has consented.

320

321 *Al Moser moved to adjourn. Elaine Nelson seconded the motion. A vote was called and the*
322 *motion passed unanimously with Kevin Dustin, Lloyd Berentzen, Al Moser, and Elaine Nelson*
323 *voting in favor.*

324

325

326 The meeting adjourned at: 8:23 pm

327

328 Approved by City Council: May 20, 2009

329

330
331 Transcribed by Kim Weis

332

333 Recorded by

334

335



Scott Bennett/City Recorder