

1 **Minutes of the North Logan City**
2 **City Council**
3 **Held on May 1, 2013**
4 **At the North Logan City Library, North Logan, Utah**
5
6

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

8
9 Council members present were: Roger Anderson, Nancy Potter, Damon Cann and Kristen
10 Anderson. (John Bailey was excused).

11
12 Others present were: Alan Luce, Brent Nyman, Russell Goodwin, Jon Keller, Jake Young, Brent
13 Skinner, Jay Stocking, Marty Israelsen, Bryant Israelsen, Jake Young, Lydia Embry, Cordell Batt,
14 Scott Bennett, Jeff Jorgensen and Marie Wilhelm.

15
16 The Pledge of Allegiance was led by Roger Anderson.
17 An invocation was given by Damon Cann.

18
19 **Adoption of Agenda**

20 *Nancy Potter made a motion to adopt the agenda as presented. Roger Anderson seconded the*
21 *motion. A vote was called and the motion passed unanimously with Nancy Potter, Roger*
22 *Anderson, Damon Cann and Kristen Anderson voting in favor.*

23
24 **Approval and Follow-up of Minutes of April 3, 2013 City Council Meeting and April 3, 2013**
25 **City Council Closed Session Meeting**

26 April 3, 2013 City Council Meeting Minutes
27 *Minutes were approved as presented.*

28
29 April 3, 2013 City Council Closed Session Minutes
30 *Minutes were approved as presented.*

31
32 **Follow-up**

33 Nothing at this time.

34
35 **Review of Action Items**

36 Jeff Jorgensen reviewed the action items list with the council.

37
38 **New Business**

39 **6:35 Public Hearing** to receive public input on a proposed concept plan for a combined
40 residential and commercial development of 5.6 acres of land on the south side of 2500 North, just
41 west of the Cinnamon Ridge mobile home park. Being proposed is a Multi-Family Residential
42 and Commercial Development (32 Townhomes & 13 Single Family plus two commercial lots).
43 Following the public hearing and because this item relates to agenda item #4, the City Council
44 may consider approval of this Concept Plan after they consider approval of the related ordinance
45 in agenda item #4.

46 Jake Young with Civil Solutions Group presented the concept plan, and corrected the statement
47 that this is a combined residential and commercial development, in that this is *only* a residential
48 development being proposed. He said there are adjacent commercial lots which will be available
49 in the future. He explained further and oriented those in attendance to the site via a projected
50 map of the site and adjacent area; and explained the design intentions for this development;
51 including having to use the required percentage of multiple building types. He said the two
52 building types they are using are townhomes and single-family homes on a site that is
53 approximately 5.5 acres, which exact boundary lines will be determined later in the development
54 process. He explained this further and how it affects the percentage of allowed housing types.
55 He also discussed the planned connection with 200 East. Per a question from Mayor Berentzen,
56 Jake said the single-family lots run anywhere from a high 4K square foot to a lower 5K square
57 foot lot, which he said is very comparable to Daybreak. He further described the proposed
58 designs for the site. He said they are proposing 32 townhomes and 13 single-family homes. He

59 said that is close to the [required] percentages of 30% single family homes and 70% townhomes
60 [assuming the ordinance is changed as is being considered later in the meeting]. He said the
61 code requires a minimum of 40% of each list, but that they worked through a lot of different plans
62 and through that process came to the conclusion that a minimum requirement of 40% does not
63 work, which is why there was a request to change the ordinance. He said there is not a current
64 proposal for the land owned by the Nymans, but that they did talk to them about how the two
65 pieces could work together.

66

67 *Mayor Berentzen opened the public hearing at 6:45 p.m.*

68

69 Russell Goodwin presented his comments and concerns regarding this development. He said his
70 concern is 200 East, which he said, in most planning documents that he has seen, has been
71 identified as a prominent, major, regional thoroughfare. He said he would encourage the City to
72 keep it on the 200 East alignment. He said much of the course for 200 East [through Logan] is
73 through residential areas and that it does not make sense to him to go to a different route just to
74 avoid a block and a half of residential in North Logan. Mayor Berentzen reminded Russell that a
75 decision had already been made. Russell said he understands that, but that the local authorities
76 figure prominently in the decision making and commented further. He said the area 200 East is
77 going through is prime commercial real estate for North Logan, and that it makes no sense to him
78 why we would run that road through there. He commented further. He also discussed the
79 importance of 200 East being a transit thoroughfare between Millville and Smithfield, which he
80 said would raise property values and help with air quality; and said he thinks that it should
81 ultimately include light-rail. He concluded that he was at the meeting to argue against this
82 proposal because it would serve to lock our City into this route for 200 East as a four-lane limited
83 access freeway; and that in his opinion it is a big mistake and a decision the City would regret for
84 years to come.

85

86 Brent Nyman said he belongs to the family that owns the Nyman parcel immediately to the south
87 of the project that is being proposed by Lewiston State Bank. He thanked the representatives
88 from Lewiston State Bank for approaching them and meeting with them to discuss the project, as
89 well as Damon Cann meeting with them to discuss it, and commented further. He also discussed
90 the meeting he had with Civil Solutions. He said his main concern with this project is the Hyde
91 Park/North Logan Corridor that he identified on the projected map. He said he understands that
92 that proposal was approved by North Logan City and has been accepted, but said he does not
93 believe that any engineering has been done to establish the "absolute" alignment of that road. He
94 said that is critical to his property, because it divides their piece into two triangles; and could also
95 change the planning considerably on what kind of lots they will be and the density that they are
96 allowed to have. He asked for information about when that land survey will be done; and whether
97 the road that was displayed is the final plan for how the road will be laid out.

98 Mayor Berentzen said it his understanding that the federal record of decision is what determined
99 the final road design and that it has been completed. He said they had to do preliminary
100 engineering on this area in order to approve the route. He said that does not mean they have
101 done all of the engineering, and that there might be some negotiation that can be done; but that in
102 terms of the general area, it is final.

103 Mr. Nyman said if there is some flexibility allowed, then the objection they have would be
104 diminished, and commented further.

105

106 *As there were no further public comments, Mayor Berentzen closed the public hearing at 6:57*
107 *p.m.*

108

109 **6:45 Public Hearing to receive public input on a proposed revision to the city's FY2013 Water**
110 **and Sewer Enterprise Fund Budgets. Being proposed is an increase in the amount authorized to**
111 **be spent for the design of a new well for the city's culinary water system. Being proposed for the**
112 **Sewer budget is using impact fee funds to increase the size of the sewer line being installed**
113 **between 250 and 400 East along 2200 North. Following the public hearing, the city council will**
114 **consider approval of a resolution authorizing the budget changes.**

115 Jeff Jorgensen briefly explained the item and per a question from Mayor Berentzen, said the
116 diameter of the sewer line will increase from eight inches to eighteen inches, and explained

117 further.

118

119 *Mayor Berentzen opened the public hearing at 6:58 p.m.*

120

121 Lydia Embry presented her comments and questions on this. She said she wanted to point out
122 how many budgets have been made and how many re-fundings have been required, and
123 explained further.

124

125 *As there were no further public comments Mayor Berentzen closed the public hearing at 7:01*
126 *p.m.*

127

128 Damon Cann said the water well must be done and also asked Jeff to clarify some points in
129 relation to the sewer, which Jeff explained, and addressed various questions of the council.

130

131 *Damon Cann made a motion to adopt resolution 13-05 amending the budget. The motion died*
132 *for lack of a second.*

133

134 Kristen Anderson asked where the money was coming from, and Jeff said it will be coming from
135 the impact fees in the sewer fund, and explained further, briefly.

136 Nancy Potter asked when it will start and Jeff said the impact fee money is available now to do
137 this project; but part of the plan for the City Center is that part of that money can be used for
138 infrastructure improvements, and that this qualifies for that.

139 Jeff and the council continued to discuss this briefly.

140

141 *Damon Cann made a motion to adopt the resolution 13-05 amending the budget. Nancy Potter*
142 *seconded the motion. A vote was called and the motion passed unanimously with Kristen*
143 *Anderson, Roger Anderson, Damon Cann and Nancy Potter voting in favor.*

144

145 Consider approval of an ordinance modifying the city's zoning code. Specifically being proposed
146 for change are:

147

1) A change to Section 12C-804. Rules for Locating Boundaries;

148

2) The relative percentage of building types in 12C-1063.12 for the Mixed
Residential 8 zone; and,

149

150 3) Making a minor change to the zoning map in the area near 2500 North and
151 150 East.

152

153 Jeff explained and reviewed the three sections of this ordinance. He went over the
154 various zones using a projected map of the area. He explained that the first part of this
155 changes the responsibility of common sense boundary decisions from the Board of
156 Adjustments (which no longer exists) to the Planning Commission. He further explained
157 the second section relating to the percentages of building types. He said when the
158 ordinance was passed in December it was decided that one or the other of the building
159 types has to be 40%. He said the Planning Commission originally recommended 30%,
160 but that the City Council changed that to 40% when they passed the ordinance. He said
161 the recommendation from our consultant, *and* as they have tried to work out this first
162 project in the City Center, recommends putting it back to 30%; and said the project they
163 just reviewed comes close to making the 30%. Per a question from Nancy Potter about
164 what "coming close" meant; Jeff said the concept plan is at 28.8%, and that when the
165 development plan is approved, it will have to be 30% if this change is passed. Jeff said
166 at this point, that would require the developers to cut out one townhome; and will also be
167 clearer once they are able to determine what the exact acreage of the site is when the
survey is done.

168

169 Nancy said the City is losing so much of our commercial land to residential development.
170 Jeff explained that this question of 30% vs 40% is not related to commercial
development, that is related to the mix of two building types in residential development.

171

172 Mayor Berentzen asked Jake to explain why this development will not work with the 40%
173 minimum. Jeff reminded the council that both Jake and the Planning Commission
recommended 30%, and that it was the City Council that changed it to 40%. Jake said

174 40% was never recommended and explained specifically why 40% does not work in
175 terms of land massing and how much building you can do, in a way that works. He
176 showed site plans for 40% as well as 30%. He explained the numerous ways that they
177 tried to make [40%] work, and explained why it does not. He said rules are essentially
178 being established that cannot be met and explained further.

179 Jake and the council continued to discuss this at length, including various suggestions
180 from the council about how they could potentially make 40% work. Jake addressed these
181 suggestions and continued to explain to the council what would work and what wouldn't.
182 Per comments from Nancy Potter regarding having to already make changes to this
183 ordinance after working so long on it; Jake explained that this is the first project being
184 done under this new code, and that going through that process helped them to determine
185 what works, and what doesn't, and also how the Planning Commission and City Council
186 will still be working to maintain the vision that they wanted for the City Center area.

187 The conversation continued, including various potential design aspects and the road
188 alignment.

189 Damon Cann referred to the previous discussion about removing one of the townhomes
190 from the project to fulfill the percentage requirement, and said that should be an explicit
191 condition of approval of the concept plan. He commented further and discussed the
192 actual boundaries of the acreage; which Jeff explained and said would be determined
193 during the development plan process.

194 Damon also explained that he felt that Jake was right about the 70/30 percentage split,
195 which he further explained; and said he feels the 70/30 split is the right thing to do for this
196 piece of land. He said that does not change his overall desire about having single-family
197 homes, even on smaller lots, rather than townhomes. He said he worries that we have
198 too many townhomes in the City Center area. He recommends making this 70/30 split
199 amendment and taking some of the commercial area that would have been up on 2500
200 North and bringing it down to the Hyde Park North Logan Corridor. He said that won't
201 change the density but would shift the balance towards a type of housing, and discussed
202 this further. He also recommended taking the third parcel that is currently zoned MR8,
203 owned by the Wilhelm family, and changing it to MR7, which would have a 50/50 split.
204 He explained this further and said this does not change the density, but decreases the
205 number of townhomes in the City Center.

206 The council continued their discussion at length. Jake Young discussed the future
207 growth that is projected to occur in Cache Valley. He explained that if we want to have
208 any agricultural lands or any kind of open space, density has to increase; or the open
209 space will disappear. He also said that density has to occur in order to make a city
210 center work and be viable and discussed this further.

211 Jeff said the original recommendation for the MR7 was 40/60, but that it was changed to
212 50/50; and he doubts the 50/50 will work in that zone. He said when development starts
213 to come in for the MR7 zone, the council will face the same problem from the developers
214 telling the council why the 50/50 ratio will not work. He said the consultant told us that
215 the MR7 has to be 40/60, and the MR8 needs to be 30/70; and the council arbitrarily
216 changed that to 50/50 (for the MR7) and 40/60 (for the MR8). He said the City Council
217 changed those numbers, contrary to what the Planning Commission and our experts said
218 would work, and are now finding that those changes do not work. He explained further.
219 He said if the council wants only single-family dwellings, they would have to rezone it to
220 single family.

221 Jay Stocking with Sierra Homes said he is the potential developer of the Lewiston State
222 Bank piece. He referred to the discussion regarding percentages and the comment that it
223 didn't look like very much time was spent on this; and said that Jake [Young] spent a *lot*
224 of time on all three layouts; and that when a layout was chosen that *would* work, Jake
225 then spent a lot of time on that layout. He said a lot of time has been put into this to try to
226 make a good situation for the City and commented further. He said he wants to build
227 something that the City will like, and one that he can be proud of. He said he could build
228 something that will meet the code, but that the City will hate it; or, he said, we could make
229 a small change to the code and build something that everyone will love.

230 There was a brief discussion about the commercial area.

231 Nancy said her concern is that a “bunch of apartments” are brought in and that we don’t
232 do much with the commercial. She said she hopes there is a plan to bring in something
233 besides residential. She reiterated her complaint that they worked so hard on the plan
234 [for the City Center area] and that “we’re changing it already”.

235 Kristen Anderson said she would like more time to review this before it is approved; and
236 said when the council sat down and talked about this area, they were hoping for more
237 single-family homes. She agreed that this is an improvement over what we saw in The
238 Cove. She said the code should be reviewed closely to ensure that we are really getting
239 what we want for this area.

240 The council discussed how to proceed. Damon Cann said he would support the
241 changes, but would approve it with the understanding that the review of the codes and
242 percentages is back on a future agenda, and commented further.
243

244 *Damon Cann made a motion to approve the changes to the section 12C-804; to approve*
245 *ordinance 13-02; and that the council approve the concept plan subject to the developers meeting*
246 *the 30% requirement, strictly speaking; and also subject to the developers meeting the density*
247 *requirements, strictly speaking, without reducing the size of the commercial lots substantially; and*
248 *contingent on the City Council discussing this in the near future.*

249 *Kristen Anderson modified the motion to also consider an evaluation of changing the zoning of*
250 *the MR7 zone. Damon Cann accepted that modification.*

251 *Roger Anderson seconded the motion and the modification.*
252

253 The council discussed Kristen’s modification and Jeff said he doubted whether that would hold up
254 as a pending ordinance. This was discussed further.
255

256 *Kristen Anderson retracted her modification and Damon Cann agreed.*

257 *A vote was called with Roger Anderson, Damon Cann voting in favor; and Kristen Anderson and*
258 *Nancy Potter voting against. Mayor Berentzen broke the tie and voted for the motion, causing it*
259 *to pass by a three to two vote.*

260

261 *Kristen Anderson made a motion for the staff to prepare some information that would allow the*
262 *City Council to review the densities and percentages in the City Center Code. Damon Cann*
263 *seconded the motion. A vote was called and the motion passed unanimously with Kristen*
264 *Anderson, Roger Anderson, Damon Cann and Nancy Potter voting in favor.*
265

266 Jeff recommended that he, Jake and Cordell get together to work on this, and explained further.
267

268 Consider approval of a change to the Development Plan for the Four Seasons apartment
269 complex. Being proposed is the addition of an accessory storage building for gardening supplies
270 and equipment, strictly for the use of the Four Seasons apartment unit tenants. The new building
271 is planned for approx. 100 East 2100 N, North Logan in the CCC Zone (City Center Commercial
272 Zone).

273 Jeff explained the agreement, and the history of this situation, as well as some of the conditions
274 of approval of the conditional use permit, which was approved previously.

275 Nancy Potter asked how tall this is going to be, and Jeff said is limited to one story per the
276 conditional use permit, and cannot be more than 35 feet high per the standing City code.
277

278 *Nancy Potter made a motion to approve this change to the Development Plan. Roger Anderson*
279 *seconded the motion. A vote was called and the motion passed unanimously with Nancy Potter,*
280 *Roger Anderson, Damon Cann and Kristen Anderson voting in favor.*
281

282 Roger Anderson asked a Four Seasons rep what the current occupancy is there, and he said
283 they are just under 60%.
284

285 Budget workshop to discuss a draft of the comprehensive FY 2014 budget.
286 Jeff Jorgensen introduced the item and explained various items in the document. He addressed
287 various questions of the council and continued to review the budget document. There was

288 discussion about managing costs and donations of labor and supplies for the police building.
 289 Community involvement in terms of volunteer service work was also discussed. Roger Anderson
 290 asked about the sales tax revenue base in terms of the economy, which Jeff discussed briefly.
 291 Jeff said as he makes changes to the draft, he will highlight them and forward them to the council.
 292 Nancy Potter asked if a motion should be made to have the Mayor look for "efficiencies" in areas
 293 of staff. Damon said this was talked about previously in order to make a 3% wage increase take
 294 place. The council discussed this further with Jeff.

295
 296 *Nancy Potter made a motion to keep wages and benefits costs flat in order to find some monies*
 297 *to give some kind of monetary reward to employees, based on merit; and to look for efficiencies*
 298 *to pay for that, within the existing salary and benefits structure. Damon Cann seconded the*
 299 *motion.*

300
 301 There was discussion about Jeff previously telling the department heads to try to determine areas
 302 that they might be able to cut 5.5% out of their budget.

303
 304 *A vote was called and the motion passed unanimously with Nancy Potter, Roger Anderson,*
 305 *Damon Cann and Kristen Anderson voting in favor.*

306
 307 Mayor Berentzen said he will work with Jeff on this.

308
 309 **Reports from city officers, boards, and committees**

310 Alan Luce mentioned some Parks and Recreation events coming up. He also discussed having a
 311 City-wide service day on Saturday, September 28th.

312
 313 Nancy Potter mentioned that the church being built on 800 East seems very close to the road and
 314 asked whether the setbacks were appropriate for that. She asked if we could look at the
 315 ordinance and possibly change something, and commented further.

316 Mayor Berentzen agreed and he and Cordell Batt discussed this further, and Cordell explained
 317 the approval process this project undertook, as well as what typical setbacks are.

318
 319 Mayor Berentzen mentioned that there will be an item discussed at the Planning Commission
 320 meeting the following evening related to the ordinance managing certain types of businesses,
 321 including the sale of electronic cigarettes; and said he is hoping the commission can do
 322 something with this fairly quickly, and commented further.

323 Damon Cann said he will not be at the City Council meeting in two weeks; but would email the
 324 council if there was anything controversial that arose from this.

325 Mayor Berentzen gave some statistics on the electronic cigarette use that Bear River Health
 326 Department has learned through their substance-abuse program. He said the idea of electronic
 327 cigarettes is that they are supposed to take the place of real cigarettes; but that they have found
 328 that smokers actually use both, actually increasing the use and related problems.

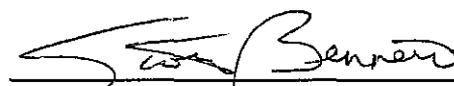
329
 330 *Nancy Potter made a motion to adjourn the meeting. Damon Cann seconded the motion. A vote*
 331 *was called and the motion passed unanimously with Nancy Potter, Roger Anderson, Damon*
 332 *Cann and Kristen Anderson voting in favor.*

333
 334 The meeting adjourned at: 8:35 p.m.

335
 336
 337 Approved by City Council: May 15, 2013

338
 339 Transcribed by Marie Wilhelm

340
 341 Recorded by



 Scott Bennett/City Recorder

342
 343
 344