

1 **Minutes of the North Logan City**
2 **City Council**
3 **Held on October 5, 2011**
4 **At the North Logan City Library, North Logan, Utah**
5
6

7 The meeting was called to order by Mayor Lloyd Berentzen at 6:32 p.m.

8
9 Council members present were: Al Moser, Nancy Potter, Allen Kartchner, John Bailey and Kevin
10 Dustin (who arrived at approximately 7:15 p.m.).

11
12 Others present were: Ross Lapray, Don Younker, Jon Keller, Steve Krebs (Questar), Jason
13 Killinen, Kay Moser, Lyman B. Stevens, Dorothy Jones, Susan Smart, Anita Wade, Stan Wade,
14 Brian Cannell, Marie Bartlett, Clyde Bartlett, Jared Hansen, Robyn Patterson, Richard Stevens,
15 Josh Eg_____ (illegible), S_____ G_____ (illegible), Kristen Anderson, Linda Hastings,
16 Katherine Godfrey, Lyman R. Godfrey, H.R. Chris Nelson, Andrew Heyer, Aaron MacElwee,
17 Cordell Batt and Jeff Jorgensen.

18
19 The Pledge of Allegiance was led by John Bailey.
20 An invocation was given by Nancy Potter.

21
22 **Adoption of Agenda**

23 *Al Moser made a motion to adopt the agenda as amended by adding an item for Chief Kim*
24 *Hawkes to present information on crossing guards, moving item 6 earlier in the meeting and*
25 *eliminating item 5 from the agenda. Nancy Potter seconded the motion. A vote was called and*
26 *the motion passed unanimously with Al Moser, Nancy Potter, Allen Kartchner and John Bailey*
27 *voting in favor.*

28
29 **Approval and Follow-up of Minutes of September 21, 2011 City Council Meeting and**
30 **September 21, 2011 City Council Closed (Executive) Session Meeting**

31 **September 21, 2011 City Council Meeting Minutes**

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

35
36 **September 21, 2011 City Council – Closed (Executive) Session Meeting Minutes**

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

40
41 **Follow-up**

42 Nothing at this time.

43
44 **Review of Action Items**

45 Jeff reviewed the Action Items list with the council.

46
47 **New Business**

48 **Presentation From Chief Hawkes regarding crossing guard at noontime at 400 E. 2500 N.** #3
49 Police Chief Kim Hawkes explained that when the local elementary schools were changed to
50 kindergarten through fifth grade, it changed the dynamics of the number of children being bused,
51 versus walking to and from school. He said two weeks ago a kindergartner collided with a car at
52 the intersection of 400 East and 2500 North, while riding her scooter to school. He said following
53 that incident, he did a close review of the intersection, including doing a traffic count for the same
54 period of time as the accident, which he discussed further. He said until the school district
55 decided to make Greenville a K-5 school [this year], that intersection did not typically have as
56 many kindergartners [through 2nd graders] walking through there, as they would have previously
57 attended North Park Elementary School, and most would have been bused home. He said there
58 is quite an abundance of children walking through that intersection now; and that with the amount

59 of traffic flowing through there, it has become necessary to hire additional crossing guards for that
60 intersection. He explained that financially, this can be worked out within the current budget.

61

62 Consider the Concept Plan for the Dalebout Subdivision, a three (3) lot subdivision located at
63 1800 North (Keller Lane) and 1200 East, North Logan. #4

64 Cordell Batt presented this item, and explained and oriented those in attendance to the site and
65 described the intentions of the developers. He discussed the different way they are handling
66 access to the site, as it is located on a private lane. He said staff has reviewed this, including the
67 requirements necessary for access on a private lane, and said the developers are able to meet all
68 of those requirements. He also reviewed with the council various reports in the staff report that
69 staff recommends being waived, as well as which ones staff recommends being performed. He
70 said the water conservation report will include what the developers are going to do with the water
71 shares that they have. He said the Planning Commission recommended a positive
72 recommendation for approval on this, with one additional condition to the staff report, which was
73 regarding a concern about access; and the Planning Commission wanted to make sure that the
74 owners of the private lane were contacted, and an agreement be worked out for the two lots that
75 will be accessing via the private lane. He said staff is recommending a positive recommendation
76 from the City Council on this concept plan, including the condition recommended by the Planning
77 Commission.

78 Mayor Berentzen expressed his concerns about this situation setting a precedent; and perhaps
79 causing problems with others wanting to utilize a private land for access to things with multiple
80 lots; which Cordell Batt explained. Cordell also mentioned that staff had some concerns about
81 the width of the lane in terms of safety requirements; and said that the Fire Department reviewed
82 that and actually drove their truck on the lane, turned the truck around to see if they could; and
83 felt that the width was sufficient for the safety needs.

84 The council discussed various other minor issues with the council.

85 Dorothy Jones, who lives at the end of this lane, said two of the developers did come to her and
86 said they had spoken to everyone, but said that what the two developers mentioned is different
87 than what was described at this meeting regarding the width of the road, and said she is not sure
88 that all of the neighbors understand that. Mrs. Jones also said that she is not aware of any
89 existing formal agreement on the maintenance of the lane; that the neighbors just worked
90 together when the lane needed to be repaved; and also said that she pays Dale Hamson at the
91 end of each year, to clear the snow.

92 Mayor Berentzen suggested that before this is approved, an agreement be done to state how the
93 lane will be taken care of. Cordell Batt said that is one of the things already being required. He
94 said at this point, the approval is only on the concept plan, and that the final plan will still come
95 before the City Council and Planning Commission.

96 Mayor Berentzen said he also wants to make sure that all of the neighbors are aware of the
97 situation, which Cordell said he would take care of.

98 Cordell also discussed that there is an area where they will widen the lane, but will also save
99 some trees that are part of the lane.

100 Al Moser said he agreed with Cordell, that the items the council has discussed are typically done
101 in the next step [of the approval process].

102

103 *John Bailey made a motion to approve the concept plan subject to an agreement being done for*
104 *the residents regarding the maintenance of the lane as discussed, and including the conditions as*
105 *set forth in the staff report. Nancy Potter seconded the motion. A vote was called and the motion*
106 *passed unanimously with Kevin Dustin, Nancy Potter, Al Moser, Allen Kartchner and John Bailey*
107 *voting in favor.*

108

109 Public Hearing to receive public input regarding an ordinance deleting Title 12F – Flood Plain
110 Management from the City Code. This section of the code was superseded by Ordinance 11-03
111 adopted by the City Council May 18, 2011. Following the public hearing the council may choose
112 to consider the ordinance for adoption. #3

113 Mayor Berentzen presented the item and explained how it came about.

114

115 *Mayor Berentzen opened the public hearing at 7:00 p.m.*

116

117 Lydia Embry pointed out that the minutes referred to the new ordinance passed in May as an
118 "interim" ordinance. (That phrase, put in the minutes, is what it was called in the agenda.) She
119 asked what the difference was between stormwater (controlled under NPDES) and flood waters
120 (controlled under FEMA). She asked what the differences are between the old ordinance being
121 thrown out in Title 12F called Flood Plain Management, and the new ordinance 10A-100 titled
122 Flood Damage Prevention Ordinance. She said she also wanted information about any potential
123 differences that might relate to the seven pages of definitions in Title 10A, as well as the
124 difference between the City Recorder being responsible under title 12, and the City Administrator
125 being responsible under Title 10A. She asked why flood (damage or prevention) was moving
126 from land-use [in Title 12] to Fire, Health and Public Safety. She said as a City landowner, she is
127 well aware that all land-use items need to come before the Council and a public hearing be held,
128 and said she was not sure that was the same for safety issues. She asked that if it was an
129 interim ordinance in May, why it is not now an interim ordinance; and what happened in the
130 interim to make it a non-interim ordinance.

131

132 Alan Collins said the new ordinance is riddled with missing definitions. He said an average home
133 builder would have to hire an engineer just to be able to understand the requirements in the new
134 ordinance, let alone comply with the requirements.

135 He said the new ordinance is laid out in three levels. He said the bottom level was "you and me"
136 who had to comply with everything in the ordinance; and that the highest level was for a large
137 development like a corporation would do, who could have every single requirement in that
138 ordinance waived by the City Administrator with no further explanation. He said with the way the
139 new ordinance is written, it penalizes individual property owners - people like you and me - but it
140 favors corporations, who are not people and have no rights, and yet they can get out of every
141 single requirement in the ordinance. He said waivers granted by the City Administrator may or
142 may not be arbitrary or capricious, but that is not the point. He said that the point is that
143 corporations are eligible for waivers, while individual citizens are not. He said an example of this
144 was 1600 East; and that if an individual was to do the job it would require a full-blown study about
145 everything that had to do with water along that roadway. He said the City should have been
146 required to do the same thing; but for one reason or another, was not required to do so. He said
147 we now have citizens who flood-irrigate along that road, as well as huge rainstorms, and huge
148 amounts of water which previously flowed down what used to be a ditch, and is already
149 undercutting the road. He claimed that the same thing happened to 2700 North where the bend
150 in the road was added. He asked why the City is exempt from following the requirements of this
151 ordinance.

152 He commented that we now have a new ordinance replacing an old ordinance that has seemingly
153 served us well for many years. He said the new ordinance was supposedly mandated by the
154 federal government, but that if one researches the requirement; it was merely a recommendation
155 that we do this, but that we really don't have to, but we did. He said the end effect is that it
156 penalizes the individual citizen; and large corporations that have no rights have the ability to get
157 around all of the requirements; and that even the City has demonstrated that it waives the
158 requirements for itself, even though there are obvious impacts that the City didn't choose to use
159 the ordinance to mitigate. He said that his recommendation is to take the new, interim ordinance
160 and repeal it until it can be corrected and fixed; and instead retain the old ordinance which has
161 served us well for many years. He said the problem is that we take the template from higher
162 levels and adopt them; and as time goes on, we figure out that they do not really do what we
163 need them to do. He said he feels this is one of those situations and that he feels it would serve
164 the City to go back and do some research on this.

165

166 *As there were no further public comments, Mayor Berentzen closed the public hearing at 7:10*
167 *p.m.*

168

169 The council discussed with the Mayor what the procedures were for moving forward.

170

171 Allen Kartchner expressed his concern about whether the two ordinances are equivalent in their
purpose. He said the council needs clarification on whether or not this FEMA document that the

172 council passed truly satisfies the purpose for which the City has had a flood management
173 ordinance.

174 Mayor Berentzen and the council discussed what needs to be reviewed and researched before
175 the council can consider this ordinance for adoption [at a later meeting].

176

177 Presentation from Questar regarding gas meters #3

178 Steve Krebs from Questar gave a presentation on gas meters, as well as the properties of natural
179 gas. He also gave instruction on how to operate one of their gas meters, which he referred to as
180 "cash registers".

181

182 Discuss with group of citizens various options for changes to the traffic control elements for the
183 intersection of 2500 N and 800 E #3

184 The Mayor asked who was in the audience for this part of the meeting – there were quite a few.
185 The Mayor discussed the reasons for this item being on the agenda by explaining that several
186 citizens had talked to him about a recent accident that had occurred on 2500 N 800 E. He said
187 Lyman Stevens helped set up a neighborhood meeting (Oct. 4) to discuss the issue and get some
188 representation from the citizens about the safety of the intersection. He went on to say that
189 during the meeting the issue became larger than just discussing the intersection and moved to a
190 discussion of safety issues along all of 800 East. The Mayor asked Brian Cannell to summarize
191 the discussion from the Oct. 4 neighborhood meeting and present that information to the city
192 council.

193 Brian Cannell began by explaining a summary of problems that were brought up during the
194 meeting. He explained that the safety issues at this intersection were brought more to light by
195 two recent accidents that have occurred there. He suggested there may be a need for more
196 public input, perhaps even a public hearing, although that is not the intention for the agenda item
197 this evening. He discussed three major points as follows:

- 198 1. He said the group felt the main problem is the level of difficulty in traversing across 800
199 East when traveling on 2500 N, including turning onto 800 East, either north or south,
200 especially at certain times of the day. With the new construction that has occurred in
201 widening 2500 N, there are now more traffic lanes than there were before. For example,
202 travelling west on 2500 N there is a left turn lane, a straight lane and a right turn lane and
203 there is a bicycle path. He suggests that there are too many decisions to be made by a
204 driver, especially when traveling on 2500 N.
- 205 2. There are also line-of-site issues at the intersection. The removal of the fence on the
206 southeast corner has made a big improvement but there are also problems when more
207 than one vehicle lines up at the intersection – seeing north and south when there is a
208 vehicle next to you. There are also problems with the vegetation on the northwest corner
209 which blocks the ability to see traffic coming from the north even though it is within legal
210 limits.
- 211 3. The third issue is the speed limit on 800 East. He explained there are more than fifty
212 homes that try to get in and out of the driveways to their properties. He also pointed out
213 that there is a passing lane on 800 East between 2500 N and 2200 N which he claims
214 are not appropriate. He went on to further discuss the problems with speed along that
215 road and what he witnessed as he drove along that road and the fact that many drivers
216 passed him while he was driving the speed limit and others closely followed him.

217 Possible solutions include a traffic light at 800 E and 2500 N. Another solution may be a
218 roundabout at that intersection or he said a four-way stop may be appropriate with the hope that
219 the inconvenience from that would be worth the increased safety resulting from the slowdown of
220 traffic required to stop there. Another option would be some sort of traffic calming light, a flashing
221 yellow/red set of lights warning about the intersection during times of high traffic. He said the
222 citizens felt that reducing the speed limit is an important consideration now that the road is no
223 longer operated by the State. There is a need to be considerate of residents of other
224 municipalities driving through our city but the speed limit needs to be safe for our citizens as well
225 as those passing through. It was suggested that the speed limit be reduced to 25 mph consistent
226 with the speed limit in other residential areas of the city.

227 Brian explained the written comments that had been put together with copies provided to the
228 council, written input from Stan Wade, Dr. Lyman Stevens, and Susan Smart. He said another
229 desirable way to increase the safety at the intersection would be by adding increased lighting. It
230 is a dark intersection. Mr. Cannell also claims there are issues with enforcement and he
231 encouraged a higher level of enforcement of traffic laws in the area. He closed with comments on
232 his discussions with a fellow attorney, Herm Olsen, who is also on the Logan City Council and
233 pointed out that liability for the city might increase once the city is aware of unsafe conditions, if
234 they fail to act.

235 The Mayor went on to explain that there may be some things that could be done very quickly to
236 make the safety of the road better and he encouraged public input on the issue. He said his first
237 priority was for the people along 800 East and their ability to get out onto the road safely so he
238 would like some of those people to be on a committee, along with a couple of council members
239 as well as himself and Chief Hawkes. He also suggested that it may be a good thing to get input
240 from a traffic engineer or other expert regarding the safety issues. He discussed that there was a
241 safety committee that had been given the responsibility to advise the Mayor and make
242 recommendations in both cities regarding traffic signage. That committee is made up of North
243 Logan as well as Hyde Park individuals (elected officials plus citizens). He went on to say that
244 since this is an issue that mainly affects North Logan, although there would be Hyde Park interest
245 in any decisions made, he said it would be appropriate for the decisions relating to this street and
246 intersection to be made by North Logan officials and citizens. The Mayor opened up the
247 discussion to others present. He also asked if Lyman Stevens would take the responsibility to
248 head up a committee to work on this issue.

249 John Bailey said he agreed that this is a dangerous situation which will get worse as traffic
250 increases. He asked for clarification on who has what jurisdiction to do what on these roads.
251 Mayor Berentzen explained how 800 East used to be a state road but was traded for 2500 N west
252 of Main and therefore the city now has total control over what can be done with the road. He said
253 he was not sure if decisions on the road could be considered administrative or a legislative in
254 nature but either way he wanted the council to be involved in such decisions.

255 Kevin Dustin volunteered to be on the committee. He suggested breaking the issue in two parts -
256 things that could be done right away like lowering the speed limit and then longer term fixes. He
257 said he was a fan of a roundabout because it does not stop traffic like a four-way stop would. He
258 also suggested asking the home owner on the northwest corner to, as a courtesy, cut down the
259 trees and bushes in his front yard to increase the sight distance even though they were in
260 compliance with current city laws. The Mayor suggested that perhaps the city could offer to
261 compensate the home owner through the purchase of new plants to be planted elsewhere on his
262 property. Kevin said he would be interested in having some decisions made by the next meeting,
263 specific things that could be done immediately.

264 Al Moser said he would not be able to serve on the committee but did feel that a roundabout
265 would be a good solution but very expensive. He recommended taking some time to come up
266 with a good set of solutions.

267 Allan Collins pointed out that according to the city's code the Mayor has the authority to make any
268 needed changes to traffic controls. Mayor Berentzen said he agreed that he does have that
269 authority but would rather make such a decision with input from others.

270 Aaron MacElwee said he would like to keep the solution simple. He said he felt a four-way stop
271 was a simple solution. The Mayor responded saying that these are the types of things he would
272 like brought to the group being formed to come up with ideas for solutions.

273 Chris Nelson volunteered to be on the committee because he lives near the area. He said he felt
274 the intersection was unsafe mostly because larger vehicles block the visibility for shorter vehicles.
275 He pointed out how difficult it is to get out onto 800 East when the churches in the area get out of
276 their services.

277 Susan Smart pointed out that even though people were in favor of roundabouts, they are more
278 appropriate in commercial areas rather than a residential area like this is. She suggested what is
279 needed was calming of the traffic in the area and perhaps it would be better to go back to just two
280 lanes.

281 Stan Wade also volunteered to help on the committee because he has some experience in this
282 area. He said we needed a combination of doing the right things and getting the right expertise to
283 find what the solution is. He also said he was encouraged that there was a desire to do
284 something immediately and suggested that a traffic engineer be consulted to come up with a long
285 term solution.

286 Andrew Heyer said he agreed that lowering the speed limit was the first thing that could be done
287 and done immediately but he said a roundabout was not a very good solution because of the
288 pedestrian traffic in the area.

289 The Mayor said he appreciated the input that was brought out in the meeting and said that was
290 the kind of input that should come to the committee being formed. He suggested that those
291 interested in being on the committee meet together in the hallway and determine a time to get
292 together and start defining the problems and developing some solutions.

293 Nancy Potter added a comment asking if "a minute is worth a life", suggesting that lowering the
294 speed limit would only increase the time needed to go through North Logan along 800 East by
295 one minute and perhaps by doing so it may save a life.

296 The Mayor summarized that himself, Nancy Potter, and Kevin Dustin would be on the committee
297 headed up by Lyman Stevens and they would determine a date and time to meet by getting
298 together in the hallway this evening. Lyman Stevens asked what would the council specifically
299 like to see come from the committee. Kevin suggested that the committee put together a
300 prioritized list of problems as well as solutions and should include costs and other input from the
301 police. Both problems and solutions could be brought back to the council for further discussion.
302 John Bailey added that even though the intersection was initially the main focus, he understood
303 from the issues brought up this evening that the entirety of 800 East was a concern to the
304 citizens. He encouraged the committee to first properly frame the problems before developing
305 solutions. The Mayor suggested that the committee not only put together a list of concerns but
306 also include information about the costs of various short and long term solutions. The time limit
307 for the committee would not be defined at this time but would be up to the committee to
308 determine. The Mayor encouraged the committee to take input from Chief Hawkes and perhaps
309 other experts such as a traffic engineer. Al Moser pointed out that a traffic safety engineer should
310 be consulted because some solutions determined by an ad-hoc committee might end up making
311 the situation worse. He gave the example of a four-way stop which in some cases can be more
312 dangerous than a two-way stop like is there now. Stan Wade suggested Craig Cartwright as an
313 engineer who may have the expertise to help and is familiar with the area because he lives on
314 800 East.

315
316 *(This item of the agenda was transcribed by Jeff Jorgensen).*

317
318 Consider claim for damage to property for construction on 1600 East. #3

319 This item was postponed until another meeting.

320

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

322 Mayor Berentzen reminded the council that the "Meet the Candidates" evening is coming up on
323 Friday, October 28th and will take place in the North Logan Library Conference room.

324 Mayor Berentzen said that North Logan City has been recognized by the Governor's office as
325 being a "Utah Clean City" in terms of air-quality, and discussed the recognition and the letter from
326 that office describing it.

327 Mayor Berentzen discussed his position on the Police Department building. He explained that as
328 they looked into building a new one, they realized that it would be a much more expensive
329 endeavor than they had anticipated. He said he wanted it noted that they aware that the situation
330 is still of great concern, and they are committed to resolving it; but said that it needs to be done in
331 a way that is not a burden to the community, economically. He discussed putting a committee
332 together to come up with some recommendations on how to resolve this.

333 Fire Chief Jon Keller discussed the history of their department's location, as well as the difficulties
334 of the current situation; and expressed his feelings about the great need to build the Police
335 Station and house the two entities separately, particularly to reach the goal of dropping the

336 department's response times down. He said it is critical that this happens and asked that this
337 issue absolutely *not* be closed.

338 Police Chief Kim Hawkes said he appreciates Jon [Keller] and his department's patience with this
339 and said he wants to voice support for Chief Keller's position on this. He discussed a meeting
340 that was held with himself, Jeff Jorgensen, Mayor Lloyd Berentzen and Chief Keller where they
341 discussed possible solutions and alternatives. He discussed this further. He said he feels that
342 there are probably options within the City where a building that may already be in existence that
343 is more affordable could be used, utilizing City staff and resources to aid in remodeling it to fit
344 their needs. He said his goal is to accomplish this by May [2012], and he said he thinks it can be
345 done. He discussed the new council coming in and said he would suggest making the new
346 council members be part of a committee looking at solutions to this issue so that this can move
347 forward quickly. He discussed the process they went through with the architect on the new
348 building, which he said was not a "waste", as it not only provided them with the plans for a great
349 building which can be done in the future; but it also made them very aware of the more critical
350 elements that they need included in a police department building. He discussed the issues their
351 department has as well, with the lack of space.

352 Mayor Berentzen discussed the issues that arise with the lack of space for both departments. He
353 referred to the day of service, and said there may be a lot of people very willing to participate in
354 helping build a facility for the police department.

355 John Bailey said the City has maintained that it wants its own police and fire departments, and
356 that comes at a certain cost. He said "temporary" situations can easily slide into "permanent"
357 situations, as discussed at this meeting, and he said it is important that it does not remain that
358 way, and that that is considered as we move forward. He said it is important that if the public
359 wants its own police and fire departments, it is important to keep before them that there are costs
360 that we, as a community, need to be willing to come up with.

361 Nancy Potter said two years ago, she reviewed the situation per John Italasano's suggestion, and
362 said it was very crowded, and realized then that something needed to be done; therefore she is
363 very much in support of doing something.

364 Kevin Dustin said he concurred.

365 Al Moser said public safety is a primary issue that is provided by a City. He discussed Walmart
366 coming into the City, and that the monies brought in from that easily support the fire department
367 fully. He said it is a mistake to do a temporary solution to what is known as a long-term situation,
368 and that the City needs to set its priorities and do what is right for these two public safety
369 departments.

370

371

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

375

376 The meeting adjourned at: 8:26 p.m.

377

378 Approved by City Council:

October 19, 2011

379


380 Transcribed by Marie Wilhelm

381

382 Recorded by

383

384



Scott Bennett/City Recorder

385

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

389

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

390

2. Budget folders in the Office of the City Recorder

391

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

392

4. Subdivision Folders in the Office in the City Engineer

393