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**Minutes of the North Logan City
City Council
Held on September 1, 2010
At the North Logan City Library, North Logan, Utah**

The City Council meeting was called to order by Mayor Lloyd Berentzen at 6:30 p.m.

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

Others present were: Elaine Watkins, Reynold K. Watkins, Nathan Hult, Georgia Lauritzen, Susan Durham, Ann Bailey, Bill Jensen, Jr., Steven S. Taylor, Lydia Embry, Chief Kim Hawkes, Cordell Batt, Scott Bennett, Jeff Jorgensen and Marie Wilhelm.

The Pledge of Allegiance was led by Al Moser.

An invocation was given by Allen Kartchner.

Adoption of Agenda

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

Approval and Follow-up of Minutes for August 18, 2010 City Council Meeting

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

Follow-up

Nothing at this time.

Review of Action Items #1

Jeff Jorgensen reviewed the items on the list with the council. He said he did not feel that the item regarding 3100 North needed to remain on the list for now, and the City Council agreed. He discussed the Phase II section to build 200 East from 2200 North to 2500 North, which he said initially had a high ranking on the list from the Council of Governments; however, it did not make it to the funded list for this coming year. He said it is high on the list for unfunded projects. He said it appeared that the projects on 200 East in Logan were all funded. Mayor Berentzen explained how the projects were chosen and prioritized. Jeff mentioned the stormwater coalition and said there is a new discharge permit that has just come out, and that the requirements from the EPA are much more stringent; so the City can expect having to do a lot more inspections. He explained that with JUB, North Logan City had formed a coalition with the other cities in the valley that are part of the metropolitan organization, so we have common regulations, forms, etc.; so when the inspectors come up, they will be reviewing the same things in any of the cities they go to in the valley. He explained how it will simplify the process. He mentioned the sewer flow calibration situation with Logan City, and said North Logan City did receive the credit from Logan (just under \$50K), so that issue is completed. He said North Logan City has signed the contract for the Brandley water rights; and that the Change of Use application has gone into the state. He said when that goes through, North Logan City can then try to get more rights out of it, because the culinary use uses less than agricultural. He said the purchase of the Lundahl water rights is contingent upon working out the water line along Main Street; and that currently plans are being prepared for UDOT for their approval. He continued to explain the items on the list. Mayor Berentzen asked that an item regarding the speed limit issue on Beck's Lane be added to this list.

New Business

6:35 PUBLIC HEARING to receive public input on a proposed revision to the North Logan Subdivision plat at about 940 East 2500 North. Being proposed is that the previously approved two-lot subdivision would be changed to a three-lot subdivision including one flag lot. The

60 purpose of the revision is to accommodate a lot for the proposed location of a church building; the
61 second lot (the flag lot) to separate a parcel on which the access road, a trail along the west side
62 of the canal, and maintenance buildings are currently located; and retain the remaining land as a
63 third lot specifically for developing park land as an addition to Elk Ridge Park. Following the
64 public hearing the Council may consider approval of the plat revision.^{#4}

65 Mayor Berentzen presented the item. He said his understanding is that the negotiations for this
66 have continued for the better part of two years. He said the advantage to the City when the LDS
67 church decided to negotiate with us, was that the church owned prime property that could
68 potentially be traded for, which would be an advantage to the City. He said there are some things
69 which are still in negotiation that cannot be made public, but that the City is committed to keeping
70 an equivalent amount of park land.

71 Jeff Jorgensen discussed what the public hearing was about, and gave a history of this land and
72 explained that it was subdivided shortly after it was purchased from Clavel Haslam. Jeff said it
73 was subdivided primarily to ensure that if the land was ever sold, the City would at least retain the
74 land along the canal for a trail. He said the land has never developed in the way that the City
75 initially thought it would. He further discussed how the land has been used, as well as how the
76 property has been divided, and the likely plan for use of these lots and adjacent areas; including
77 that the third lot will continue to be owned by the City and developed as a park.

78 John Bailey asked Jeff to explain the use of Lot 3 as a park expansion, especially in relation to
79 access, which Jeff did. The council discussed the access. Jeff said that another thing that
80 developing this subdivision achieves is the widening of 2500 North in this area, which will make it
81 consistent with the rest of the road.

82
83 *Mayor Berentzen opened the public hearing at 6:52 p.m.*

84
85 Nathan Hult said he and his wife had three questions that they presented at the Planning
86 Commission meeting, which he said were not well addressed, and were essentially deferred to
87 the City Council. He said their first question was in relation to the master plan, and said that
88 originally, all three lots were designated in the City master plan as park land, and had been
89 considered as potential play fields, etc. He said he notes that this area is located on 2500 North,
90 which is a prime location for recreation property. He said they are wondering if it would make
91 more sense to first review the master plan, to decide what the projections are for population for
92 the City; what the recreation needs for the City will be for park property; and, to first to look at the
93 Master Plan and see if this change of use is appropriate, or whether the cart is being put before
94 the horse. He said their second concern is, being that this land is prime land for park land and
95 recreation, and is very valuable; he asked what the City is getting in return. He said they were
96 also told things were still in negotiation and could not be revealed; and said they feel it may be
97 premature to be approving this proposal before the City Council and the public know whether they
98 are getting a fair trade and that the property that is being traded to them can be used for a
99 necessary City function that is as valuable as the current land. He said the third concern is with
100 regards to the City's policy against flag lots, and wondered if that question had been adequately
101 addressed; and what kind of example the City is setting for the rest of the people in the City
102 (developers, etc.) who might want to propose flag lots.

103
104 Lydia Embry said she is concerned that the agenda states that this item can be passed this
105 evening, and asked what the rush is. She referred to her memos she gave to the City Council
106 regarding her concerns with this item, and discussed those concerns further. She said she would
107 also be giving the City Council another memo including the comments she would be making at
108 this meeting. She said this is her verbal reminder that the City regulations say that before they
109 make changes to the City's master plan or parks plan, both of which have been adopted, the City
110 has to do an amendment to the parks master plan. She asked if this rule was going to be
111 adhered to. She asked why the City bought this land, and asked if this land was "surplus"
112 property. She asked why the City then purchased other land and placed the library on it. She
113 asked where the future City offices and the North Park Police Department are going to be. She
114 asked if it was appropriate for the City to compete with other buyers.

115
116 Susan Durham said she gave the City Council a memo with her comments and said she would
117 like it entered into the record. She said her main concern is that there is a "cart before the horse"
118 issue here.

119

120 Bill Jensen said it seems like the City has put a lot of resources and money into a large park, and
121 Elk Ridge is very good park. He said he is wondering, however, about possibly parceling off Lot 3
122 and using that land for other parks throughout the City, for citizens who don't live as close to Elk
123 Ridge and cannot easily get there.

124

125 *As there were no further public comments, Mayor Berentzen closed the public hearing at 7:04*
126 *p.m.*

127

128 John Bailey asked that if the council made the decision to proceed and approve the plat revision,
129 whether there was any party involved in this who sees this as an urgent matter that requires them
130 to proceed quickly. Mayor Berentzen said there is probably not an "immediate" issue, but this is
131 an opportunity that should not go too long; and assumes that the church would like to move
132 forward fairly quickly. Jeff said the City has agreed with the church on a closing date for the
133 exchange (which has been pushed back twice). He also said this is not a cash sale, and is not
134 the selling of surplus property, as Ms. Embry stated. He said it is trading park land, for park land
135 that is located elsewhere in the City that the City Council has determined is a better place for
136 more park land.

137 Al Moser discussed with Jeff and Mayor Berentzen what *could* be disclosed at this point. Mayor
138 Berentzen and Jeff Jorgensen agreed that the location of the other land could be disclosed, which
139 Jeff said is five acres on the corner of 400 East and 2200 North [in the proposed City Center
140 area].

141 Mayor Berentzen said there is a real sensitivity [on the City's part] towards maintaining a certain
142 amount of area for parks; and said there are some other things occurring that the City hopes will
143 actually enhance what the City is planning; which is the part that has not been finalized. He said
144 he understands the concern of the public about not being able to disclose everything, but the City
145 is disclosing as much as they are allowed to without detrimentally hurting negotiations

146 John Bailey asked if there is enough time to deal with some of the questions the council may
147 have before having to decide on this. Jeff said the other parts of the situation are six months to a
148 year out.

149 Al Moser and Jeff Jorgensen clarified that the only thing the council is reviewing tonight is
150 whether to take this two lot subdivision and make it into three lots.

151 Kevin Dustin said that approving that actually puts certain things in motion and said he has a real
152 uneasiness about moving forward with certain parts of this still pending.

153 The City Council discussed this further. Mayor Berentzen said it would be reasonable for some of
154 this to be discussed with the Parks Advisory Committee before the council takes action. Al Moser
155 said he felt that if the citizens really knew what the City is trying to accomplish, they would
156 support the City. He also reiterated that the land they are trading gives the City five acres in an
157 area they really want. Mayor Berentzen said this is not just about what the City wants, but also
158 benefits the citizens; because by doing the trade in such a prime area, it offsets costs that the
159 City might normally have to put out for future needs that the City may have. He said there is
160 some real value the City gets from this. He said the public will certainly be made aware of items
161 as the City proceeds further.

162 Kevin Dustin asked if key members of the Parks Advisory Committee could be involved so that
163 they know what is going on. Mayor Berentzen reiterated that the council could refrain from taking
164 action until that committee discusses this. John Bailey said he is in favor of that. He said
165 regardless of what is decided, not everyone is going to be happy. He said he is in favor of
166 maximizing the transparency to the citizens who have concerns, as well as making sure the
167 council has thought through any issues, and is consistent with the City's master plan procedures.
168 He said he personally would like some more time.

169

170 *John Bailey made a motion to postpone the approval of this; to allow the Parks Advisory*
171 *Committee to review this fully; and, to specifically address the concerns made at this public*
172 *hearing, before bringing it back to City Council for approval. Kevin Dustin seconded the motion.*
173 *A vote was called and the motion passed unanimously with Nancy Potter, Al Moser, Allen*
174 *Kartchner, John Bailey and Kevin Dustin voting in favor.*

175

176 John Bailey said if there is are advantages in moving forward with the deal, after all is said and

177 done, then we should move forward.

178

179 Re-consider approval of impact fees for the construction of a commercial recreational vehicle
180 park at approximately 2950 North Main. To be determined are the water and sewer impact fees
181 for the project because the planned meter sizes are to be larger than two inches. Also to be
182 discussed are specific impact fee computations for the road and park impact fees for the
183 project. #1

184 Mayor Berentzen discussed the current understanding of the situation, briefly.

185

186 *Al Moser made a motion to approve the fees as written. John Bailey seconded the motion.*

187

188 Allen Kartchner asked about the billing process for the meter, which Jeff explained.

189 John Bailey asked about the tax credits information that Jeff listed in his memo to the council, in
190 terms of using the "flawed method", which Jeff explained.

191

192 *A vote was called and the motion passed unanimously with Kevin Dustin, John Bailey, Al Moser,*
193 *Nancy Potter and Allen Kartchner voting in favor.*

194

195 Steve Taylor thanked Jeff and said he appreciated all the work that he did. Mr. Taylor said he
196 has always been a proponent of impact fees. He thanked the council and said he appreciated the
197 outcome.

198

199 Discuss with the Library Board what should be the city's position with regard to non-North Logan
200 residents' use of the library. #1

201 Mayor Berentzen said he met with Charlotte Brennan from the Library Board, and said that one of
202 the questions she asked was what the role of the City Council is in terms of some of the
203 budgetary decisions for the library, including this issue. He said he told her that he thinks that the
204 Library Board, which has representation by a member of the City Council, has substantial weight
205 in making those decisions. He said because it may impact funds that are beyond just dedicated
206 library funds, then council input is necessary at that point.

207 John Bailey said he is the council representative to the Library Board and requested that this item
208 be put on the agenda tonight, because the Library Board had requested time at the joint council
209 meeting to be held on September 22, with Hyde Park; and knew that it would be important that
210 the City Council and the Library Board speak with "one voice" with whatever is presented to Hyde
211 Park.

212 Jeff Jorgensen said in relation to Mayor Berentzen's remarks, that once the money is given to the
213 Library Board, they are then essentially granted the freedom to do what they want with the money
214 in terms of setting the budget and policies, etc. He said that the budget then comes back to the
215 City Council for final approval, but those issues are the responsibility of and are done through the
216 Library Board. He said the property tax is only set by the City Council, and if the City is going
217 outside the area on which the City can tax, then that it is a decision made by the City Council.

218 Allen Kartchner said in previous meetings, the council discussed communicating to Hyde Park
219 that they had to make a decision with respect to the library, in terms of whether they had interest
220 in being part of the North Logan City Library or not; which deadline has already passed. He
221 asked whether North Logan City has concluded that Hyde Park no longer has any access to the
222 library after July 1, 2011.

223 Mayor Berentzen said the lack of decision from Hyde Park *is* a decision, and is how it should be
224 understood from them.

225 The City Council discussed various items related to this issue including whether or not to allow
226 Hyde Park citizens access to the library; whether or not to do it for a fee; determining what fee
227 structure might be best; family or individual library cards, etc. Mayor Berentzen said there is
228 probably a strong component of Hyde Park citizenry (and perhaps other areas) that would like to
229 see North Logan City seriously consider access to the library for a fee.

230 John Bailey said we should ask Hyde Park for a written declaration on their official opinion; as it is
231 otherwise an assumption on North Logan City's part, and there are enough Hyde Park citizens
232 who would very much like access to the library.

233 Mayor Berentzen said that could be done, but that North Logan City clearly asked Hyde Park for
234 a response. The apathetic response from Hyde Park regarding their decision on this was greatly
235 discussed. It was also discussed that it is likely that many Hyde Park residents are not aware of
236 the situation, much less the deadline. Al Moser mentioned that this was taken to the polls twice,
237 and was voted down each time.

238 Kevin Dustin said this has been going on for ten years and strongly feels that the deadline should
239 be adhered to. He said it is loud and clear that Hyde Park City has no interest in continuing their
240 participation.

241 The City Council continued to discuss various issues at length, as well discussed that this is a
242 North Logan City issue and that Hyde Park is not a major component in the analysis of how to
243 move forward with a library system that potentially includes other cities for a fee. John Bailey
244 discussed the Library Board's thoughts and their potential proposals, including possible card
245 systems.

246 The City Council discussed the information Jeff put together regarding the library budget.

247 Al Moser said he does not think we are going to realistically lower property taxes by charging
248 Hyde Park for library cards.

249 Nancy Potter commented that the incoming funds are not going to be reliable, as they will change
250 from year to year; and the budget could not be based on the income from those cards. Jeff said
251 the property taxes could be adjusted each year, accordingly

252 Allen Kartchner said Logan City attempted to offer a non-citizen library card system for
253 approximately \$165 per year, and only sold approximately 50 cards in the first year. He also said
254 he was on the Library Board for many years, and was also on the City Council when the North
255 Logan City Library was set up; and there was an agreement with Hyde Park that they would work
256 diligently to pay \$10K per year to North Logan City for its library, and North Logan City has never
257 received one penny from Hyde Park City, and after ten years, we should know that they are not
258 going to pay anything in the future.

259 Mayor Berentzen said we should notify Hyde Park that North Logan City takes their "lack of
260 action" to mean that there is not an interest to formally address this issue and that North Logan
261 City is then going to move forward independent of Hyde Park.

262 John Bailey suggested that the Hyde Park citizens who have North Logan library cards should be
263 notified of the date of when their services are going to be terminated. Allen said we should notify
264 Hyde Park City that we take their "no response" as exactly that, and that we are not going to
265 consider Hyde Park as being part of our library system as of July 1, 2011.

266 After further discussion, the City Council agreed that this issue will not be on the agenda on the
267 forthcoming combined meeting.

268 The council continued their discussion, including how to notify Hyde Park library card holders that
269 their services will be terminated.

270
271 *Kevin Dustin made a motion to have Mayor Berentzen communicate in writing with Mayor Bryan*
272 *Cox of Hyde Park, to notify him that Hyde Park's inattention to this matter has been interpreted by*
273 *North Logan City to mean that Hyde Park is no longer interested in library services; and that as of*
274 *July 1, 2011, library rights for Hyde Park citizens will be terminated. In addition, Hyde Park*
275 *citizens who are library card holders, and whose addresses the North Logan City has on file, will*
276 *be notified via mail of their termination. Nancy Potter seconded the motion.*

277
278 John Bailey said if there is a groundswell of Hyde Park citizens who are able to convince their
279 elected officials to reverse their decision, North Logan City should be open to doing that; but
280 would have to be based on realistic numbers; and to perhaps offer a family card system that
281 would be fair and equitable to everyone. Mayor Berentzen said he intends to include in his letter
282 to Mayor Cox, that North Logan City is not closing the door to dialogue on this, but that the cards
283 will in fact be terminated on the aforementioned date.

284
285 *A vote was called and the motion passed unanimously with Kevin Dustin, John Bailey, Al Moser,*
286 *Nancy Potter and Allen Kartchner voting in favor.*

287
288 Allen Kartchner said at some point in the future, the City may want to consider a library card for
289 non-citizens, for any city in the valley. This was discussed further.

290

291

Reports from city officers, boards, and committees

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Al Moser mentioned the road to the green waste bins at Elk Ridge, and said there is a hole developing there, just as you turn onto 2500 North. Alan Luce said he would look into it.

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Nancy Potter said she spoke to residents who live in the subdivisions above 1600 East regarding the cougar spotting, and said that some citizens said they did not receive the notification letter sent out by North Logan City. Chief Kim Hawkes said he sent out 160 copies of the letter.

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Nancy mentioned the poor job of repairing the road on 1600 East when the sewer line was put in for the Canyon Gates subdivision. She spoke to Jeff about this at the last meeting and Jeff asked her to meet with him to show him the location of her concern about the repair.

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Mayor Berentzen asked if 1600 East is in actuality going to be one of the first projects done next Spring; and Jeff confirmed that it is on the top of the list.

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John Bailey asked about the situation of the large deer population in North Logan City. He said it is a growing concern and asked if there is anything North Logan City can do. He said there is a lot of citizen concern about it. Chief Hawkes said it falls under the State Wildlife Division, and discussed the situation further, and how it came to be. Susan Durham mentioned that Mike Conover at USU works with these issues. Chief Hawkes said he would contact both the Wildlife Division, as well as Mike Conover at USU.

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Allen Kartchner gave an update to the City Council regarding the Planning Commission's status on their review of the housing element. He said they are still working on a draft of it, which will go before the City Council in the near future.

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Jeff Jorgensen mentioned the RV Park and said the issue of who can rightfully lease the land is still not resolved. He said Susan Zarekarizi from the Utah Land & Water Conservation Fund said the developers cannot put anything permanent there for longer than six months. He said Mayor Cox from Hyde Park and Mayor Berentzen are putting something together for the county regarding park use, etc. Jeff said we may need to have the developers purchase the land and then convert it, and purchase park lands somewhere else, hopefully in North Logan as was previously agreed to.

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

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The meeting adjourned at: 8:09 p.m.

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Approved by City Council:

September 22, 2010

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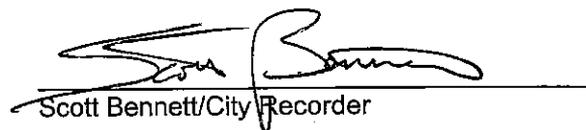
334

Transcribed by Marie Wilhelm

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Recorded by



Scott Bennett/City Recorder

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** 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:*

343

344

1. Annual City Council meeting binders in the Office of the City Recorder

345

2. Budget folders in the Office of the City Recorder

346

3. Special Project folders in the Office of the City Administrator

347

4. Subdivision Folders in the Office in the City Engineer

**NORTH LOGAN CITY COUNCIL
MEETING NOTICE AND AGENDA
SEPTEMBER 1, 2010**

The North Logan City Council will hold a regular meeting on Wednesday September 1st in the City Council Chambers (meeting room) at the North Logan Library, 475 East 2500 North, North Logan, Utah beginning at 6:30 p.m.

The agenda is as follows:

1. 6:30 – 6:35 Opening Business including:
 - Roll Call, Welcome, and Opening Ceremony
 - Adoption of agenda
 - Approve minutes of previous City Council meeting.
 - Follow-up on issues from previous meetings
 - Review of Action Items List
2. **6:35 PUBLIC HEARING** to receive public input on a proposed revision to the North Logan Subdivision plat at about 940 East 2500 North. Being proposed is that the previously approved two-lot subdivision would be changed to a three-lot subdivision including one flag lot. The purpose of the revision is to accommodate a lot for the proposed location of a church building; the second lot (the flag lot) to separate a parcel on which the access road, a trail along the west side of the canal, and maintenance buildings are currently located; and retain the remaining land as a third lot specifically for developing park land as an addition to Elk Ridge Park. Following the public hearing the Council may consider approval of the plat revision.
3. Re-consider approval of impact fees for the construction of a commercial recreational vehicle park at approximately 2950 North Main. To be determined are the water and sewer impact fees for the project because the planned meter sizes are to be larger than two inches. Also to be discussed are specific impact fee computations for the road and park impact fees for the project.
4. Discuss with the Library Board what should be the city's position with regard to non-North Logan residents' use of the library.
5. Reports from city officers, boards, and committees.

The order in which items are discussed during this meeting is subject to change throughout the meeting. Persons interested in attending the meeting for specific items should plan to be in attendance at the beginning of the meeting. Any public hearings on the agenda will be no sooner than the time specified but may be later.

NORTH LOGAN CITY CITY COUNCIL MEETING

Date: September 1, 2010

PLEASE print clearly:

1. Elaine WATKINS
2. Reynold K. WATKINS
3. Nathan Hult
4. Georgia Lauritzen.
5. Susan Durham
6. Ann Bailey
7. Bill Jensen Jr.
8. Steven G Taylor
9. ~~Preston J. White~~
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In order to keep accurate records of attendance and names of speakers, we would appreciate it if you would clearly **PRINT YOUR NAME.**

IF YOU WISH TO SPEAK DURING THE MEETING:

1. PLEASE WAIT TO BE RECOGNIZED BY THE CHAIR.
2. DO NOT SPEAK FROM THE AUDIENCE.
3. STEP TO THE PODIUM AND **GIVE YOUR NAME** BEFORE PRESENTING YOUR REMARKS.
4. **PLEASE NOTE:** REMARKS NOT MADE AT THE MICROPHONE MAY NOT BECOME PART OF THE OFFICIAL RECORD, NOR BE AVAILABLE FOR COUNCIL MEMBERS TO REVIEW.