

1 **Minutes of the North Logan City**  
2 **City Council**  
3 **Held on August 5, 2009**  
4 **At the North Logan City Library, North Logan, Utah**  
5  
6  
7

8 The meeting was called to order by Mayor Watkins at 6:00 p.m.  
9

10 Council members present were: Lloyd Berentzen, Kevin Dustin, Steve Soulier, Al Moser and  
11 Elaine Nelson.  
12

13 Others present were: Sam Carden, Ken Munz, Lucy Watkins, Curtis Jacobs, B.J. Johnson,  
14 Jace Egbert, Gary Egbert, Ken Stuart, Jeff Jorgensen, Scott Bennett, and Kim Weis.  
15

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

20 **Adoption of Agenda**

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

25 **Approval and Follow-up of Minutes for July 15<sup>th</sup>, 2009 City Council Meeting**

26 *Steve Soulier made a motion to approve the minutes as presented. Al Moser seconded the*  
27 *motion. A vote was called and the motion passed unanimously with Lloyd Berentzen, Kevin*  
28 *Dustin, Al Moser, Elaine Nelson and Steve Soulier voting in favor.*  
29

30 **Follow-up**

31 None.  
32

33 **Review of Action Items**

34 The Mayor asked that the Mahogany Ridge item be taken off of action items since there has not  
35 been any interest in finishing off the sidewalks. The nuisance issues are set for trial on August  
36 19<sup>th</sup>. He has noticed activity on the Alley property. Elaine Nelson wanted it noted that she has  
37 noticed a community get together and the property has been greatly approved. She asked if the  
38 Council really wanted to take legal action when there have been improvements. Mayor Watkins  
39 reminded the Council that this has been a long process and the property owner prolonged the  
40 issue taking it to trial. Al Moser stated that the clean-up could be mentioned in the trial. Chief  
41 Kim Hawkes stated that deadlines had been set and the items needing to be cleaned up were  
42 spelled out and the property owner chose the trial route instead of the city administrative route.  
43

44 **New Business** #1

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

47 Lydia Embry – She spoke regarding property assessments from the County Assessor and the  
48 increases based on land value in North Logan and Hyde Park. She mentioned that the coffers  
49 will see more than originally projected through the certified rate.

50 Mayor Watkins said he had spent about an hour talking with Kathleen Howell, the County  
51 Assessor and appraisers. He stated that he considers the logic they use to assess is bizarre and  
52 he encourages property owners to appeal the assessments. He stated that you can hire an  
53 appraiser and spend up to \$400 or get some realtor comps (comparisons).

54 Lloyd Berentzen asked if the City influences the county appraisals. The Mayor stated that the

55 City does not. He stated that mass appraisals are done and the criteria are based on 2007 and  
56 2008 sales. The values are based on listed price values for properties that are up for sale. The  
57 Mayor has asked that this be looked at legislatively on a higher level. He stated that part of the  
58 problem is that school districts are guaranteed that they will not lose money from what they  
59 received in the prior year. Al Moser also mentioned that part of the problem is that the people  
60 from California make really high offers, more than what the property is really worth in this market.  
61 Steve Soulier shared the same frustration on the assessments.

62

63 Public Hearing and Consideration of a plat amendment for the Green Acres Estates Subdivision,  
64 6.38 acres (lot line adjustment, same number of lots) located at 870 East and 2650 North, North  
65 Logan. (Samuel F. Cardon)

66 Jeff Jorgensen gave a brief presentation on the plat amendment.

67

68 The Mayor opened the public hearing at 6:16 pm.

69 The Mayor closed the public hearing at 6:17 pm.

70

71 *Steve Soulier made a motion to adopt the plat amendment for the Green Acres Estates*  
72 *Subdivision. Al Moser seconded the motion. A vote was called and the motion passed*  
73 *unanimously with Lloyd Berentzen, Kevin Dustin, Al Moser, Elaine Nelson and Steve Soulier*  
74 *voting in favor.*

75

76 Public Hearing and Consideration of a plat amendment for the Eagle Creek Business Park  
77 Subdivision, 40.33 acres (larger and fewer lots) located at 2850 to 3100 North and 200 West to  
78 400 West, North Logan. (Faulkner Development Group)

79

80 The Mayor opened the public hearing at 6:30 pm.

81 The Mayor closed the public hearing at 6:31 pm.

82

83 *Steve Soulier made a motion to approve the plat amendment for the Eagle Creek Business Park*  
84 *Subdivision. Lloyd Berentzen seconded the motion. A vote was called and the motion passed*  
85 *unanimously with Lloyd Berentzen, Kevin Dustin, Al Moser, Elaine Nelson and Steve Soulier*  
86 *voting in favor.*

87

88 Public Hearing and Consider for approval of a proposed ordinance regulating residential  
89 solicitation.

90 Jeff Jorgensen advised the Council that the residential solicitation issue comes before them as a  
91 result of a State law that passed. The State will perform the background checks on door-to-door  
92 solicitors. This ordinance does not prevent charitable organizations or schools to solicit. Steve  
93 Soulier stated that this new law is an improvement over the old one.

94 The Mayor opened the public hearing at 6:48 pm.

95 Lydia Embry – She expressed concern regarding the openness of the public input for this  
96 ordinance. She asked if public input was sought at the 24<sup>th</sup> of July celebration, at the dedication  
97 of Stroud trail or if it was mentioned in the utility bill. She questioned the need for a new  
98 ordinance when a prior Council has already approved an ordinance and it has been in place.

99 The Mayor closed the public hearing at 6:54 pm.

100 Kevin Dustin stated that it was his understanding that this ordinance was needed to make the city  
101 in compliance with state regulations. Al Moser stated that he thinks the current ordinance has  
102 served the City well, but it is not in compliance with the state.

103 Elaine Nelson asked about state regulations on the public's right to get public meeting minutes by  
104 a certain number of days following a meeting and before they were officially approved. Jeff  
105 stated that he had heard of something in the works at one time but that it did not pass the state

106 legislature. He said he will look into this further.

107 *Kevin Dustin made a motion to adopt the residential solicitation ordinance as proposed. Steve*  
108 *Soulier seconded the motion. A vote was called and the motion passed unanimously with Lloyd*  
109 *Berentzen, Kevin Dustin, Al Moser, Elaine Nelson and Steve Soulier voting in favor*

110

111 Consideration of the Clair Murray Subdivision #2 Development Plan and Preliminary Plat, 5.53  
112 acres (5 lots) located at 1250 East and 2700 North, North Logan. (Clair and Irene Murray)

113 Jeff Jorgensen briefed the Council on the development plan and preliminary plat. Staff  
114 recommends approval.

115

116 *Steve Soulier made a motion to adopt the development plan and preliminary plat, 5.53 acres*  
117 *located at 1250 East and 2700 North as presented. Lloyd Berentzen seconded the motion. A*  
118 *vote was called and the motion passed unanimously with Lloyd Berentzen, Kevin Dustin, Al*  
119 *Moser, Elaine Nelson and Steve Soulier voting in favor.*

120

121 Discuss options for changing the city ordinance regulating the guarantee of improvements for  
122 subdivisions. (Developer Curtis Jacobs)

123 Developer Curtis Jacobs was addressing the Council on what is being required by the city with  
124 regard to bonds for subdivision improvements. According to him, North Logan City is the only city  
125 in Cache and Weber Counties that require 25% over the engineer's agreed upon price estimates  
126 for a subdivision bond. The average in Cache County is 10% held. Lloyd asked how much the  
127 bond costs and Curtis said it is hard to get a bond at the bank in the current economy. Jeff stated  
128 that bonds usually cost around 1% - 2%. Mr. Jacobs asked the Council to be more in line with  
129 surrounding areas. Lloyd Berentzen asked how often the City taps into the money to complete  
130 subdivision improvements. Jeff stated that the number of situations where the city has actually  
131 gone after the bond is very small. It is usually so hard to get money out of a bond that the city  
132 just works with the developer to get the work done. State law does allow the city to hold a  
133 warrantee bond for just one year so this part of the city's current ordinance will need to be  
134 changed. Mayor Watkins stated that he will look into it and have it put on a future agenda.

135

136 Discuss a draft ordinance making it unlawful to use someone else's refuse containers, especially  
137 bulk, commercial refuse containers.

138 Jeff Jorgensen mentioned that they used Logan City's ordinance as a guide. He has received  
139 complaints from commercial businesses of couches being dumped into their bins. Since there  
140 are not any ordinances to prohibit dumping into someone else's container, it cannot be  
141 considered an criminal infraction for the police to follow up on a complaint. Steve Soulier  
142 expressed concern that if permission is given to dump then it will be illegal based on the draft  
143 ordinance. Jeff Jorgensen stated that people can give permission and not have it be an  
144 infraction. Al Moser asked if the police department was going to be burdened even further so that  
145 they can police the refuse containers. Jeff stated that a complaint would have to be lodged in  
146 order to follow-up and that the police department would not be patrolling the neighborhood  
147 looking for infractions. Steve Soulier has seen tires, chemicals, etc being dumped and that  
148 concerns him.

149 Scott Bennett spoke of changes recommended by the attorney.

150

151 *Steve Soulier made a motion to adopt ordinance. The motion was then withdrawn due to the*  
152 *ordinance's approval not being on the agenda for consideration.*

153

154 Discuss a draft resolution establishing procedures to reduce the risk of identity theft for city  
155 customers.

156 Jeff Jorgensen stated that a federal mandate required each government entity to have a plan or  
157 program in force by August 1<sup>st</sup> to help protect identity theft. An example draft was given and will

158 come before the Council at a future date for adoption.

159

160 Discuss alternatives for hauling routes from gravel extraction operations.

161 Mayor Watkins discussed the decision the Council made to impose a closure on 1900 North and  
162 use 2100 North instead. Numerous resident complaints have been lodged that 1900 North is still  
163 being used. The Mayor has verified the complaints and visually saw numerous violations within a  
164 45 minute time period. Jeff has been asked to issue a cease to work order that will be in effect  
165 for two weeks. The Council will need to make an assessment on using 2100 North and its  
166 impact, but it's too early to make that assessment.

167 Jeff Jorgensen talked with Rupp's trucking and it appears that there was a misunderstanding on  
168 which route they were supposed to use. They thought they were supposed to stay on 1900 North  
169 because of number of complaints on 2100 North. Rupp is asking what the long-term route is so  
170 they can put in a scale. Jeff asked if the Council would consider having empty trucks come in on  
171 1900 North and go out on 2100 North. There are many gravel trucks leaving the gravel pit and  
172 going up Logan Canyon to put road base on several dirt roads for the Forest service, such as,  
173 Franklin Basin. These trucks go south on 1600 East going out by golf course. Lloyd Berentzen  
174 stated while on a hike last week he could look below and see that the roads are being impacted.  
175 He also likes having the trucks use 2000 East and would recommend it although he is not sure if  
176 it is practical. The Mayor stated that he believes the road has a little roundabout and the trucks  
177 may not make it. A discussion ensued on the usage of 2000 East as an alternative route. Elaine  
178 Nelson asked Jeff Jorgensen to explore 2000 East and its feasibility and report back to the  
179 Council. Discussion also ensued on the placing of scales and whether there could be two  
180 alternative routes since the trucks need to be weighed coming in and going out. Al Moser stated  
181 that he sees trucks going down 2300 North so he does not think all drivers and haulers  
182 understand the designated alternative route. Jeff stated that perhaps there should be signs to  
183 direct trucks. The Mayor suggested that they continue to use the 2100 North route to let it  
184 develop while the City continues to monitor the new route.

185

186 Update council regarding the construction plans and schedule for 200 East.

187 The Mayor spoke on the construction plans for 200 East. The construction funding was approved  
188 for \$2.9 million. The planned schedule has the road completed by spring next year. The Council  
189 thanked the Mayor for his efforts in pushing forward with the funding. Jeff Jorgensen spoke about  
190 the schedule and hopes to wrap up the design and appraisals in the next couple of weeks. He is  
191 drafting a final version of an agreement with IHC and hopes to have the agreement completed  
192 next week as well. Bids are being solicited and will most likely be in for the Council to approve on  
193 September 2<sup>nd</sup>. There will also be a public hearing on September 2<sup>nd</sup> to amend the budget. The  
194 auditor agrees that the best way to handle these pass-through funds is through a set of separate  
195 capital improvement accounts so that the general fund budget will not see a \$3 million dollar  
196 increase for this year.

197 Al Moser asked if the bid schedule included water and sewer. There will be one contractor for the  
198 whole project but the costs for water and sewer will be broken out separately.

199 Mayor Watkins said that a lot of prep work can be done this year including most of the  
200 underground work but it will be difficult to complete the intersection at 1800 N. because they want  
201 to avoid tearing the road up through the winter. Lloyd Berentzen asked if the IHC agreement will  
202 have to go back to their corporate department for approval. He was concerned that we'd be  
203 looking to move forward and corporate would stall the project. The Mayor did not think there  
204 would be a problem with moving forward. Mayor Watkins talked about the difficulty with USU's  
205 donation since the Army has a 50 year lease and it would cost \$5,000 to change a paragraph in  
206 their lease contract between the university and the army. The Spendloves have said they would  
207 like to donate their right-of-way to the city but due to some family financial issues they will need to  
208 sell it to the city. The Mayor has asked the City Attorney to draft a purchase agreement for the  
209 property if there aren't any donations coming forward. An agreement is being drawn up for the  
210 Merrill family in order to purchase the needed part of their property. The property being  
211 purchased is considered part of the required City's match to funds from the County.



212

213 Reports from city officers, boards, and committees.

214 Jeff Jorgensen reported that the ramp requested by the Council to get access to the green waste  
215 bins will cost about \$4,000 to construct. He said that the street's department budget has \$10,000  
216 for repairs in its miscellaneous section that could be used to build it, or the budget can be  
217 amended in a couple of weeks to include this project. Jeff stated that it would serve two bins, one  
218 on each side. Al Moser stated that the bins used to be so high it was hard to reach, but it looked  
219 like the area is being maintained and keeping clean.

220 Jeff mentioned another project he recommends the council take a look at is whether to grind and  
221 re-lay 1600 East from 2700 North to 3100 North or to just widen the road. It would cost \$150,000  
222 to widen the road and \$87,000 to re-lay the pavement to the width that is currently there. He  
223 suggested that the Council take a look at the road as it is falling apart and he was not sure if it  
224 would survive another winter. He had heard that someone took a spill while walking on the road.  
225 He stated that there are some excess funds from last year and the city should have enough  
226 remaining monies in the general fund to do the project of the council wanted to.

227 Elaine Nelson attended the Stroud Trail dedication and commended the Mayor on doing a  
228 wonderful job. She expressed that the dedication was well attended. She was curious if many  
229 people use the trail. Al Moser stated that he sees joggers in the morning on the trail. She also  
230 wanted to acknowledge Wal-Mart employees for donating their time to the project. The in-kind  
231 value they have given has been over \$6,000. She expressed her pleasure in having direct  
232 access to Elkridge Park for the community.

233 Steve Soulier asked if there are fish in the fishing pond. The Mayor answered that there are.  
234 Steve said he wanted to let the Council know of potential safety issues at Pioneer Valley Lodge.  
235 He helped someone move and there is only one small elevator and one staircase. He would like  
236 the Fire Department to address the potential hazards and what the City needs to do to make it  
237 safer. He would like this item on the next agenda.

238 Al Moser would also like to acknowledge Wal-Mart's employees for their service, especially  
239 because he witnessed 15 – 20 employees donating their time on a warm morning. Mayor  
240 Watkins stated that has been in touch with Wal-Mart to express gratitude for their help in the  
241 City's projects. They have raked trails in King Park, the other side of 1900, across the easement  
242 and into the junipers and ties into trail. It is a long trail and they raked it. He stated that they are  
243 great people and have shown their dedication even though it has been hard for management to  
244 release their employees due to staffing shortage. The new Wal-Mart has taken 100 people away  
245 to open the new store on the south side of the valley.

246

247 Chief Kim Hawkes received a request for a street light in the cul-de-sac on 2720 North and 400  
248 East. Rocky Mountain Power has identified some areas where a pole can be installed. They are  
249 in the process of contacting property owners to see if they would be comfortable with having a  
250 light pole in front of their property. Funding would come from utility and streets accounts,  
251 however, the cost for the initial pole installations are absorbed by Rocky Mountain Power. They  
252 also maintain the light and the City pays for the electricity.

253 Chief Hawkes reported that there was a burglary at 1300 East, the Glen Mortenson residence.  
254 The alleged suspects are from Ogden and they had stated that it was a nice dark street that  
255 looked opportune to burglarize.

256

257

258 *Steve Soulier made a motion to adjourn the meeting. Kevin Dustin seconded the motion. A vote*  
259 *was called and the motion passed unanimously with Lloyd Berentzen, Kevin Dustin, Lloyd*  
260 *Berentzen, Al Moser, Steve Soulier and Elaine Nelson voting in favor.*

261

262

263 The meeting adjourned at: 7:25 pm

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265 Approved by City Council:

September 2, 2009

266

267

268 Transcribed by Kim Weis  
269  
270 Recorded by  
271  
272  
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Scott Bennett/City Recorder