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**Minutes of the North Logan  
City Council  
Held on September 16, 2009  
At the North Logan City Library, North Logan, Utah**

Steve Soulier made a motion to nominate Elaine Nelson as Mayor Pro-tem. Al Moser seconded the motion. A vote was called and the motion passed with Lloyd Berentzen, Kevin Dustin, Al Moser, and Steve Soulier voting in favor and Elaine Nelson abstaining.

The meeting was called to order by Mayor Pro-tem Nelson at 6:00 p.m.

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

Others present were: Linda Keith, Don Maughan, Brooks Maughan, Denise Iverson, Joel Larson, Lucy Watkins, Nancy Potter, Val Potter, JoAnn DeLong, Robinetta Jenson, Curtis Jacobs, Jon Roth, Julie Roth, Becki Cale, Jeff Jorgensen, Scott Bennett, and Kim Weis.

The Pledge of Allegiance was led by Al Moser.  
An invocation was given by Steve Soulier.

**Adoption of Agenda**

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

**Approval and Follow-up of Minutes for September 2<sup>nd</sup>, 2009 City Council Meeting.**

Al Moser made a motion to approve the minutes as amended, excluding Kevin Dustin as present. Steve Soulier seconded the motion. A vote was called and the motion passed unanimously with Lloyd Berentzen, Kevin Dustin, Al Moser, Elaine Nelson and Steve Soulier voting in favor.

**Open up the Minutes for August 19<sup>th</sup>, 2009 City Council Meeting for a clarification.**

Steve Soulier made a motion to open up the minutes for August 19<sup>th</sup>, 2009 for clarification. Lloyd Berentzen seconded the motion. A vote was called and the motion passed unanimously with Lloyd Berentzen, Kevin Dustin, Al Moser, Elaine Nelson and Steve Soulier voting in favor.

Al Moser made a motion to replace the paragraph starting on line 207 with the following:

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

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

**Follow-up**

None at this time.

**Review of Action Items**

Jeff Jorgensen stated that the Pioneer Valley Lodge and Open Space analysis items will be taken off the list next time. The bids for 200 East were approved and a notice to proceed will be issued. There was a pre-construction conference yesterday and they will be ready to go as soon as a

58 bonding document is provided. The right-of-way acquisitions have been completed or early entry  
59 agreements have been signed for all properties, and the exchanging of deeds and checks are all  
60 that is left. Construction will begin the following Monday. Rupps will be working on the water and  
61 sewer and the back fill will be coming from the gravel pit. Rupps has agreed to have a gate in  
62 front of the scale entrance and all contractors that will be using site cannot load until 8am and  
63 must be done by 6pm. Another route for the haul out has been agreed upon which will affect  
64 Rupps trucks only. A majority of fill will come from outside of North Logan. Kevin Dustin asked  
65 about the Alley issue and Jeff mentioned that they have until October 31<sup>st</sup> to clean up their site.

66  
67 **New Business #1**

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

70 None.

71  
72 Presentation to the Friends of the Library of the annual proceeds from the Thorne Endowment.  
73 Joel Larson was asked by Lloyd Hansen to present to the Friends of the Library, a check from the  
74 James P. Thorne Endowment in the amount of \$70,000 for the library. The Council thanked the  
75 Thorne Endowment for their generosity.

76  
77 Jeff Jorgensen stated that the Endowment funds help the library to run programs and purchase  
78 books. Without the Endowment funds the library would not be able to do all the things they do.

79  
80 Public Hearing to receive public input on a proposed change to the city's subdivision ordinance  
81 regarding the guarantee of improvements for subdivisions.

82 Jeff Jorgensen gave a brief overview of the proposed change which will modify the guaranteed  
83 requirements for the completion of subdivision improvements. Currently, when a developer wants  
84 to divide their property into lots, improvements for water, sewer, roads, storm drainage, etc., are  
85 required. Before a lot can be sold, the developer must guarantee that the improvements will be  
86 made so the person(s) who purchase a lot will receive those improvements. The developer gets  
87 an improvement bond, or the improvements are put in and recorded on the plat afterward. A  
88 warranty bond protects the City and the property owners from defects for a period of one year.  
89 Recently there have been changes in State law, and this proposed ordinance will have the City in  
90 compliance with the changes. The current ordinance has the developer's bond at the estimated  
91 amount for improvements plus 25%; the new ordinance will have it at 10%. The new ordinance  
92 also separates out the two issues into two phases: the improvements and the warranty. The  
93 warranty bond will be 10% of the estimate.

94  
95 *Elaine Nelson opened the Public Hearing at 6:19 pm.*

96  
97 Lydia Embry – She had questions on the way the ordinance was written and was seeking  
98 clarification on the bond amounts. She also had questions on the interim draws for the  
99 improvement bond and the percentages allowed.

100  
101 Curtis Jacobs – He expressed favor in the new proposed ordinance and tried to clarify Lydia's  
102 questions with his point of view from a developer's experience.

103  
104 *As there were no further public comments, Elaine Nelson closed the Public Hearing at 6:23 pm.*

105  
106 Steve Soulier asked about holding a contingency for future roads, sidewalks, etc. Jeff Jorgensen  
107 stated that the bond can only be held for the work the developer is going to do. Lloyd Berentzen  
108 expressed concern that more was being added in the ordinance than what was intended of  
109 changing it from 25% to 10%. Clarification was made in the timing between the improvement  
110 bond and the warranty bond. Jeff Jorgensen will make a few changes to the proposed ordinance  
111 before bringing it back to the Council for final approval.

112  
113 Public Hearing to receive public input on a proposed change to the city's zoning ordinance  
114 regarding group dwellings.

115 Jeff Jorgensen explained that the proposed changes are due to the Mayor asking to look at the  
116 County and what they were doing to protect themselves, and to possibly tighten the current

117 ordinance. According to state law, a group dwelling is a residential facility such as a dormitory,  
118 boarding house, or residential facility for the elderly and persons of disabilities. A Single Family  
119 Residence is considered a single family (blood relations or adopted) plus one person. By state  
120 law, if a group of elderly people want to get together and live in a home-like setting together  
121 then the city has to allow that type of facility in the same places as a Single Family Residence.  
122 This would be allowed by permitted use and not a conditional use permit. Currently, the City's  
123 ordinance allows this by a conditional use permit, so there needs to be changes to the ordinance.  
124 The County has protected itself by requiring that an affidavit be signed swearing how the facility  
125 would be used, and the types of people who will be living in the facility. Elaine Nelson asked if  
126 the City would be conducting yearly inspections. Jeff stated that the proposed ordinance would  
127 require a new affidavit to be signed on a yearly basis. He stated that this ordinance did not need  
128 to be done immediately and proper time should be taken to do it correctly.

129  
130 *Elaine Nelson opened the Public Hearing at 6:41 pm.*

131  
132 Lydia Embry – Clarified that age 60 is considered elderly by ordinance. She also asked why this  
133 proposed ordinance was being considered at this time as there were no pending group proposals,  
134 etc. She expressed concerns whether a host home or proctor home could be considered a group  
135 dwelling? Could there be two defined units in one facility? Some definitions have a maximum  
136 number of unrelated people in one facility but are the separate uses in a facility defined? She  
137 asked that each scenario fall in the right hole with its own letter on the matrix. Some of the  
138 definitions refer to a State licensing of the facility, and asked if that would be enough to get a  
139 City permit? Do any various group dwellings require business licensing as a home-based  
140 business? She stated that the Planning Commission is working on the General Plan and the  
141 State is requiring housing to be addressed. She asked that this go before the Planning  
142 Commission since there is no urgency in having this ordinance passed.

143  
144 *As there were no further public comments, Elaine Nelson closed the Public Hearing at 6:44 pm.*

145  
146 Steve asked and Jeff confirmed that City Attorney, Bruce Jorgensen, as well as the Planning  
147 Commission have looked at this ordinance.

148  
149 Public Hearing to receive input from the public on a proposed resolution modifying the municipal  
150 budget for FY2010. Being proposed are mostly changes that authorize the pass-through funding  
151 for the construction of 200 East using county ¼ cent sales taxes for roads. Following the public  
152 hearing the council will discuss the budget and may chose to approve the resolution changing the  
153 budget.

154 Jeff Jorgensen gave an overview of what has been done since the last meeting. The budget  
155 accounts for some grants that were received by both the fire and police departments. Since the  
156 police department did not receive the federal cops grant, the funds needed to be increased for  
157 reserve officers. Lloyd Berentzen asked if it was typical for the budget to include items where  
158 monies had not been received. Jeff stated that in order to receive the grant the City had to  
159 commit to matching funds and that is why it was included in the budget. Changes were also  
160 made to account for money that was not spent last year on the 200 East project and transferred  
161 to this year's budget in the Capital Improvement fund. The road projects section originally had  
162 the 1600 East larger project as unfunded, however an estimate was received for a smaller  
163 version of the project. The Council agreed to discuss this project at a later time. The Council had  
164 asked that the green waste bins be considered, so the budget has been modified to include them.  
165 Changes have been made to incorporate suggestions from the streets department, such as  
166 overlays, etc. Originally there were no monies for maintenance of the streets but \$26,000 has  
167 now been added. Now that the 200 East project is being funded, new accounts have been set  
168 up to show the revenues from the County; the transfers from the water and sewer impact fees  
169 from the City; and, the break-out of some anticipated expenditures. Some corrections have been  
170 made to the depreciation and interest on the bonds. Changes needed to be made on the  
171 allowance of metering stations since the whole format of the canals will probably change. The  
172 \$30,000 that was originally allocated for the metering station was moved to stormwater to allow  
173 for some fixes since the last storm showed that the system may need some corrections.

174

175 *Elaine Nelson opened the Public Hearing at 6:56 pm.*

176

177 Denise Iverson – Requested that 1600 East be funded and not just be given a band-aid fix. The  
178 area is well traveled with bikers, walkers, and joggers and she is concerned that someone is  
179 going to be killed. That street is also used by people from all over North Logan to get to Hyde  
180 Park.

181

182 John Robertson – He echoed the same sentiments that Denise Iverson gave. He stated that, in  
183 his opinion, there is not a worse road in Cache County than that stretch from 2700 North to 3100  
184 North. The road is almost a one lane road since someone has to stop to let someone else pass.

185

186 *As there were no further public comments, Elaine Nelson closed the Public Hearing at 6:59 pm.*

187

188 Jeff Jorgensen recommended that the Council press forward with engineering the road to widen  
189 that section. That would allow Lydia Embry's family know what impact will be made to their  
190 property. With the engineering done, it will allow for the project to move forward as funds become  
191 available. Elaine Nelson asked how much has been set aside for road impact fees for this  
192 project. Jeff stated that there will be \$7,000 left over at end of this year. The road impact fees  
193 collection may be higher than anticipated. There is \$18,000 in the general fund that could be  
194 used for this project.

195

196 *Al Moser made a motion to redirect Administration to move forward with the engineering on 1600*  
197 *East. Steve Soulier seconded the motion. A vote was called and the motion passed*  
198 *unanimously with Lloyd Berentzen, Kevin Dustin, Al Moser, Elaine Nelson and Steve Soulier*  
199 *voting in favor.*

200

201 Lloyd Berentzen asked that the Council look at other areas that are in need of improvements. He  
202 stated that there should be a prioritization of the projects and the Council may need to drive-by  
203 areas to identify projects. Jeff gave an example of the road south of the hospital area being a  
204 safety issue since there is an abrupt change in the width of the road.

205

206 Jeff talked about an experiment Parson's is doing using tack coat and fabric to overlay the road in  
207 hopes to get another 15 years out of overlay instead of grinding it up. This road is over by Jack's  
208 Tire down to where UPS is located. Steve Soulier wondered if spending the money now on the  
209 experiment is the best thing to do. What does the City anticipate will be the long term change on  
210 the road? Jeff stated that the narrow part is only from 100 West to 200 West, which belongs to  
211 the City of Logan. Kevin Dustin asked if the road at 2500 North and 800 East will be taken care  
of with the new subdivision.

212

213 *Al Moser made a motion to approve the revised the budget. Steve Soulier seconded the motion.*

214

215 Steve thought there was an agreement with Parson's to work on 800 East and Jeff stated that it  
216 will be done in conjunction with another project. Lloyd Berentzen stated that he would consider  
217 the revised budget if it included identifying areas for improvement.

218

219 *Al Moser made a motion to approve the budget revision and to include identifying areas for*  
220 *improvement. Steve Soulier seconded the motion. A vote was called and the motion passed*  
221 *unanimously with Lloyd Berentzen, Kevin Dustin, Al Moser, Elaine Nelson and Steve Soulier*  
222 *voting in favor.*

223

224 Elaine Nelson asked if the Council could go out before the next meeting to make the  
225 identifications. Steve stated that it would need to include the public. Kevin Dustin wanted it to be  
226 done as homework for the Council. Lloyd Berentzen likes the idea of the Council going out  
227 together. Jeff stated that he will check to see if LTD could drive the Council around on October  
228 21<sup>st</sup>. Steve asked if they can just meet at the library and people can just follow along.

229

230 Monthly financial status report.

231 Jeff stated that the sales tax receipts for August are a little lower than target. The funds are

232 actually received two months after the actual sales are made. August receipts reflect the new  
233 Wal-Mart opening in June. Property taxes are up because the time that they are received has  
234 been changed. Building permits are above average, but are at about average when compared to  
235 prior years. The increase is due to the Leisure Villas construction which also affected the impact  
236 fees on water, sewer, road and parks. Court fines are where it should be. The first allotment for  
237 Class "C" funds were quite a bit higher than projected for the two months. It was about 21.5%  
238 above target with \$20,000 in additional funds. Refuse collection fees are on target. The metered  
239 water sales are above target but indicate the effect of people using water for outside irrigation in  
240 July and August. Sewer Payments are above target but there is concern about Logan City fees  
241 being higher. Jeff will be looking into the matter as he stated that he thinks their numbers are  
242 inaccurate.

243  
244 Consider resolution changing several miscellaneous fees in the Master Fee Schedule including  
245 returned check fees and cemetery fees.

246 Alan Luce stated that the master fees schedule includes changes in the park use policies that  
247 have been talked about for some time. The police department has also discussed the  
248 enforcement of the rules. Right now there are park hours, but in the winter time it gets darker  
249 sooner, and they would like the hours to be changed from dawn to dusk. Along with that, the  
250 reservation of parks would need to reflect the "dawn to dusk" time frame, instead of the current  
251 schedule of 9 am to 9 pm daily. Special use permit is currently designated for events with over  
252 150 persons. Changes need to be made to require special use permits for certain activities that  
253 include items such as, inflation of temporary structures, live music, dancing, or whether a food  
254 handler's permit is required. Each event will be reviewed on a case by case basis.

255 Al Moser asked if there will be any changes to the policies. Jeff stated that changes will be to the  
256 fee schedule only.

257 Alan stated that the Council may want to look at tennis court reservations. During the summer  
258 the courts are used non-stop, all day long. The Council expressed concerns over reservations  
259 since it may exclude residents. The Council will review and bring the item back on a future  
260 agenda.

261  
262 *Kevin Dustin made a motion to approve the master fee schedule in relation to cemetery*  
263 *operations. Steve Soulier seconded the motion. A vote was called and the motion passed*  
264 *unanimously with Lloyd Berentzen, Kevin Dustin, Al Moser, Elaine Nelson and Steve Soulier*  
265 *voting in favor.*

266  
267 Reports from city officers, boards, and committees.

268 Scott gave a report on recent elections. Four people will move on to the general election in  
269 November. The highest amount of votes from the primary election went to John Bailey, Nancy  
270 Potter, Lucy Watkins, and Alan Collins. Out of 5,000 registered voters over 700 voted (including  
271 early voting), which is about a 13% turnout. Jeff looked at the numbers from prior years and said  
272 this was the lowest turnout in a long time. The lack of turnout may be because there was no  
273 mayoral, congressional, or presidential race.

274  
275 Elaine congratulated all those who made it in the primary election.

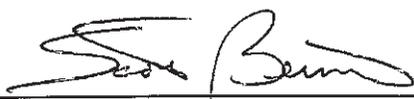
276  
277 *Steve Soulier made a motion to adjourn the meeting. Kevin Dustin seconded the motion. A vote*  
278 *was called and the motion passed unanimously with Lloyd Berentzen, Kevin Dustin, Al Moser,*  
279 *Steve Soulier and Elaine Nelson voting in favor.*

280  
281 The meeting adjourned at: 7:35 pm

282  
283 Approved by City Council: October 21, 2009

284  
285 Transcribed by Kim Weis

286  
287 Recorded by  
288

  
\_\_\_\_\_  
Scott Bennett/City Recorder