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**Minutes of the North Logan City
City Council
Held on February 16, 2011
At the North Logan City Library, North Logan, Utah**

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

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

Others present were: Sharon & Jason Warner, Sevy and Kiro Edmiston, Morgan Flandro, Bonnie Flandro, Jon Keller, Emily Pannell Johnson, Sheldon Israelsen, Neal Israelsen, Rebecca Sharp, Russell Goodwin, Alma Brown, Tanya Silva, Karla Silva, Cindy Gatherum, Doug Gatherum, Shardon Morrill, Devan Prince, Marshall Wilhelm, Caleb Andrus, Cody Merrell, Adam Hall, Bryant Martin Israelsen, Eric Carter, Chris Huber, Bruce Adamson, Lydia Embry, Alan Luce, Kim Hawkes, Scott Bennett, Cordell Batt, Jeff Jorgensen and Marie Wilhelm.

An opening ceremony was given by Cache Valley Asatru Kindred.
The Pledge of Allegiance was led by Shardon Morrill of North Logan Boy Scout Troop 81.

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, and John Bailey voting in favor.

Approval and Follow-up of Minutes of February 2, 2011

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

Follow-up

Nothing at this time.

Review of Action Items

John Bailey asked about the status of the Thorne Endowment agreement. Mayor Berentzen said he met with Dell Loy Hansen, who outlined some of his concerns more specifically, which Mayor Berentzen explained. He said Mr. Hansen wants the first \$70K of the Endowment to be used by the City to take care of the library; and suggested that there be some latitude for the next \$30K, up to \$100K, to be used by the Library Board or Friends of the Library, to do something with, such as some sort of project. Mayor Berentzen said Mr. Hansen feels that in the long run, this will go well beyond a \$100K contribution; and has the potential to self-sustain the library. Mayor Berentzen said there are some problems that may lead to future misunderstandings with the prior agreement, and said the City should strongly consider Mr. Hansen's recommendations. Per a question from John Bailey, Mayor Berentzen said Mr. Hansen's attorney is still scheduled to meet with City Attorney, Bruce Jorgensen.

John Bailey discussed the varying ideas of how the Library Board, and the Friends of the Library want to manage the funds; and there is not a consensus on how to use the money at this point. He mentioned the previous discussion regarding getting the boards together to hear the information at the same time. Mayor Berentzen and John Bailey discussed this further. Per a question from John, Mayor Berentzen said he is comfortable letting the two attorneys work out a draft agreement for the council to consider.

Jeff recommended seeing what the attorneys come up with and then circulating it among the groups to get their response, and work out any problems that may arise.

John asked for follow-up regarding the letter North Logan City sent to Logan City about having an inter-local agreement between the two cities' libraries. He said his understanding is that the letter

58 was sent to the Chairman of the Logan City Council, who advised their council that it is an issue
59 for their Library Board.

60 Mayor Berentzen said Logan City council member Herm Olson said that he had not seen that
61 letter, but that Jay Monson had. John Bailey said the letter was *addressed* to Councilman Olson.
62 John said that the Logan Library Board met the previous week and discussed the issue for almost
63 an hour without really coming to any decision. John said the Board gave the impression that the
64 Logan City Council gave the Board the issue to make a decision on; except that they discussed
65 that any money issues would have to be taken back to the City Council, which John said was
66 almost everything they talked about.

67 Mayor Berentzen said they need to understand, that the [current] tax rates for Logan City and
68 North Logan City about the same; and that this may set the ground for a good partnership.

69 Mayor Berentzen and John Bailey discussed that some of the Logan council members are in
70 favor of this, and some are against. John said the [Logan Board] meeting, which included
71 representatives of North Logan City and River Heights, was not a public meeting; and said they
72 were invited to attend, but were not allowed to speak. He said he felt the meeting was very much
73 controlled by the Logan Library Director, who was obviously negative on the issue [of an inter-
74 local agreement]. John said he felt that most of the so-called "facts" the Library Director
75 presented were filled with a lot of misinformation. John said he left the meeting feeling that as
76 long as the decision is left to the Logan Library Board, and as long as that Library Director is in
77 place, this will not go anywhere. John said he felt that there were a lot of things that can be done
78 to prevent this from being "derailed", including Mayor Berentzen possibly meeting with [Logan
79 City] Mayor Watts.

80 Mayor Berentzen and the council discussed this further. John Bailey agreed to work with Mayor
81 Berentzen to put something together to send to the Logan City Council to encourage support.
82 John also said that we should capitalize on this opportunity, to have this be the next big step on
83 the road to a county-wide library system. John also mentioned that the Logan Library Board is in
84 favor of a county-wide library system, which is contrary to their reaction to an inter-local library
85 agreement. Mayor Berentzen said it is important to note, that when the opinion vote was taken,
86 North Logan City citizens actually voted in favor of a county-wide library system.

87 Al Moser said he agreed with John Bailey's comments, and said that per capita, North Logan City
88 has a better library currently that Logan City does.

89 John Bailey asked the council if they wanted to discuss the letter from Marcia Cheney regarding
90 the fees for non-residents. The council agreed to put it on the next City Council agenda to
91 discuss that item as well as other library issues.

92
93

94 *The council agreed with Jeff Jorgensen to deal with the first item of "New Business", as the*
95 *applicant had to leave the meeting as soon as possible; then for Jeff to continue reviewing the*
96 *Action Items list with the council, following that item.**

97
98

New Business

99 Consider special permission for a home business to store business equipment (shaved ice
100 stands) outside at 1940 N 100 E. #1

101 Jeff Jorgensen explained the situation and oriented those in attendance to the site. He explained
102 that the City's ordinance does not typically allow a home business to store equipment at the
103 residence but does allow for business-related vehicles or trailers to be parked at a residence; and
104 since these shaved ice machines are portable, they could perhaps fall under the ordinance
105 allowing for that. Jeff explained that there are not more than three of the machines stored at the
106 residence at once, which is on a ¾-acre property; the City has not received any complaints from
107 anyone about them being there; and, that the machines cannot be seen from the street.

108

109 *Al Moser made a motion to allow these machines to be stored at this residence. Allen Kartchner*
110 *seconded the motion.*

111

112 John Bailey said he could support this if it was done conditionally; as he said he worried this
113 could set a precedent. He said if the situation becomes a problem, the City should be able to
114 revise the situation.

115 Allen Kartchner suggested attaching a time period to the approval, so that it is renewable only if

116 the conditions continue to be agreeable to the City and those concerned.

117

118 *Allen Kartchner made a friendly amendment that the approval be granted for no longer than five*
119 *years, at which time the City will review the situation and consider for re-approval. Al Moser*
120 *agreed to this amendment. A vote was called and the motion passed unanimously with John*
121 *Bailey, Al Moser, Nancy Potter and Allen Kartchner voting in favor.*

122

123 **Review of Action Items List - CONTINUED**

124 ** Jeff Jorgensen continued to review the action items list with the council (please see above).*

125

126 Per a question from Mayor Berentzen, Jeff Jorgensen gave an update on the Krebs subdivision.

127

128 **6:35 Public Hearing to receive input from the public on the proposed sale of 1.4 acres of city**
129 **property on the north east corner of 2500 North and 400 East (a part of the land on which the NL**
130 **Library is located). Being proposed is that the property be sold for the purpose of developing an**
131 **assisted living facility on the site. The current plans for using the proceeds from the sale would**
132 **be to buy other city property.**^{#1}

133 Jeff Jorgensen presented the item and explained the situation. He also oriented those in
134 attendance to the area via an aerial photograph of the site, which included a mock up of future
135 potential plans for the area.

136

137 *Mayor Berentzen opened the public hearing at 7:03 p.m.*

138

139 Russell Goodwin gave his comments in opposition to this, as well as other issues. He read his
140 written comments, which he then submitted and asked to have included as part of the public
141 record for this Public Hearing.

142

143 Lydia Embry commented that she felt that the City is using more land that should have been
144 retained for parks. She said changes to the parks plan require notice, hearings and
145 amendments, which she said weren't done. She commented further on zoning and access. She
146 said there is no information regarding the sale of the land, whether it has been appraised and
147 who may be purchasing it. She asked if the proposed assisted living facility is large enough for
148 this site in order for it to be economically sound. She said she wants to see the appraisal and the
149 contract price, to see whether the value added by a specific use is included in the valuation and
150 the sales price. She further asked about the proceeds for the land to be sold, and how those
151 funds might be used.

152

153 Alma Brown said it was mentioned that placing a police station by a school would not be good;
154 however, he said placing an assisted living facility by a school would not be good either. He said
155 the increase in traffic to the location would cause danger and that he would be very concerned
156 about the safety of the children attending that school.

157

158 Chris Huber asked whether declaring the land as surplus means that the City *needs* to sell it, and
159 whether they still have to maintain it. He said if this means the City will definitely dispose of it,
160 then it would be best for the public to know the value of what would come back to the City in a
161 cash sale. He said that should be a big part of the decision, and that information should be made
162 available prior to the time the public can give input. He said information on the sale of the land by
163 Elk Ridge sold last summer was not widely known, although he said he did not pursue it; and
164 further commented that the public trusts their representatives to ensure that the City does things
165 appropriately.

166

167 Shauna Warner, developer of the assisted living facility being proposed, gave a brief summary of
168 the proposed development. She explained that they are proposing sixteen residents in total, who
169 are primarily *not* drivers, so traffic is not a concern. She said the facility is a "secure" one,
170 meaning that there is a keypad required for the entrance and exiting of the facility. She said
171 having a fenced yard is a requirement of the State of Utah for safety issues, so a fence will need
172 to be installed. She explained the aesthetics of the facility, which she said are very beautiful, and
173 is not industrial looking, but will rather blend in very well with a residential community. She said
174 the market analysis has been done, and that they specialize in dementia and Alzheimer's, which
175 Pioneer Valley Lodge does not. She said there is a tie in with the local hospital, as well as

176 Pioneer Valley Lodge, which makes for a very good "marriage" of uses. She discussed other
177 items briefly and summarized that she feels they would be a great asset to the community,
178 particularly in being such a small facility in this particular neighborhood.

179
180 *As there were no further public comments, Mayor Berentzen closed the public hearing at 7:29*
181 *p.m.*

182
183 Al Moser said while he appreciated the comments, the majority of them were not directly related
184 to the subject of this Public Hearing. He said this Public Hearing is just the first step in this
185 process, and some of the questions and comments will be addressed as this moves forward.

186 Mayor Berentzen said the appraisal had just been done, but the information had not yet been
187 reviewed. Jeff said the appraised value is very close to the amount that was offered; and also
188 said that until some of the points of negotiation are done, the information is closed the public. He
189 discussed how the process for this kind of agreement is done; and further explained that the
190 resolution that was passed declares this land as surplus only if it is determined that this deal is
191 good, and that the City decides to moved forward. He said if the City decides that this is not
192 beneficial and does not proceed with this deal, the land will not be declared surplus. He further
193 described the subdivision process, and all of things that have to happen, including holding public
194 hearings, before anything is finalized.

195 Allen Kartchner explained that a potential buyer came to the City about this; and that is why this
196 came up and what initiated these things being reviewed and considered by the City. He said the
197 City did not propose this to begin with. He said the City is simply in the process of considering
198 this, and is not something that anyone in the City wanted or initiated; and that the City is not doing
199 anything in "secret".

200 Jeff Jorgensen also stated the land cannot be used for "just anything"; that there are certain deed
201 restrictions which were placed on this property when the City purchased this almost ten-acre
202 piece from the LDS Church. He explained that a letter has been sent to the LDS Church to see if
203 this use fits in with those deed restrictions; and that an answer from them is expected very
204 shortly.

205
206 Consider request for special permission to be granted for a 100 gallon propane tank to be
207 temporarily located at site #12, Top Stop RVs, 1936 North Main. #1

208 Jeff Jorgensen said the proposal from the other RV Park [by developer Steve Taylor] was a
209 request to be allowed to install propane tanks which were greater than 125 gallon tanks in size,
210 which the City turned down. He said this new request is for storage of a 100 gallon propane tank
211 in one of the posts at the Top Stop RV Park, which has approximately fourteen spaces. Jeff
212 proposed allowing anything 125 gallons or less, to not be considered as "bulk storage", but to
213 simply allow it (like the City does for the smaller tanks), to avoid the owner having to keep coming
214 back to the City for approval.

215 Nancy Potter asked what the difference in the zoning is for the two RV Parks [Top Stop RV's and
216 the Steven Taylor RV park], and asked if the City makes the RV owners at the Top Stop park
217 leave their space after their 30-day stay, like the City requires of the Taylor RV Park. Jeff said
218 that leaving after 30 days was the agreement that Steve Taylor made with the City for their RV
219 park. Jeff said the City has not had any problems with the Top Stop RV Park.

220
221 *Al Moser made a motion to grant the storage of 125 gallon or less propane tanks, at RV parks,*
222 *with the provision that the North Logan City Fire Department Chief, as well as when necessary,*
223 *the Police Chief, reviews each tank for safety. Allen Kartchner seconded the motion. A vote was*
224 *called and the motion passed Al Moser, Allen Kartchner, and John Bailey voting in favor and*
225 *Nancy Potter voting against.*

226
227 Discuss options relating to open space in North Logan (public and private), its use as trails/parks,
228 transfer to private parties if appropriate, etc. #1

229 Alan Luce gave a presentation describing four parcels of land that the owners would like to
230 donate to the City as open space. He said the initial intention of these open space parcels was
231 for them to be used as storm water detention basins or as a drainage corridor, as well as for trail
232 easements for the Parks and Recreation to use as public access. He oriented the council to the
233 parcels via various on-site and aerial photographs. He explained that the City pays
234 approximately \$10K per year to the private sector to maintain this undeveloped open space; and

235 said these areas could potentially be developed as trails and park lands. He explained and
 236 discussed various options that could be done with these pieces of land, including area
 237 homeowners paying a small fee to maintain a local park; amending the plat so that each lot is
 238 extended, which would include a pocket park for the remaining piece; the City accepting all the
 239 parcels and continue to maintain them; or, the City not accepting the parcels and the developer
 240 continuing to retain ownership for them, and for the City to continue to maintain the trail
 241 easement. He summarized that the overall concerns include issues with the visual quality of the
 242 sites; and whether the citizens in the City are getting any benefits by their spending this money to
 243 maintain the parcels; and, are there perhaps better ways to look at these open spaces.

244 Jeff Jorgensen suggested that the council members get a map and actually visit the properties to
 245 consider what they envision being the best use of these parcels.

246 John Bailey said he would be reluctant for the City to just accept these parcels back, unimproved,
 247 as a donation to the City, which would incur a lot of extra maintenance expenses.

248 Jeff Jorgensen explained that these parcels are not density-bonus open space; and explained the
 249 different subdivision ordinances that were in place the time these parcels were split.

250 The council discussed this further. Nancy Potter said this will all have to go through the Parks
 251 Committee, and said this is what they want to have done so the City is not spending money
 252 simply mowing the weeds and minimally maintaining the sites.

253

254 **Reports from city officers, boards, and committees**

255 Mayor Berentzen thanked the Scouts for attending the full length of the meeting.

256

257 John Bailey asked about having certain budget information reported. Jeff explained what
 258 information may be already available beyond what the council was getting and suggested that
 259 John meet with Jeff and Scott Bennett to see if some of the information that he is requesting
 260 would be readily available without having to create new reports.

261 Jeff and Scott gave further information regarding the budget and what the numbers mean in
 262 relation to the process, and how things are done throughout the year.

263

264 John Bailey asked about the deer herd issue, which was discussed briefly with Chief Kim Hawkes
 265 and the City Council. Mayor Berentzen said remedies may need to be provided for those
 266 individuals whose properties are getting severely damaged. Chief Hawkes reiterated that he will
 267 be doing another survey in July.

268

269

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

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274

275 The meeting adjourned at: 8:12 p.m.

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278 Approved by City Council:

March 2, 2011

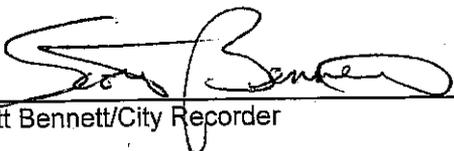
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281 Transcribed by Marie Wilhelm

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283 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:*

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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