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**Minutes of the North Logan City
City Council
Held on August 21, 2013
At the North Logan City Library, North Logan, Utah**

The meeting was called to order by Mayor Lloyd Berentzen at 6:34 p.m.

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

Others present were: Laura Lynn Phillips, Janette and David Peterson, Brittany Calvimonte, Kim Hawkes, Jon Keller, Peggy Giles, B_____ (illegible), Caleb Andrus, Jordan Oldham, Dan Cox, Dianna Cannell, Scott Huskinson, Chris Nelson, Lance Anderson, Lydia Embry, Alan Luce, Scott Bennett, Cordell Batt, Jeff Jorgensen and Marie Wilhelm.

The Pledge of Allegiance was led by Nancy Potter.

An invocation was given by Roger Anderson.

Adoption of Agenda

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

Approval and Follow-up of Minutes of July 17, 2013 City Council Meeting

The minutes were approved as presented.

Follow-up

Nothing at this time.

Review of Action Items

Jeff Jorgensen reviewed the action items list with the council.

Kim Hawkes discussed the safe routes to school issue and the neighborhood meeting.

Mayor Berentzen discussed the financing situation with 200 East and discussed the County Council meeting that took place.

New Business

Pioneer Day Charity BBQ

Boy Scout David Peterson discussed the Pioneer Day Charity BBQ that he was in charge of, and held for his Eagle Project; and the money that was collected from donations at that event slated for the Child and Family Support Center, to whom he presented a check in the amount of \$1,059.79.

Consider an ordinance modifying the requirements for new subdivision improvements to include requiring street lighting.

Mayor Berentzen briefly introduced the ordinance, and Jeff further explained briefly.

Kristen Anderson asked if developers would be required to put in the actual streetlights. Jeff said his understanding that they will not have to pay for standard lights, but will pay the difference if they want something "special". Kristen asked if they put in a non-standard light, whether the City would be responsible for replacing it if the light breaks. She suggested that it may be better then just to do PUD standard lights, as we could end up with something that can't be replaced, or would be expensive to do so. Jeff agreed that that would have to be worked out in a development agreement, if a developer ends up wanting something other than standard lights.

Nancy Potter made a motion to adopt ordinance 13-04. Roger Anderson seconded the motion.

Damon Cann said we just need to make sure we consider Kristen's concern, so that if someone

58 does bring us that kind of proposal, we consider carefully whether the City will have to pay for
59 something non-standard.

60 Jeff referred to the second page of the ordinance, paragraph (e), and suggested adding to the
61 second-to-last paragraph after "City Council approval", "...with provisions provided for continued
62 maintenance within a development agreement".

63 Mayor Berentzen said it is important to put something in the ordinance for the future, rather than
64 to leave it arbitrary. He also suggested voting against this motion, in order to reconsider a motion
65 to include the desired language.

66
67 *A vote was called and the motion failed unanimously with Nancy Potter, Roger Anderson, Damon*
68 *Cann and Kristen Anderson voting against the motion.*

69
70 The council discussed what language to include in the ordinance, with Jeff making a
71 recommendation with which the council agreed.

72
73 *Damon Cann made a motion to adopt 13-04, to include the language recommended by Jeff*
74 *Jorgensen: "upon City Council approval and provisions for perpetual maintenance of any such*
75 *fixtures provided for in a subdivision's development plan" as discussed. Kristen Anderson*
76 *seconded the motion. A vote was called and the motion passed unanimously with Nancy Potter,*
77 *Roger Anderson, Damon Cann and Kristen Anderson voting in favor.*

78
79 Consider an ordinance adding a regulated land-use of adult-only product or service business.
80 Jeff Jorgensen explained the change the Planning Commission wanted, which removes the word
81 "primarily". Jeff said that John Bailey explained to him that he felt that removing the word
82 "primarily" defeats the whole purpose of the ordinance and explained further.

83 The council discussed at length the various issues and options for how to manage this.

84 Mayor Berentzen suggested working on this further. Jeff said he would review this with City
85 Attorney, Bruce Jorgensen.

86 Chris Nelson explained the Planning Commission's review of this and agreed that it would be
87 beneficial to have the City Attorney review this to allow the City to have the control they want with
88 this.

89 Jeff said this needs to be reviewed in relation to the adult-oriented business regulations the City
90 already has in place; and that this ordinance really only relates to things like tattoo and piercing
91 parlors and e-cigarette businesses.

92 The council continued their discussion, including whether the City is allowed to ban these types of
93 businesses, which Jeff said he would also review with the City Attorney.

94

95 Consider an ordinance making minor modifications to the accessory dwelling portion of the city
96 code.

97 Cordell explained the changes made to this, including adding the word "units", and the changes to
98 the noticing requirements, which now encompasses a larger area. Cordell addressed various
99 questions of the council. Cordell explained that the Planning Commission reviews these
100 situations very carefully, and explained further. The conversation continued.

101 Damon Cann asked the council if they thought requiring the applicant to have to gather a list of
102 the adjacent neighbors in the noticing area and having to notice them is a burden for the
103 applicant, and commented further. The council discussed this and explained situations where a
104 resident renting out a room in their house ended up burdening the neighborhood. Mayor
105 Berentzen asked if this was something that needed to be addressed; and Jeff said he could get a
106 list to the council of the accessory dwelling units that were grandfathered in. Jeff said there are
107 not a lot of them, although there may be some that are doing it illegally.

108 Damon commented that if the requirements on these applicants are too burdensome, it may be
109 tempting for some to just do it without applying to the City.

110 The conversation continued. Cordell said it really isn't that difficult to get an accessory dwelling
111 permit, and explained further.

112

113 *Roger Anderson made a motion to approve this ordinance 13-05. Damon Cann seconded the*

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

116

117 Consider a resolution authorizing a \$1.00 per month per household for county-wide emergency
118 radio services.

119 Chief Kim Hawkes introduced the item and explained the radio system and the changes the FCC
120 has made. He further explained how this has enhanced and made communication more
121 available, and further explained the costs incurred. He said the "credit" they had that has been
122 going towards the cost of this, ends in June of 2015, and further explained how they determined,
123 through an emergency communications tax, they could continue to cover the cost of this service.
124 He said they are looking for the various cities to support a resolution for this.

125 Per a question from Mayor Berentzen, Chief Hawkes explained North Logan's share in terms of
126 cost for a year, which he said is roughly \$15K. Mayor Berentzen said it seemed to him that the
127 City would be *receiving* approximately \$40K if they authorized this fee, and asked how we would
128 know if all that money would come back into the North Logan area. Chief Hawkes explained and
129 said it may not all come back, and further detailed how the funds would be spent, maintained and
130 managed. Chief Jon Keller also discussed the costs and how the funds would be managed to
131 handle expenditures; and also explained how the current radio systems work, including between
132 the different counties in the state.

133 Various issues were discussed further.

134 Nancy Potter said she would want an accounting of exactly where this money goes and what is
135 done with it, and commented further. Chief Kim Hawkes agreed to that and explained how that
136 would be managed.

137 Chief Hawkes and Chief Keller continued to address various questions from the council, including
138 the potential of the City just being billed for their usage. Roger Anderson said he would like to
139 see the possibility of lowering the fee if there ends up being a lot of money in reserve at some
140 point, which was further discussed. Mayor Berentzen recommended including in the resolution
141 for the City Council to reevaluate this after one year to see where things stand.

142 Various items were further discussed and explained.

143 Mayor Berentzen discussed the possibility of paying this in another way, other than putting the
144 fee on the residents. Jeff said North Logan City's share would have to be determined, and then
145 another way found to pay this, such as out of the general fund or the City raising its own money
146 for this.

147 Per the council's request, Chief Keller said he would find out what North Logan City's share is for
148 this. Chief Hawkes explained that this fee is likely going to be paid by the residents regardless,
149 one way or another, and explained further.

150 The conversation continued.

151 Nancy Potter reiterated the need for an accounting of the funds, and suggested having one done
152 every quarter rather than only once a year, and commented further. Chief Hawkes said he would
153 be glad to do that.

154 Per a question from Mayor Berentzen about taking action; Damon Cann said he thinks we should
155 find out what our City's portion would be and determine whether we could take this out of the
156 general fund, before we take action on it. Mayor Berentzen responded to this and said he wanted
157 to make sure that we don't pay twice for this.

158 Jeff said we need to get the portion for North Logan City as well as Hyde Park, and explained
159 further.

160 Peggy Giles explained the dispatch fee and how it works. Jeff said this would be not added to the
161 911 fee, nor to the garbage fee; that it would be a separate fee.

162

163 Consider the selection of contractor for drilling a new water well. Consider various alternative
164 methods of funding the well.

165 Lance Anderson explained the situation with drilling the well in King Park, as well as the bid
166 process; and further described the candidate he supports for the drilling. Lance addressed
167 various questions from the council.

168 Alan Luce explained some of the process, including their experience with "water witching".

169 The council discussed various items, and Lance continued to address various questions.
170 Kristen Anderson said she knows we need to do this, but would be uncomfortable bonding for it.
171 Jeff said the current plan is to use the money we have in reserve, and addressed further
172 questions from the council.
173 Per a question from Nancy Potter, Lance explained that they would likely start the project at the
174 end of September; would likely be done drilling by the end October; and then test pumping would
175 take place for approximately a week. He said the drilling project takes approximately four to six
176 weeks; and then the pump house would be done next year and hopefully be operational before
177 the next season. He said these costs are only for the drilling; that the pump house costs are
178 separate.
179 The conversation continued.
180 Roger Anderson expressed his support for this.
181 Mayor Berentzen expressed why he thought we should move ahead with this.
182 The conversation continued.
183
184 *Damon Cann made a motion to approve the bid. Nancy Potter seconded the motion. A vote was*
185 *called and the motion passed unanimously with Kristen Anderson, Roger Anderson, Damon Cann*
186 *and Nancy Potter voting in favor.*
187
188 Consider two resolutions relating to the General Plan – the first amending the layout of the North
189 Logan City General Plan and second amending the Community Element of the Plan.
190 Cordell Batt explained the resolutions, how they came about, and how the documents have been
191 amended. He further referred to each of the included elements and briefly explained the work
192 that went into them. He explained why they felt it was best to come up with a more streamlined
193 document which includes all of the elements into one document.
194 Cordell said they did not make changes to the content of the elements at this point, only to the
195 layout. He said aside from some minor changes, the only real change they made was to include
196 the adoption date of each element; except for the Community Element, which he said was
197 updated with the latest demographic information.
198 Mayor Berentzen discussed how to move forward, and to perhaps give Cordell any changes in
199 writing so he could bring it back on another agenda.
200 Nancy Potter gave some of her comments to Cordell on the Community Element, including
201 regarding commercial development, storm water removal and some other minor changes.
202 Damon Cann discussed the [demographic] numbers included, and asked if these are accurate
203 and up to date. Cordell said they are the most current numbers; and Damon also said he agreed
204 with Nancy's changes.
205 The council continued to discuss how to proceed. Cordell said at some point, each of the
206 elements will be revised, but reiterated that currently, they are simply putting the elements into a
207 more usable format and a single document.
208 The conversation continued.
209 Jeff Jorgensen said right now, he would say that we don't even have a general plan because it
210 does not fit any consistent format, and commented further. He said this puts it into a good,
211 printable, sensible, format.
212
213 *Kristen Anderson made a motion to adopt the resolution amending the layout of the North Logan*
214 *City General Plan. Roger Anderson seconded the motion. A vote was called and the motion*
215 *failed with Kristen Anderson and Roger Anderson voting favor, and Nancy Potter and Damon*
216 *Cann voting against, with Mayor Berentzen voting against the motion, breaking the tie; requesting*
217 *that these two resolutions be put on the next meeting's agenda for consideration.*
218
219 **Reports from city officers, boards, and committees**
220 Kim Hawkes reported on the status of development of the new police building.
221
222 Jeff Jorgensen said the Tesoro gas station on Main Street will soon become part of North Logan
223 City when the boundary change comes into effect. He said Tesoro wants to put in a propane tank

224 and further explained how North Logan City will manage the situation until the boundary change
225 is final, and said that it is important that North Logan City has some say-so in the installation of it.
226 Jeff also said that Tesoro currently sells beer on Sundays in Logan, which is not allowed in North
227 Logan; therefore, Jeff asked them to write a letter to the City Council expressing their desire to
228 change this and allow them to continue doing this. Jeff said it is a North Logan City code that
229 restricts them from doing this; it is not a state code. Jeff explained this further, and addressed
230 questions from the council. Jeff also said that North Logan City's current ordinance allows for two
231 off-premise consumption of beer licenses, which are currently being used by Walmart and Top-
232 Stop, who would also be able to sell beer on Sundays if the change was made to the City code.
233 Jeff said a formal request will be forthcoming.

234
235 Kristen Anderson said she will not be able to attend the next City Council meeting.
236

237 Damon Cann mentioned that the consideration of the revocation of the conditional use permit for
238 the Taylor's RV park is on the Planning Commission's agenda for their meeting the following
239 night, and asked for confirmation of what the City's stance was on this; and Jeff and Mayor
240 Berentzen explained the situation.

241 Damon said that zoning for the different pieces of land coming into North Logan from Logan City
242 is also on the Planning Commission's agenda and said if the City Council has any
243 recommendations on that, he would pass them on. Jeff said that staff is recommending that
244 everything east of 200 West be general commercial, just like on Main Street; and everything west
245 of 200 West be zoned industrial, like what is along Airport Road. Mayor Berentzen commented
246 on this, and Jeff and Cordell explained this further.

247
248 Nancy Potter said it was great to see the groundbreaking on the new police building and wanted
249 to give congratulations to the City and Chief Hawkes.
250

251 Mayor Berentzen said he would like to get some feedback from the City Council before
252 assignments are made again for participation in the various committees; and also said he would
253 really like to have more done with economic development.
254

255 **Executive session (closed) to consider the acquisition of real property and litigation in**
256 **progress.**

257 Executive session (closed) to consider the acquisition of real property

258 *Nancy Potter made a motion to close the meeting and move into Executive Session for the*
259 *purpose of discussing the acquisition of real property. Damon Cann seconded the motion. A*
260 *vote was called and the motion passed unanimously with Nancy Potter, Roger Anderson, Damon*
261 *Cann and Kristen Anderson voting in favor. This occurred at 8:58 p.m.*
262

263 This portion of the minutes written under separate cover.
264

265 *Kristen Anderson made a motion to open the meeting and move out of Executive Session and*
266 *return to the regular City Council meeting. Damon Cann seconded the motion. A vote was called*
267 *and the motion passed unanimously with Nancy Potter, Roger Anderson, Damon Cann and*
268 *Kristen Anderson voting in favor. This occurred at 10:34 p.m.*
269

270 Consider approval of a proposed use agreement regarding city park property.

271 *Kristen Anderson made a motion to approve the project with the details of the usage to be worked*
272 *out and determined by staff based on the discussions in the August 21, City Council Executive*
273 *(Closed) Session meeting. Nancy Potter seconded the motion. A vote was called and the motion*
274 *passed unanimously with Nancy Potter, Roger Anderson, Damon Cann and Kristen Anderson*
275 *voting in favor.*
276

277 Executive session (closed) to consider litigation in progress.

278 *Damon Cann made a motion to close the meeting and move into Executive Session for the*
279 *purpose of discussing litigation in progress. Nancy Potter seconded the motion. A vote was*
280 *called and the motion passed unanimously with Nancy Potter, Roger Anderson, Damon Cann*

281 *and Kristen Anderson voting in favor. This occurred at 10:35 p.m.*

282

283 This portion of the minutes written under separate cover.

284

285 *Kristen Anderson made a motion to open the meeting and move out of Executive Session and*
286 *return to the regular City Council meeting. Damon Cann seconded the motion. A vote was called*
287 *and the motion passed unanimously with Nancy Potter, Roger Anderson, Damon Cann and*
288 *Kristen Anderson voting in favor. This occurred at 10:45 p.m.*

289

290

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

294

295

296 The meeting adjourned at: 10:45 p.m.

297

298

299 Approved by City Council:

September 18, 2013

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301

302 Transcribed by Marie Wilhelm

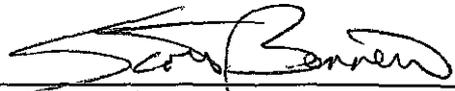
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304 Recorded by

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Scott Bennett/City Recorder