

1 **Minutes of the North Logan City**
 2 **City Council**
 3 **Held on May 20, 2009**
 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 6:24 p.m.

9
 10 Council members present were: Kevin Dustin, Steve Soulier, and Mayor Watkins. Lloyd
 11 Berentzen arrived after the opening ceremonies at 6:31 pm. Elaine Nelson and Al Moser were
 12 absent.

13
 14 Others present were: Devin Pierson, Kim Mora, Samir Meneses, Reed Sorensen, Daniel
 15 Stephenson, Jordan Hunt, Thomas Lundberg, Matt Nielson, Sam Anderson, Peggy Giles, Jon
 16 Keller, Bruce Jorgensen, Jeff Jorgensen, Scott Bennett, and Kim Weis.

17
 18 The Pledge of Allegiance was led by Mayor Watkins.
 19 An invocation was given by Steve Soulier.

20
 21 **Adoption of Agenda**

22 *Steve Soulier made a motion to adopt the agenda. Kevin Dustin seconded the motion. A vote*
 23 *was called and the motion passed unanimously with Lloyd Berentzen, Kevin Dustin, and Steve*
 24 *Soulier voting in favor.*

25
 26 **Approval and Follow-up of Minutes for April 15th, 2009 and May 6th, 2009 City Council**
 27 **Meeting**

28 *Lloyd Berentzen made a motion to approve the minutes for City Council Meeting on April 15th,*
 29 *2009. Steve Soulier seconded the motion. A vote was called and the motion passed*
 30 *unanimously with Lloyd Berentzen, Kevin Dustin, and Steve Soulier voting in favor.*

31
 32 *Steve Soulier made a motion to approve the minutes for City Council Meeting on May 6th, 2009.*
 33 *Kevin Dustin seconded the motion. A vote was called and the motion passed unanimously with*
 34 *Lloyd Berentzen, Kevin Dustin, and Steve Soulier voting in favor.*

35
 36 **Follow-up**

37 The 200 East project is nearly ready for the 60% review by UDOT. Mayor Watkins asked to
 38 receive some information on Tom Singleton's appraisals for the project. A vault to hold valves
 39 has been installed at King Park and water will soon be pumping water from the well. Lauritzen
 40 and Alley disagree with the applicability of the nuisance ordinance relative to their properties and
 41 have received a continuance from the judge. Mr. Lauritzen will be the attorney for both cases.
 42 Steve Soulier asked Alan Luce if trees will be planted on the road island rights-of-way. Alan
 43 reported that smaller trees will be planted. Kevin Dustin asked about the library ceremony since
 44 he was out of town and was unable to attend. Steve Soulier reported that was very nice and well
 45 attended by about 50 people.

46
 47 **Review of Action Items**

48 None.

49
 50 **New Business** #1

51 **Consider approval of agreement regarding change in ownership of private open space in North**
 52 **Park Village Unit III.**

53 Jeff Jorgensen presented the Council with a draft of an ancillary agreement for the change in
 54 ownership of private open space in North Park Village Unit III. The Glens are mentioned in the
 55 agreement as they are the sellers. Conditions of usage are spelled out in item five and basically

56 allows covered corrals but not enclosed structures. The City retains the right of first refusal and
57 the Sorensons have the option to approach the City first before seeking a seller. A legal
58 description has been added for the open space on paragraph one on page two and a copy of the
59 original development agreement to the subdivision has been added. Jeff mentioned that the City
60 may want to discuss the existing structures and see if they will be allowed to remain based on a
61 conditional use permit. The buildings do meet the open space requirement in the ordinance but
62 not the regulation for the open space in the original development plan for the subdivision. Mayor
63 Watkins stated that since the original owners did not obtain a conditional use permit the planning
64 commission would need to determine if the buildings could stay in place and they would place a
65 timeline to change location of buildings, if so determined. Steve Soulier made a side comment
66 that he would welcome the opportunity if owners, at some future date, wanted to sell just a piece
67 of the property to the City for a park.

68 *Lloyd Berentzen moved to approve ancillary agreement regarding change in ownership of private*
69 *open space in North Park Village Unit III . Kevin Dustin seconded the motion. A vote was called*
70 *and the motion passed unanimously with Kevin Dustin, Lloyd Berentzen, Steve Soulier and voting*
71 *in favor.*

72

73 Consider Development Plan for the Canyon Gates Subdivision of 146 acres located between
74 1600 East and 2100 East and from about 2000 North to 2400 North.

75 Cordell Batt spoke of the development plan for the Canyon Gates subdivision and the staff report
76 that had individual reports on the required recommendations. The individual reports include:
77 soils, geo-technical reports, drainage, grading, water conservation plan, open space, traffic study,
78 and a fire protection plan. Staff has reviewed the plan extensively and has made revisions with
79 the developer to add an operations plan for gravel removal. With these provisions, staff's
80 recommendation is to approve the development plan. The reports gives staff the information
81 necessary to move forward with each phase of the project as it moves along. The project is large
82 enough that there will be ten phases. Phase one will start immediately at 1600 North and 2300
83 North. As each phase comes in, the reports and documents will be used to approve future
84 phases and applicable concerns will be notated on the final plat for each phase.

85 Mayor Watkins commented that this project has been a long process to get it to where it is today.
86 He stated that he feels it's been worthwhile and will end up being a nice project. He reminded
87 staff that operational guidelines or directives need to be adhered to, specifically an alternate route
88 to move gravel in and out. Mayor Watkins has received considerable citizen input and has
89 reviewed the guidelines on traffic safety and road durability on 1900 North, etc. Because gravel
90 removal will take place over a number of years, he stated that it's important to use 2100 North
91 and not 1900 North unless the developer receives City approval from Jeff Jorgensen. Exclusive
92 use of 2100 North would be better because a paved surface for the road does not now exist and
93 doing so would limit the impact on neighborhoods along the hauling route. The City is starting to
94 see degradation of the road on 1900 North because of the heavy loads going downhill. The
95 developers should relay to the subcontractors and contractors the structural limits of the bridges.
96 The dust control provisions in the plan need to be adhered to and a project this size probably
97 needs an air quality management state permit. The City attorney has been asked to check to see
98 if a permit is needed.

99 Lloyd Berentzen asked if there were liability issues if the language in the development plan states
100 "as problems comes to light". Cordell Batt said the language is there based on the sheer size of
101 the project. Jeff Jorgensen stated that the project is going to go on for at least 10 years and
102 changes may need to be made and the language in question gives the City the ability to modify
103 things as the project moves along. Cordell Batt mentioned that as things are found during
104 development, such as sites and soils, adjustments may need to be made as they find things of
105 which they were not aware. The final plat will have all specifics notated before final approval.
106 Drainage plans have been designed for FEMA to change the flood plain.

107 Mayor Watkins asked that if the operational guidelines were adopted by the Council, he would
108 like to see the language read that the route will be changed by July 1st. The Mayor has received
109 agreement from Al Moser on this.

110 Lloyd Berentzen asked the developer if there was interest in Phase one. The developer stated
111 that the industry was slow but there has been some interest shown.

112 Jeff Jorgensen clarified and stated for the record that the City is concerned with restrictions on
113 gravel removal. He stated it was important for the subcontractors to know and be serious about
114 the 8 am – 6 pm, Monday through Fridays dirt and gravel removal restrictions, and that they
115 would need to maintain dust control and state the location of a crusher. Failure to adhere to
116 these guidelines would be a Class A misdemeanor. Residents will tolerate a lot but they are
117 aware of the rules and will want them to be adhered to.

118 Kevin Dustin asked if Logan City will have a problem with their roads being used. Mayor Watkins
119 stated that 1400 North was a road that can handle the traffic and loads. Jeff stated that North
120 Logan is no longer the regulator once the load makes it to Logan City. Bruce Jorgensen said that
121 it is important that the drivers are aware of the chance of them losing their business permit to haul
122 and a criminal penalty being attached to violations of the restrictions.

123 Steve Soulier asked to be briefed on the park development plan. Cordell mentioned that part of
124 the agreement was to use the density bonus option that would give the City developed parks.
125 There will be paved trails to the park. The park will be a developed park with irrigation, sod, and
126 playground. The developer will give monies to City for them to get the playground in and the
127 ability to decide on the set up.

128
129 *Steve Soulier moved to approve the development agreement with changes to paragraph 8 for*
130 *transportation routes and strike out alternate hauling routes and set a deadline of July 1st.*

131
132 Lloyd Berentzen wants a fluid process where the project goes through a continual review
133 process. There was discussion on what the review process will be. Mayor Watkins suggested
134 that they can start phase one and the economy will drive the next phase. Jeff Jorgensen
135 suggested that after three phases are completed then the Council could review the project to
136 make sure the development plan is being done in a consistent manner. The developer asked for
137 approval to do phase one as he has jumped through hoops to give plans and has spent two and
138 half years to get to this point and it's sounding more like he's back to square one. Cordell stated
139 that it sounds like the Council is asking that the staff review and the Council be apprised of
140 progress at the end of each phase.

141 *The motion died for lack of a second.*

142
143 *Kevin Dustin moved to approve development plan to Canyon Gates subdivision located on 1600*
144 *East and 2100 North and from 2000 North to 2400 North based upon staff and council review*
145 *upon completion of each phase and to also incorporate the gravel hauling route as amended. It is*
146 *not the intent for it to have to go back to the Planning Commission the intent is to trigger an audit*
147 *review as the Council changes or in the event the developer sells the project to another*
148 *developer. Lloyd Berentzen seconded the motion. A vote was called and the motion passed*
149 *unanimously with Kevin Dustin, Lloyd Berentzen, and Steve Soulier voting in favor.*

150
151 Review draft of proposed Street Tree Ordinance.

152 Cordell Batt talked about being on the Parks and Recreation board and investigating Tree City
153 USA. He looked to see how an ordinance would apply to the City. They initially looked into it so
154 that the City could be placed higher on the priority list for grants monies. Cordell was asked to
155 look at ordinances that were out there and to develop a model ordinance for the City of North
156 Logan. Adjustments were made to make it more of a rural ordinance. The planning commission
157 looked at the ordinance and thought it was a little more prohibitive and more than what the City
158 needed at this time and advised to take more of the urban setting out of it and make it more
159 applicable to the City. Parks and recreation looked at it and made some adjustments. Bruce
160 Jorgensen looked at it and then it was brought back to the planning commission. The planning
161 commission made a few more modifications and the ordinance is ready for review by the City
162 Council so it can be brought back for final approval. Alan Luce will most likely administer this
163 ordinance. The street tree ordinance allows the City to maintain street trees that are in the right-
164 of-ways and parks. The City is more of a rural setting and changes may need to be made as the
165 City grows. Just a couple of areas were identified with trees, they were: Pheasant Hollow and
166 1000 East in the North Park area. The Canyon Gates subdivision will eventually have an
167 extensive street tree program that will be within the City's right-of-way.

168 The ordinance will spell out the property owner's responsibility and the City's responsibility. Tree
169 USA needs the ordinance and to know how the City will take care of the trees. Tree USA will
170 require a tree advisory board. Parks and recreation has looked at a tree street manual which the
171 tree advisory board will review. Mayor Watkins asked if the tree advisory board can be the same
172 as the parks board. Cordell stated that it could be, but the advisory board would be an appointed
173 board. Steve Soulier stated that he took exception, the tree city idea was not to make the street
174 safe, it was to be a bonus to encourage appropriate trees to be planted throughout community.
175 He has lived in an area in Salt Lake where tree lined streets have increased the property values.
176 Trees also provide shade within the community. Steve wants the Council to look at the
177 subdivision ordinance and see if an additional paragraph or two are needed to have the
178 developer plant trees. The ordinances should look at long term implications of planting proper
179 trees, i.e., trees that will eventually tear up sidewalks. The street tree ordinance is not the final
180 product according to Steve Soulier. Mayor Watkins asked if the next step was to review and
181 make suggestions. Cordell Batt spoke of other communities having street tree design guidelines.
182 He stated that the City has guidelines for the city center, for commercial developments, and
183 would be the same for streets. The guidelines specify details on how a developer should design
184 them and the landscaping that goes along with this. Cordell stated that the Canyon Gates
185 subdivision had a landscape architect develop a plan with each street having a designated tree.
186 Mayor Watkins stated that he thought it was critical for the City to have wider tree planting areas
187 even though the developer might have to give up more room for the smaller lots. Steve Soulier
188 pointed out that this idea is not in this street tree ordinance and he wants to see this developed
189 into a plan. There was some discussion on where this would fall in within the City's ordinances.
190
191

192 Discuss proposed FY2010 Budget. Will include public comment period to receive input on the
193 draft budget. A copy of the draft budget, modified as staff works on it, is available on the internet
194 Lloyd Berentzen stated that if the City was looking at a true allocation of costs they need to
195 develop program codes for administrative costs which will show where employees are spending
196 their time. He also stated that he does not think this necessarily needs to be implemented. Jeff
197 Jorgensen stated that public works tracks their time in this manner. However, the City is not
198 doing cost accounting and the allocating of administrative costs is arbitrary anyway. He said he
199 does not see how this would be helpful to management. Lloyd Berentzen stated he was not
200 looking at this on a legal stand point as a requirement but more from a management standpoint.
201 He stated that decisions can be made such as the justification of additional personnel based on
202 the amount of time being spent. Jeff Jorgensen stated that he would like to see the
203 administrative costs be based on common sense criteria and then allocate costs to the different
204 departments.
205 Lloyd Berentzen would like to see an analysis of the cash flow on a more regular basis. He
206 stated he would feel more comfortable in approving a budget if he could see the deviations over
207 periods of time. Deviations could help the Council make needed adjustments in a more timely
208 manner.
209 Jeff Jorgensen discussed the budget showing that the fund balance target was 10% and the City
210 is above target, at 13% right now. Steve Soulier cautioned the Council that assumptions were
211 changed during the year which would alter the numbers being shown at this time.
212 Kevin Dustin asked if the City has seen the transit and room tax from Holiday Inn Express. Scott
213 Bennett stated that he has asked the state to give the City the funds. It will take about two
214 months before the monies will be seen.
215 The City will know in about a week how much RAPZ will be given for the pavilion. In a couple of
216 weeks and before the public hearing in June, the City will know the certified tax rates. Only a
217 slight change in the certified tax rates is anticipated.
218 Steve Soulier asked about the library bond, what the amount is and when that will be due.
219 Mayor Watkins asked if the 1.3 million negative cash was discussed from the third quarter report.
220 The Mayor explained that the shortfall is strictly from an accounting perspective but was actually
221 the refinancing of the bond and no actual changes took place.
222

223 Mayor Watkins asked to revisit the gravel hauling issue from Canyon Gates. A resident reported
224 to him that yesterday morning gravel was being hauled as early as 6 am and the last load went
225 out at 9 pm. Residents are logging perceived violations and he expressed concern that the July
226 1st timeframe is fast approaching and he requested a letter to go out to the contractors to be
227 definitive on the regulations. Lloyd asked John Itasano if the police department could issue
228 citations based on logs from the residents. John answered that if there are enough concerns the
229 residents could call the police department and his department would go and have a talk with the
230 contractors and issue citations if needed. Mayor Watkins stated that the City may have some
231 problems because some of the trucks are not from the Canyon Gates development and that all
232 contractors need to be apprised of the restrictions.

233
234

Reports from city officers, boards, and committees #1

235 Steve Soulier reported that the library had received several grants. They received a grant from
236 the State Library Association in the amount of \$5,930 and is based on population and efforts on
237 the job they were doing. The monies need to be spent by June 1st. They also received a grant
238 from the Gates Foundations for about the same amount and will be purchasing a few computers
239 and management software that will allow the monitoring of computer usage. Steve also reported
240 that the Thorne Endowment will be generating \$70,000 for the library this next year. This amount
241 has been drastically reduced from last year's amount of \$120,000.

242 Kevin Dustin encouraged residents to come out to the November elections. Mayor Watkins
243 stated that the upcoming newsletter will have the filing date deadline announcement in it.
244 Candidates must file between July 1st and July 15th.

245 Mayor Watkins attended a meeting in Hyde Park regarding the justice court merging their data
246 management system, it's called CORRUS. CORRUS is an integrated statewide case
247 management system and will take a fair amount of training. The Mayor has signed the
248 agreement as required.

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251 *Steve Soulier moved to adjourn. Kevin Dustin seconded the motion. A vote was called and the*
252 *motion passed unanimously with Kevin Dustin, Lloyd Berentzen, and Steve Soulier voting in*
253 *favor.*

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256 The meeting adjourned at: 7:58 pm

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259 Approved by City Council: June 3, 2009

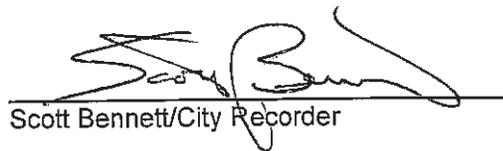
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262 Transcribed by Kim Weis

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265 Recorded by

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Scott Bennett/City Recorder