

1 **Minutes of the North Logan City**
2 **City Council**
3 **Held on August 18, 2010**
4 **At the North Logan City Library, North Logan, Utah**
5
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7 *Kevin Dustin made a motion to elect Al Moser Mayor pro-tem, for this meeting, in the absence of*
8 *Mayor Lloyd Berentzen. Nancy Potter seconded the motion. A vote was called and the motion*
9 *passed unanimously with Nancy Potter, Allen Kartchner, John Bailey and Kevin Dustin voting in*
10 *favor.*

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12 The City Council meeting was called to order by Al Moser at 6:30 p.m.

13
14 Council members present were: Al Moser, Allen Kartchner, John Bailey, Nancy Potter and Kevin
15 Dustin.

16
17 Others present were: Justin Taylor, Melody Taylor, Steven Taylor, John Keller, Allan Cornia,
18 Peggy Giles, Kim Hawkes, Lydia Embry, Scott Bennett, Jeff Jorgensen, Cordell Batt and Marie
19 Wilhelm.

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21 The Pledge of Allegiance was led by Kevin Dustin.
22 An invocation was given by Nancy Potter.

23
24 **Adoption of Agenda**

25 *Allen Kartchner made a motion to adopt the agenda as presented. Nancy Potter seconded the*
26 *motion. A vote was called and the motion passed unanimously with Nancy Potter, Allen*
27 *Kartchner, John Bailey and Kevin Dustin voting in favor.*

28
29 **Approval and Follow-up of Minutes for August 4, 2010 City Council Meeting**

30 *Kevin Dustin made a motion to approve the minutes as amended. John Bailey seconded the*
31 *motion. A vote was called and the motion passed unanimously with Nancy Potter, Allen*
32 *Kartchner, John Bailey and Kevin Dustin voting in favor.*

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34 **Follow-up**

35 Nothing at this time.

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37 **Review of Action Items**

38 Jeff Jorgensen reviewed the list with the council, and explained some of the items. He discussed
39 with the council the potential of removing the "RV Parks" item from the General Commercial Zone
40 on the zoning matrix. John Bailey asked if that would affect the item on this meeting's agenda;
41 and Jeff said it would not affect this application; only future applications. The council agreed to
42 have Jeff put together an ordinance eliminating this item, for the council to review.

43 Jeff said 200 East is essentially completed. Allen Kartchner asked about the September 22
44 council meeting. Jeff said that *will* be the council meeting, and it will be combined with Hyde
45 Park. The council discussed the other items that will be discussed at that meeting, in addition to
46 200 East; such as the library, and possibly the RV Park. John Bailey mentioned that at the
47 previous day's library board meeting, the board asked if they could have five minutes at that
48 combined council meeting to make a presentation. The City Council agreed to allow that and Jeff
49 said he would include it on the agenda for that meeting.

50 Jeff continued to review other items on the list. He referred the "Safe Routes to Schools" item
51 and said the sidewalk on 600 East is 95% done and looks good. He said there are other changes
52 being made in other locations to accommodate the safe routes to schools. He said they have
53 fixed the intersection at 800 East and 2500 North.

54 Jeff discussed the last item on the list, which is the need for the extension of a water main on
55 Main Street, which will complete all the City's frontages along Main Street with water mains.

56 John Bailey referred to the letter Jeff gave to the council regarding the City's purchase of water
57 rights, and asked if there is a connection between a well the owners are having a problem with,
58 and the water rights the City is purchasing; and asked if the City is "buying a problem". Jeff
59 explained that the City is purchasing the rights in order to get water out of the aquifer, not
60 necessarily in that place; and said that well is going to be shut down. He said the City is
61 processing the paperwork through the state to ensure that the City can use that right as a
62 municipal right, which can be transferred to another location. He said that is a caveat of the deal
63 for buying the water rights and the deal with fall apart if that does not happen.

64

65 **New Business**

66 Consider approval of impact fees for the construction of a commercial recreational vehicle park at
67 approximately 2950 North Main. To be determined are the water and sewer impact fees for the
68 project because the planned meter sizes are to be larger than two inches. Also to be discussed
69 are specific impact fee computations for the road and park impact fees for the project.

70 Jeff referred to the paperwork given to the council on this and said the proponents are at the
71 meeting if the council has any questions. He briefly discussed the points, including the planned
72 meter size. Jeff said that the project engineer said that a four-inch meter would provide the water
73 that they need; and the assistant City engineer, Ross Lapray concurred.

74 Al Moser expressed concern about allowing one large meter rather than several smaller
75 connections. Jeff Jorgensen said that was considered but the impact fee went up considerably to
76 do that and the developers asked for one large meter. Al Moser mentioned his concerns with the
77 potential high costs incurred by the City in the event of a break in a large line, versus a smaller
78 one. Developer Steven Taylor explained how the costs were determined and also explained the
79 solutions they have in place to avoid a break in the larger line. He further explained the water
80 distribution through the park.

81 Nancy Potter asked if the issue regarding actual ownership of the land had been resolved. Jeff
82 said it had not yet been; and further explained that City Attorney, Bruce Jorgensen is under the
83 opinion that the County does not have the right to lease the property; and the lease would have to
84 be done by North Logan City and Hyde Park. He said if that has not been resolved, a draft lease
85 will be considered during the joint meeting with North Logan City and Hyde Park on September
86 22nd. Jeff said he had a conversation with a representative from the state agency that controls
87 that land, who is sending Jeff her written opinion as to whether or not Cache County can rightfully
88 lease that land for this purpose; which Jeff has not yet received. He said initially, the state
89 representative did not think it was possible, because a "temporary use" has to be less than six
90 months. Jeff said he spoke to Steve Taylor about this, and Mr. Taylor stated that if he cannot use
91 this part of the land, then there are some ways they can do the project with just the private
92 property on Main Street.

93 Steve Taylor said Jeff copied him on his letter to the state, and that he (Steve Taylor) called and
94 spoke to this state representative ("Susan"). He said he has also does some research on "6(f)"
95 land. He said he explained to her the developer's situation and intention for the site. Mr. Taylor
96 said that Susan said that the 6(f) land that is there now, is not in compliance, and has not been
97 for a long time. He said that Susan said that "we don't care at all what goes under the land; it's
98 the use of the land"; and that the current farming and weeds on the land are out of compliance;
99 "so if the county wants to be out of compliance, they can be out of compliance". He said Susan
100 said that in light of the 200 East project that is being proposed, this will be out of the 6(f) mix, and
101 they (the County) will have to make a proposal on how to exchange that for other property; so
102 "she is not even that worried about it". He said Susan said there are already compliance issues,
103 and that 6(f) land is specifically not to be used for commercial use. He said he asked her if their
104 project was going to "harm the process" with the 6(f) land and if it would bother the state for them
105 to be there, and he said that Susan said "absolutely not" and "it doesn't bother me in the least".

106 Al Moser told Mr. Taylor that the council has to wait for her written opinion [to comment]. Jeff said
107 that is a different story than what Susan told him; but that she also had not seen the maps yet;
108 nor the proposal; which is why he wanted her response in writing. Jeff said even if that is the
109 case, that the state does not have a problem with it; it may be North Logan City and Hyde Park
110 that enters into the lease.

111 Al Moser reminded the attendees that the only issue before the council at this meeting is the
112 impact fees.

113 Developer Justin Taylor said that in 2007, the Holiday Inn Express put in a four-inch water line
114 and was charged \$16K. He asked the council that their development be treated similarly, and
115 just like a motel, which is what he said they essentially are. He said they are bringing in the same
116 taxation rate for the RV pads that a motel has through the transient room tax. He said in
117 discussions they have had with Ross Lapray and Jeff Jorgensen, that in determining a building
118 permit fee; the fees they are going to be charged are much greater than that of a subdivision. He
119 said typically they would be charged per a calculation that takes into consideration an
120 assessment from their cost-to-build fees. He said he asks that they be treated fairly and on the
121 same plane as a commercial entity.

122 The City Council discussed the fact that they cannot vote to approve the impact fees if there are
123 questions about what the fees should actually be and what they are voting on.
124

125 *Kevin Dustin made a motion to table this discussion until the next meeting, after further review.*
126 *Nancy Potter seconded the motion. A vote was called and the motion passed unanimously with*
127 *Nancy Potter, Allen Kartchner, John Bailey and Kevin Dustin voting in favor.*
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129 Steve Taylor said the council tabling this item seems to be done to purposely stall the project. He
130 said everything required of the developers is in place; and the council can make a decision on
131 this. He said he respectfully requests that they be allowed to tender the fee for the impact fees,
132 as currently stated, and then ask for a rebate. He said they could tender the fees immediately, at
133 tonight's meeting.

134 Allen Kartchner reminded the council that the Planning Commission approved a conditional use
135 permit for this at the Planning Commission meeting two weeks ago, recognizing that there were
136 still issues at hand, including who would be writing the lease. He said he is not sure whether the
137 issues regarding the impact fees can prevent the developers from going forward, particularly if the
138 developers are willing to pay the impact fees as currently stated. He said he would be in favor of
139 bringing it back for vote.
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141 *Allen Kartchner made a motion to bring the item back for a vote. John Bailey seconded the*
142 *motion. A vote was called the motion failed with John Bailey and Allen Kartchner voting in favor,*
143 *and Nancy Potter, Al Moser, and Kevin Dustin voting against.*
144

145 Jeff Jorgensen said this is very different type of situation. He said he did not see a problem with
146 the developers paying more for the impact fee and then getting reimbursed. He said he will
147 calculate the road impact fees as if they are motel, as they requested. He said he does not know
148 why the Holiday Inn Express only paid \$16K for a four-inch meter. He said it has always been
149 more like \$33K.

150 Al Moser asked Jeff if he saw any reason why they cannot move forward; and Jeff said he did not
151 see any reason.

152 The City Council reiterated to the Taylors, that the council could simply not work out the final
153 costs of the impact fees at this meeting, without having all of the information; that those costs still
154 have to be determined. Jeff said tonight is the first time he had heard about any objection to the
155 meter size as well as the fact that someone else may have received a different price for a line that
156 size.

157 Allen Kartchner asked for clarification, that the Taylors can move forward with the project. Jeff
158 said he has to first make sure with staff that everything has been done by the developers. Kevin
159 Dustin asked if the developers are actually moving forward with this project, and investing money,
160 regardless of whether the project can be done. Steven Taylor said that there is over \$200K
161 invested already. Al Moser clarified with the developers that the project is going to move forward
162 regardless of what the fees end up being; that the developers are going to pay the fees either
163 way, to which the Steve and Justin Taylor agreed.

164 John Bailey asked about the lease situation. Jeff said there are issues with the lease that the

165 county has with the developers and that he recommends North Logan City Council does not
166 agree to the same language in the lease that was made with the county. He said he was waiting
167 to put together draft language for a North Logan City/Hyde Park lease, until he heard the
168 information from the state. He said until the two city councils have some parameters on what
169 ought to be in such a lease, things that the North Logan City Council and Hyde Park can agree to;
170 as far as the North Logan City Attorney, Bruce Jorgensen is concerned, the developers do not
171 have a viable lease to use the land. Jeff said if they want to invest and maybe risk having to take
172 it back out if a lease with the two cities cannot be worked out, he said he guessed that is the risk
173 the developers are apparently willing to take.
174

175 Consider approval of the selection of an architectural firm for the design of the proposed new
176 police station.

177 Chief Kim Hawkes described the selection process, including that they began with eleven
178 proposals; and that a committee was formed with he, Mayor Berentzen, Al Moser and Jeff
179 Jorgensen to evaluate all of these proposals. He said the committee ultimately narrowed it down
180 to five, and then three firms, before choosing the final architectural firm they are recommending to
181 the council. He recommended approval of the firm "J.R.C.A.", based in Salt Lake City. He
182 discussed the reasons the committee chose this firm, including the fact that they have a great
183 deal of experience in building municipal, justice and police department buildings; and have built a
184 lot of them all over the state. He said he spoke to the firm's listed references who were very
185 positive; and further described the detailed process J.R.C.A. went through when building the City
186 Hall, Justice Center and Police Department in Vernal, Utah; and the care they took including
187 considering what the City wanted for their project, rather than what the firm wanted. He further
188 discussed the benefits of J.R.C.A.

189 Al Moser gave his comments on the process for selecting the firm, and agreed that J.R.C.A. had
190 more experience than any of the others in building these types of facilities.
191

192 *Kevin Dustin made a motion to approve the recommendation made by Chief Kim Hawkes for the*
193 *firm of J.R.C.A. Nancy Potter seconded the motion.*
194

195 Kevin Dustin asked if a site had been selected yet, and Chief Hawkes said the firm will be doing a
196 site evaluation and helping the City to determine the best location. Jeff Jorgensen said that is
197 part of what they are being hired to do.

198 Al Moser said he feels that this firm would be Mayor Berentzen's choice, as well.

199 John Bailey asked about the timeline for this. Chief Hawkes said there is going to be a
200 substantial planning process for this; anticipating potentially thirteen weeks. He briefly described
201 the process and said it will take several months to move through this. He said he is fully
202 committed to doing this the *best* way, *not* the *fasted* way. He said he does not want to have any
203 regrets in the future on how this was built. Jeff Jorgensen and Al Moser made similar comments
204 and explained that how this will fit with the future municipal building will be taken into account.
205

206 *A vote was called and the motion passed unanimously with Kevin Dustin, John Bailey, Nancy*
207 *Potter and Allen Kartchner voting in favor.*
208

209 Consider a proposed development of a dance facility combined with a restaurant with on-
210 premises beer license to determine its land-use classification.

211 Jeff Jorgensen introduced Allan Cornia and said Mr. Cornia wanted to run this item before the
212 council for their ideas and input. Jeff said there are several locations Mr. Cornia was considering
213 for his facility. Jeff said he and Mr. Cornia discussed the various types of facilities that would
214 work and where they might be located. He said it first needs to be determined what kind of facility
215 this is actually going to be. He discussed the zoning matrix, and said there is no clear land use
216 listed in the matrix that staff felt would match what is being proposed.

217 Allan Cornia, an architect, said he is proposing, predominately, a very upscale, professional,
218 billiard room, with a very limited kitchen; not a full-service, sit-down restaurant with waitresses,
219 etc. He said there would also be an area for live entertainment and a dance floor; but that the

220 main feature of the facility would be the billiard parlor, with the other components supporting the
221 billiard parlor.

222 Al Moser asked if there was a similar facility somewhere else that the council could take a look at.
223 Mr. Cornia said he could not find anything similar, except in California. He said most of the
224 facilities that people have around here, he would call a "beer bar", and that that is the last thing he
225 wants. He said he wants a professional billiard place, where tournaments are held, instructions
226 are offered, and professional level billiards take place. He said he sees it as a billiard room/social
227 place. He said most of the places like this are "beer bars" and "biker" bars. He said there is no
228 other location in town or in Cache Valley that has a professional dance facility that includes dance
229 instruction; as well as a billiard location, for people of all ages. He said most locations are
230 considered very differently and not a place where you would want to take your family; but that he
231 would like for this location to be professional and well-lit. He said he would like to bring this kind
232 of facility to the inter-mountain area and would also like it be for live entertainment, including
233 stand-up comedy.

234 Allen Kartchner said the beer license is what it will really boil down do, and asked if his project
235 would be viable without it. Mr. Cornea said no. Allen Kartchner discussed his concerns and the
236 limitation of licenses available, especially where there is limited food; and that it seems to run
237 contrary to the City's stance on this issue. Jeff discussed the beer license process and food
238 percentage required with Mr. Cornia, specifically how it is in North Logan City as opposed to the
239 state in general. Mr. Cornia said his "limited" food service would be items such as pizza, subs,
240 burgers, salads, grinders, etc. He said it would be a step down from Hamilton's or Wingers, but
241 definitely above Logan Lanes.

242 Kevin Dustin commented on not letting this go too far at this point, and following the staff's
243 recommendation to consider this as a private recreational facility, and let the process move
244 forward as it may.

245 Mr. Cornia said he has had a lot of experiences in developing these kinds of facilities in other
246 states. He said billiard rooms are very different but are listed simply as billiard rooms on other
247 cities' zoning matrixes he has seen. Jeff said that might be a better way to do it, and to add it to
248 the matrix as a billiard room/dance hall, with or without an on-premises beer license, and to
249 decide which zones this could be allowed in and which ones it would not.

250
251 *Kevin Dustin made a motion to create a new classification for the zoning matrix that would include*
252 *specifically the words billiards, dance hall and on-site beer license. John Bailey seconded the*
253 *motion.*

254
255 The City Council discussed the wording for the matrix. Jeff mentioned the fact that it would be
256 better to be specific on the matrix to state exactly what the facility is. The City Council discussed
257 this further. Allen Kartchner explained his concerns with including something in the matrix that is
258 only applicable to one specific entity and said he could foresee problems with that. Al Moser and
259 Jeff Jorgensen agreed, and Jeff said he would work with staff to create an ordinance that the
260 council could review.

261
262 *Kevin Dustin made a motion to withdraw his previous motion. John Bailey seconded the motion.*
263 *A vote was called and the motion passed unanimously with Kevin Dustin, John Bailey, Nancy*
264 *Potter and Allen Kartchner voting in favor.*

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266 Allen Kartchner discussed his concerns about having time spent on putting something together,
267 that is only going to be voted down; and that something like this needs to be reviewed further and
268 put together carefully, in order for it to be acceptable. Jeff said this could potentially be put
269 together as a conditional use, with specific conditions that the developers would have to meet.

270
271 **Reports from city officers, boards, and committees**

272 Chief Kim Hawkes discussed the notification that has been done regarding the cougar sightings
273 in North Logan. He said there have been no more sightings since the initial ones.

274

275 Cordell Batt mentioned the elements that the state requires for the General Plan, and that the
276 Planning Commission is currently working on the Housing Element of the General Plan, and that
277 Brian Carver from BRAG (Bear River Association of Governments) is helping the commission
278 with that process. He said ultimately, the Planning Commission will have a joint meeting with the
279 City Council, as they have in the past for other elements, to work out any issues or concerns; and
280 *then* public hearings will be held. He said the City Council should expect to see the Housing
281 Element in the next couple of months.
282

283 Jeff Jorgensen said the lease for the RV park could be North Logan's and Hyde Park's to set up;
284 and he would like the City Council's thoughts as to what kinds of items they would like to have
285 included in that lease. He mentioned some of the items already discussed as well as the
286 Planning Commission's condition of a review at one year; and said that they could include some
287 specific language to deal with any potential problems that may occur.

288 John Bailey asked if a condition could be included that could preclude this from becoming a trailer
289 park. Cordell said that exclusion is already in the code, and said there is a separate definition for
290 a RV park and mobile home parks. He also said the conditional use permit did not consider that
291 use at all. Jeff said this can never be a mobile home park, but the developers do seem to want to
292 continue this to run as an RV park past one year, which John said is the City Council's concern;
293 that it could turn into an ongoing RV park, beyond this project. Jeff said then, the lease could be
294 limited to one year. John said he would like that to be solid and not to be changed. The City
295 Council discussed with Jeff the language of the lease the Taylors currently have with Cache
296 County, and the situation as it stands.

297 Cordell reminded the council that the largest portion of the land being made into the RV park is on
298 land where it is a permitted use. He said the only reason the Taylors are using the county
299 property is because UDOT said it would be better to have access someplace other than the main
300 highway. He said UDOT will have to grant them access off of Main Street if they cannot get it
301 from the county. He said if they are presented with a lease that they cannot accept, the City is
302 then forcing them to have all of that traffic on and off of Main Street; and said the City Council
303 needs to consider the safety of forcing them to use Main Street. He said UDOT *cannot* deny the
304 developers access off Main Street.

305 Nancy Potter said the Taylors will lose their contract with Ruby Ridge Pipeline if they do not have
306 enough spots; therefore, they will need the county land.

307 Jeff said he is hearing different stories all the time because Steve Taylor told him they could do it
308 if they had to, if they do not get the county land.

309 Nancy Potter mentioned the lawsuits that are pending against Ruby Ridge, which may preclude
310 the pipeline from even being developed at all.

311 John Bailey said he hoped the City can stay true to the water impact fee structure and not make
312 the same mistake twice, if there was in fact a mistake made. Jeff said that won't happen and also
313 mentioned that if the evaluation for the road impact fees is done based on a motel's trip rates,
314 their road impact fees may be considerably higher.
315

316 John Bailey said that the Thorne Endowment Foundation is making available approximately \$30K
317 to the "Friends of the Library" to build a storage shed that the library is need of. He said it will be
318 located on City property, preferably adjacent to the library, and something that architecturally
319 blends with the existing library building. He explained that the library is employing space meant
320 for other uses, for storage, and they are in great need of additional storage space. Per a question
321 from John on how to proceed, Jeff recommended that they get together with Alan Luce and
322 Cordell Batt to discuss design, location, etc.; and then put together a proposal with them that will
323 go before the City Council for review.
324

325 Nancy Potter thanked Chief Kim Hawkes for the notification letter on the cougar. She also
326 mentioned the 1600 East subdivision, and said that the subdivision has repaired their half of the
327 road, but the City has not, and that it is in terrible condition. Jeff said he will have to get together
328 with her so she can show him where the problem is.

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Kevin Dustin mentioned a road closure occurring that evening on 800 East near North Park Elementary School. Chief Hawkes said no one came to him about it, but that he would look into it.

John Bailey mentioned a large hole in the road on 1600 East, and Jeff said he had already spoken to the streets department about it.

Allen Kartchner asked about the petition he received regarding the use for the land for the proposed LDS church on 2500 North. He said the Planning Commission already approved the conditional use, but asked if the petition was what triggered the public hearing. Cordell Batt said that was correct. He said because it is a plat amendment, state law requires that residents within 300 feet of the plat amendment are noticed, which they were; and that if there are objections, then a public hearing is held.

The council confirmed that they are meeting on September 1st and 22nd; and October will follow the regular schedule again (i.e., of meeting on the first and third Wednesdays). Jeff reminded the council that the meeting on September 22nd will be the combined one with the City of Hyde Park.

Allen Kartchner made a motion to adjourn the meeting. John Bailey seconded the motion. A vote was called and the motion passed unanimously with Nancy Potter, Al Moser, John Bailey and Kevin Dustin voting in favor.

The meeting adjourned at: 8:00 p.m.

Approved by City Council: September 1, 2010

Transcribed by Marie Wilhelm

Recorded by _____
Scott Bennett/City Recorder

** Due to the fact that there is other documentation related to this agenda item that may not be included in the official minutes of this meeting, the following repositories, cross referenced to applicable agenda items within these minutes, shall indicate where additional documentation can be found for future reference for that agenda item:*

1. *Annual City Council meeting binders in the Office of the City Recorder*
2. *Budget folders in the Office of the City Recorder*
3. *Special Project folders in the Office of the City Administrator*
4. *Subdivision Folders in the Office in the City Engineer*