

1 **Amended Minutes of the North Logan City**
2 **City Council**
3 **Held on August 19, 2009**
4 **At the North Logan City Library, North Logan, Utah**

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7 The meeting was called to order by Mayor Watkins at 6:02 p.m.

8
9 Council members present were: Lloyd Berentzen, Kevin Dustin, Steve Soulier, Al Moser and
10 Elaine Nelson.

11
12 Others present were: Tyler Larsen, Matt Carey, Bryce Larsen, Glenn Biddulph, Nancy Potter,
13 Jeff Jorgensen, Scott Bennett, and Kim Weis.

14
15 The Pledge of Allegiance was led by Al Moser.

16 An invocation was given by Lloyd Berentzen.

17
18 **Adoption of Agenda**

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

22
23 **Approval and Follow-up of Minutes for August 5th, 2009 City Council Meeting**

24 *No minutes.*

25
26 **Follow-up**

27 Jeff Jorgensen gave an update regarding some proposed new ordinances. A rough draft has
28 been submitted to the attorney for review and will go before the planning commission with a
29 public hearing toward the end of September. The County has reviewed the current NLC
30 ordinance which regulates family residences and group dwellings and has stated that it is near to
31 what they feel should be in our ordinance and they will look at Jeff's proposed changes. Jeff
32 added more restrictions to facilities for the disabled since individuals with substance abuse issues
33 can be considered disabled in some cases and the City can, if they choose, regulate how close
34 they can be located to the schools. Steve spoke in regards to conditional use permits and the
35 City's ability to impose restrictions. Jeff stated that all uses listed in the code are allowed but
36 some are permitted with conditions. Some types of group dwellings must be permitted by State
37 law and some uses are not allowable due to being zoned out, such as, sororities and fraternities.
38 He asked the Council to take a close look at the matrix. A conditional permit does not disallow a
39 use, it just puts conditions on it, such as a good safety plan and enough parking, etc.

40
41 Lloyd asked about the Do residence and if any actions were needed. Jeff stated that in his
42 opinion there was not any action that the Council could take unless they wanted to revisit the
43 concept plan to allow the division of the property with a flag lot.

44
45 **Review of Action Items**

46 Jeff reported the next agenda will have a presentation on the open space analysis conducted by
47 Cordell Batt and Alan Luce. He also reported that annexations are being worked but it has not
48 moved very quickly due to Logan City's not providing the resolution that they need to provide to
49 allow the annexation in the proximity of the airport.

50 There is a meeting tomorrow with potential contractors for the 200 East project. The city has
51 submitted offers to the land owners in the area for acquisition of rights-of-way with dollar amounts
52 based on appraisals.

53 Terrell is working on documents to send to the State Division of Water Rights for adding the King
54 Park well to the list of water sources for the City's current water rights.
55

56 Chief Hawkes spoke on the Alley issue and stated that the case had gone before a judge at the
57 Justice Court that morning. The defendant has retained Attorney Joe Chambers and they may
58 claim the right of a non-conforming use of the property for a lumber business being operated
59 since 1961 starting with Alley's father. The City's attorney, John Jenkins, was successful in
60 separating out the issue and the Judge found Alley guilty of maintaining a nuisance and has until
61 October 31st to clear up weeds and other debris. If the nuisance has not been taken care of by
62 this date the Judge may assess a fine. The Judge did not give any guidance regarding the
63 lumber business and left that to the City to work out with the defendant. Attorney Chambers
64 mentioned that he may approach the Board of Adjustments to allow Mr. Alley to continue to sell
65 firewood off his property as a business. The City will want to keep this on their radar to watch.
66 The Judge did not hear the Lauritzen issue on that day due to time constraints, but Chief Hawkes
67 has noticed that the refuse has been spread out on the property and people have been sorting
68 the items out and placing them in five refuse bins.

69

70 **New Business** #1

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

73 None.

74

75 Consider approval of a proposed minor subdivision concept plan for a parcel located on Highland
76 Drive (1.65 acres) at approximately 1408 East 1780 North (Highland Drive). The proposed plan
77 will divide the parcel into two (2) lots. (Bryce Larsen)

78 Cordell Batt reported that this was a simple, straightforward, minor subdivision. A letter from the
79 irrigation company has been received showing how the water shares are handled in this area.
80 Cordell suggests that the letter from the irrigation company be part of the recording. Staff
81 recommends that the Council approve this minor subdivision.

82

83 *Lloyd Berentzen made a motion to approve the proposed minor subdivision concept plan for a*
84 *parcel located on Highland Drive which will divide the parcel into two (2) lots adopting the*
85 *recommendations from the Planning Commission. Elaine Nelson seconded the motion. A vote*
86 *was called and the motion passed unanimously with Lloyd Berentzen, Kevin Dustin, Al Moser,*
87 *Elaine Nelson and Steve Soulier voting in favor.*

88

89 Consider approval of an ordinance making it unlawful to use someone else's refuse containers,
90 especially bulk, commercial refuse containers.

91 *Al Moser made a motion to approve an ordinance making it unlawful to use someone else's*
92 *refuse containers. Steve Soulier seconded the motion.*

93

94 Al Moser stated that he will be voting against the proposed ordinance stating that he saw no need
95 to add this law to those already on the books; this was simply excessive regulations. He stated
96 that garbage dumped into another person's garbage should be considered a civil matter not a
97 criminal one. Elaine asked how this ordinance would be enforced. Jeff stated that the dumpsters
98 would not be policed, but complaints would be investigated.

99

100 *A vote was called and Kevin Dustin and Steve Soulier voted in the affirmative with Lloyd*
101 *Berentzen, Al Moser, and Elaine Nelson voting in the negative. The motion failed.*

102

103 Consider approval of a resolution establishing procedures to reduce the risk of identity theft for
104 city customers.

105 *Al Moser made a motion to approve a resolution establishing procedures to reduce the risk of*
106 *identity theft for city customers. Steve Soulier seconded the motion.*

107

108 Jeff stated that the Federal government mandates that cities have a program to help protect its
109 customers from identity theft. It establishes procedures to identify red flag areas to investigate. It
110 attempts to make the City more secure in handling personal information of its customers and is
111 not a City ordinance but more of a policy to be adopted by resolution.

112

113 *A vote was called and the motion passed unanimously with Lloyd Berentzen, Kevin Dustin, Al*
114 *Moser, Elaine Nelson and Steve Soulier voting in favor.*

115

116 Discuss the rough draft of a proposed city ordinance regarding the guarantee of improvements for
117 subdivisions.

118 Jeff stated that this proposed ordinance was for the Council to review and not for consideration
119 tonight. The proposed ordinance would define two different types of bonds. This ordinance is
120 intended to help the developers by reducing what they need to pay for bonds as well as to offer
121 better protection to the City. It will reduce the time of the warranty bonds to one year as allowed
122 by state law instead of the almost two years in our current ordinance. The improvement bond
123 could take an unlimited amount of time - however long it takes to make the improvements for the
124 subdivision. By separating the two types of bonds it will make the sequence for subdivision
125 development more clear and give an option to developers allowing them to make all the
126 improvements and not have a bond at all. In such a case the final plat would not be signed and
127 recorded with the County, and hence no lots could be sold, until all the subdivision improvements
128 are made or a bond is in place for unfinished improvements. Steve Soulier gave an example of
129 sidewalks that might need to be put in on a project and how the money stays in place until
130 improvements are made. Jeff reminded the Council that improvement bonds are different from
131 monies in escrow which enables the City to make improvements later. The proposed ordinance
132 is being reviewed by the Attorney and will be before the Planning Commission and then the
133 Council will have a Public Hearing, probably on September 16th.

134

135 Monthly finance status report.

136 Jeff discussed the report and major revenue sources. Sales tax revenues are at the same level
137 from a couple of years ago, but even though they are lower than they were last year at this time
138 they are above the projected level in the 2010 budget. Typically, July is not the biggest month for
139 sales tax revenues, but it did exceed the goals.

140 Property taxes received are way above where they thought it would be due to the change in the
141 time of the year when personal property taxes are due to be paid. Steve Soulier stated that his
142 neighbors were not happy with assessments and asked when the property tax rates would be up
143 for review again. Jeff stated that it was his understanding that the city would not have the option
144 to change the certified tax rate again until next year. Steve asked if the Council could review the
145 rates this year for a possible reduction. Al Moser stated that next year the certified rates would
146 go down further if the assessed valuations were to go up again. Jeff reminded the Council that
147 the certified rate had gone down from last year. He mentioned that August is the time to hold a
148 hearing if they want to raise the taxes and that he could investigate the possibility of lowering the
149 rate this year if the Council wanted him to check into it. The Council agreed to not have him look
150 into it at this time.

151 The amount of funds received for building permits at this point in time is ahead of last year for this
152 time of year and more at the level it was a couple of years ago. This is mostly due to the Leisure
153 Villa development. Projections are based on a percentage of income that comes in each month
154 averaging out the past five to six years. Impact fees are higher also, again due mostly to Leisure
155 Villas.

156 Court fines received are typical for the month of July.

157 Class "C" Road Funds are not measurable for this report since the funds are received every two
158 months.

159 Refuse collection funds received are on target.

160 Metered water sales are a little bit below target and is probably reflecting the rain that fell in June
161 causing culinary water to not be used as much.

162 Sewer collection fees received are being out-paced by payments made to Logan City. This is
163 due to the City of Logan claiming that the sewer flow meter was not calibrated properly until a
164 couple of months ago and they should have been charging more all along. Jeff is concerned and
165 wants to straighten this out as there was a similar issue a number of years ago that caused the
166 payments to be wrong. Once it was corrected, Logan City refunded the overpayments back to
167 North Logan. Al Moser wondered if the higher readings were due to infiltration and Jeff stated
168 that most of the leaky manholes and lines have been repaired.

169 Mayor Watkins attended a Utah League of Cities and Towns policy committee meeting where the
170 statewide sales taxes were discussed. The previous report showed a 17% reduction in sales
171 taxes statewide but that number has improved to only 10% below the previous year for the more
172 recent report. It is not continuing on a downward spiral although there are concerns that the
173 economy could still send it that direction.

174 The Mayor had a discussion with the manager of the North Logan Wal-Mart and was told that the
175 Providence store is not doing as well as they thought they would. The projected loss of 22% in
176 sales tax may not come to fruition.

177

178 Reports from city officers, boards, and committees.

179 Steve Soulier asked about holding a "meet the candidates" meeting to have them introduce
180 themselves. He was told that the Youth Council usually sponsors this meeting. He stated that
181 they had looked into planting trees on the wide planting strips on his street and found that there is
182 a gas line down the middle of the strip and trees cannot be planted. He wants the utilities
183 ordinance to be reviewed to prevent this from happening again.

184 Al Moser spoke of the nice "Thank You" card received from Mr. Krebs.

185 Lloyd Berentzen spoke of a Public Health Emergency guide that the Bear River Health
186 Department would like to get into every home and offer training to go with it. He would like to see
187 this on a future agenda for discussion.

188

189 Executive Session to consider of an agreement for the acquisition of property. (Closed)

190 Steve Soulier made a motion to close the meeting and go into executive session for the purpose
191 of considering a possible real estate transaction. Al Moser seconded the motion. A vote was
192 called and the motion passed unanimously with Kevin Dustin, Lloyd Berentzen, Al Moser, Steve
193 Soulier and Elaine Nelson voting in favor. This occurred at 6:42pm.

194

195 Minutes for this under separate cover.

196

197 Steve Soulier made a motion to end the Executive Session and open the regular City Council
198 meeting. Al Moser seconded the motion. A vote was called and the motion passed unanimously
199 with Kevin Dustin, Lloyd Berentzen, Al Moser, Steve Soulier and Elaine Nelson voting in favor.
200 This occurred at 6:50pm.

201

202 Steve Soulier made a motion to authorize the Mayor to sign, on behalf of the City, the proposed
203 agreement with IHC to acquire the right-of-way for 200 E. Kevin Dustin seconded the motion. A
204 vote was called and the motion passed unanimously with Kevin Dustin, Lloyd Berentzen, Al
205 Moser, Steve Soulier and Elaine Nelson voting in favor.

206

207 Jeff discussed 1600 East and the need to either widen the road or grind and overlay what is
208 there, but the latter is considered a band-aid fix. He has talked with Lydia Embry and she has
209 agreed to consider, along with the others that jointly own that land with her, various options for
210 widening that road so that there is a 66' right-of-way. One possible option would be for the City to
211 build up the west side and make it ready for development. It would also require a slope
212 easement that would encroach more into her property. The City will need to decide if they are
213 going to grind and overlay the road or move forward with the widening process. Steve Soulier
214 mentioned that it is important to get a bike trail in that road since it is a well-traveled road.

215

216 Lloyd Berentzen is receiving complaints on the trucks coming out of the gravel pit. The

217 complaints are that the trucks are using engine breaks and the road is starting to wash board.
218 Lloyd asked if there was a way to get the contractors to pay for the wear and tear on the road.
219 Restrictions on number of loads or weight of loads may be needed. Jeff mentioned that the hours
220 are already restricted. It was asked that the police department provide more surveillance.

221
222 *Kevin Dustin made a motion to adjourn the meeting. Al Moser seconded the motion. A vote was*
223 *called and the motion passed unanimously with Lloyd Berentzen, Kevin Dustin, Lloyd Berentzen,*
224 *Al Moser, Steve Soulier and Elaine Nelson voting in favor.*

225
226 The meeting adjourned at: 6:55 pm

227
228 Approved by City Council: Amended, September 16, 2009

229
230
231 Transcribed by Kim Weis

232
233 Recorded by



Scott Bennett/City Recorder

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236