

1 **Minutes of the North Logan City**
2 **City Council**
3 **Held on September 4, 2013**
4 **At the North Logan City Library, North Logan, Utah**
5
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7

8 The meeting was called to order by Mayor Lloyd Berentzen at 6:30 p.m.
9

10 Council members present were: Nancy Potter, John Bailey, Roger Anderson and Damon Cann.
11 (Kristen Anderson was excused).
12

13 Others present were: Jon Keller, Russell Goodwin, Peggy Giles, Chris Nelson, David Bessinger,
14 Kim Hawkes, Chris Nelson, Alan Luce, Lydia Embry, Scott Bennett, Cordell Batt, Jeff Jorgensen
15 and Marie Wilhelm.
16

17 The Pledge of Allegiance was led by Roger Anderson.
18 An invocation was given by Damon Cann.
19

20 **Adoption of Agenda**

21 Mayor Berentzen asked to omit agenda item #2, as water rights have been obtained for that
22 project [Green Canyon Square Subdivision] and they plan to include secondary water in the plans
23 for the subdivision.
24

25 *Nancy Potter made a motion to adopt the agenda as amended. John Bailey seconded the*
26 *motion. A vote was called and the motion passed unanimously with Nancy Potter, John Bailey,*
27 *Roger Anderson and Damon Cann voting in favor.*
28

29 John Bailey asked if on a future agenda, the council should discuss the issue of requiring
30 secondary water as a general rule for subdivisions, as opposed to on a case-by-case basis.

31 Damon Cann said he would be in favor of discussing it.

32 Mayor Berentzen asked to have this issue put on the action items list.

33 Jeff commented on this and said he would like to put a point paper together to discuss this.
34

35 **Review of Action Items**

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

37 Safe routes to school were discussed. Damon Cann asked whether any kindergarteners were
38 walking on the road on 600 East being blocked to through traffic, and Chief Hawkes said there
39 were not, so the roadway does not need to be closed at noon time; and said closing the roadway
40 seems to be working well.

41 Jeff said that the Planning Commission revoked the conditional use permit for Steve Taylor's RV
42 Park. Jeff said he would get some legal advice about how to proceed, including how to handle
43 revoking the business license. The situation was discussed further. Damon Cann mentioned that
44 there was no one in attendance to represent the RV Park, at the Planning Commission meeting
45 where this was discussed. The situation was further discussed by the council.

46 Jeff continued to review the list with the council.
47

48 **New Business**

49 Consider approval of a resolution granting consent and authorization for a Consumption Off-
50 Premises Beer License to the Airport Road Best Stop in consequence of the business being
51 annexed in North Logan City.

52 Jeff Jorgensen explained that the number of beer licenses allowed in North Logan City is limited
53 to two. He said by reason of annexation, we could grant a third license, which he said could be
54 done in two different ways. He said one way would be to grant it because of annexation; and that
55 the limit would still be two, but that they would have an "extra" one, and explained further. He
56 said another way would be for the City to increase the City's allowed beer licenses from two to

57 three.

58 Jeff further explained the resolution briefly.

59

60 *Damon Cann made a motion to adopt resolution 13-10. John Bailey seconded the motion. A*
61 *vote was called and the motion passed unanimously with Roger Anderson, Damon Cann, John*
62 *Bailey and Nancy Potter voting in favor.*

63

64 Consider an ordinance eliminating the prohibition of beer sales on Sundays for Consumption Off-
65 Premises Beer Licensees.

66 Jeff explained the ordinance change, and said that the Airport Best Stop has been able to sell
67 beer on Sundays because they are in Logan City; which will change when they come into North
68 Logan City when the boundary change goes into effect, because of the limitations in our City
69 code. He said if we take that part out of our City code with this ordinance, their location, Top Stop
70 and Walmart would then also be able to sell beer on Sundays.

71

72 Mr. David Bessinger, owner of the Airport Road Best Stop explained his situation. He said last
73 year, when UDOT upgraded 2500 North, they put a divider in right next to his store, which
74 prohibited the traffic traveling to the west from turning into his property/store. He said now,
75 instead of getting traffic from both the west and the east, he gets traffic from west to east only, as
76 the others cannot turn into his property. He said that took his sales down 15%. He said he sells
77 beer on Sundays in this store [in Logan], as well his other stores in Logan. He said Sunday beer
78 sales at that store are 19% of his total beer sales, and that Sunday is his largest beer sales day of
79 the week. He said if the beer sales were eliminated, it would not stop the beer sales, it would
80 merely transfer them a few blocks down the road to the next store that is not in North Logan. He
81 also said that that piece of property paid over \$53K in property taxes last year. He said that is
82 just one of his tax bills, and if this is taken away from him, it reduces his ability to remain solvent.
83 He said he would hope that North Logan City decides that they want to be business-friendly and
84 that they can work as partners with him, and have it be profitable for everyone.

85 Roger Anderson asked Mr. Bessinger if Logan City restricted the times of day in which beer can
86 be sold, and Mr. Bessinger said they did not, and explained how this makes things much easier.
87 He said if that was done, the consumer would just go to another store nearby, and the taxes
88 would then be collected by Logan and not North Logan.

89 Nancy Potter said that personally, she does not have a problem with this; that it is not illegal; and
90 that the state says beer can be sold on Sundays. She says it is allowed in Logan City; that Mr.
91 Bessinger's store is being moved into North Logan City because of the boundary change; and
92 that we do want to be business-friendly. She said therefore, she would hope that the council
93 supports this.

94

95 *Nancy Potter made a motion to adopt ordinance 13-06. Roger Anderson seconded the motion.*

96

97 Damon Cann said this is a really tough issue for him personally. He said he spoke to someone in
98 law enforcement involved with Logan City who he asked in detail what may have changed when
99 Logan City switched from not allowing Sunday alcohol sales, to allowing it; and Damon said that
100 he told him that there was really no change at all, including no increases in DUIs. Damon said if
101 Logan City was currently not allowing Sunday alcohol sales, he would be strongly inclined not to
102 vote in favor of this. He said he did not see this as being an effective policy at curbing access
103 and consumption, when people can go a little ways down the road and still get access to it. He
104 said if we vote in favor of this, he would call for very vigorous enforcement of alcohol policies, and
105 commented further.

106 Mayor Berentzen said if the vote comes to a tie, he would vote against it. He said statistically, it
107 is very well proven that access increases the amount of binge drinking, and that there are studies
108 that show that. He said the council needed to recognize that they would not just be opening this
109 up for one store; that it would also allow this for all three stores [that sell alcohol in North Logan
110 City]. He said this is a very significant decision. He said he thinks this is an issue that crosses
111 boundaries into other issues that he said he feels strongly about, and said he thinks this is a
112 public health issue. He said he does not think this is an effort to be unfriendly towards
113 businesses; and that that is what makes this decision difficult because he has sympathy for the

114 business being discussed.

115 John Bailey commented on this and said he would be interested in reviewing the data; and said
116 he has wrestled with the issue of having beer sales for consumption off-premise at all; and from a
117 public health and safety standpoint, he would like more information, whether it made a difference
118 one way or another, and commented further.

119 A representative from the Bear River Health Department, who said he is the substance abuse
120 prevention coordinator there, said there is very limited research on single-day beer sales versus
121 "alcohol outlet densities". He said there are three studies that demonstrate that there are no
122 positive outcomes. He said increasing alcohol availability is not beneficial to a community
123 financially or for public health reasons. He said there is more research that shows that allowing
124 alcohol sales beyond 1:00 a.m. to 2:00 a.m. reflects adverse effects on a community, even within
125 that single hour.

126 Damon suggested temporarily granting permission on this for six months, and then revisiting it
127 and determining what to do, based on the data that comes in.

128 Mr. Bessinger explained again how this would adversely affect him, and that he would not be able
129 to run his store, nor be able to sell his store if those sales were not allowed from this location.

130 Mayor Berentzen discussed this with Mr. Bessinger. He said this is not personal, and reiterated
131 his feelings that this is a public health issue, regardless of how responsible a retailer is.

132 The council continued their discussion.

133

134 *A vote was called and the motion passed with Roger Anderson, Nancy Potter, Damon Cann*
135 *voting in favor, and John Bailey abstaining from voting.*

136

137 Consider two resolutions relating to the General Plan – the first amending the layout of the North
138 Logan City General Plan and the second amending the Community Element of the Plan.

139 Mayor Berentzen briefly introduced the item.

140

141 *Nancy Potter made a motion to adopt resolution 13-11 amending the community element.*

142 *Damon Cann seconded the motion.*

143 *Damon Cann made a friendly amendment to take the word "progressive" on page two, section C,*
144 *last sentence of the second paragraph, and change it to the word "vibrant". Nancy Potter agreed*
145 *to the amendment. A vote was called and the motion passed unanimously with Roger Anderson,*
146 *Damon Cann, John Bailey and Nancy Potter voting in favor.*

147

148 Damon commented on some of the changes made to the General Plan Element and said he
149 reviewed the document more closely and discussed it with Cordell, and said his issues have been
150 resolved. He said there are some things he would change, but that he realizes that is not what is
151 being done at this point, and commented further. He said he would be willing to vote on the
152 format change occurring at this point, contingent upon the document and each of its elements
153 being reviewed in their entirety in the near future, and suggested that a workshop be held with
154 both the City Council and Planning Commission together, to discuss it.

155

156 *Damon Cann made a motion to adopt 13-12 amending the layout of the General Plan. Roger*
157 *Anderson seconded the motion. A vote was called and the motion passed unanimously with*
158 *Roger Anderson, Damon Cann, John Bailey and Nancy Potter voting in favor.*

159

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

161 Chief Kim Hawkes gave an update on the construction of the police building.

162 Chief Hawkes reported on an incident that occurred in the City in which someone had shot a
163 large buck deer, likely with an arrow, illegally within the City limits. He explained that tragically,
164 this deer was wounded substantially but had survived for several weeks before it was finally
165 captured and put down, due to its horrendous condition. He said what happened was an atrocity,
166 and that it was sad to see the length in which this deer had to go in its suffering.

167

168 Mayor Berentzen mentioned that Rocky Mountain Power has approached the City regarding
169 possibly helping the City with energy savings and conservation items for the new police building;

170 and said we need to follow up with them.

171

172 Alan Luce reminded the council about the City-wide day of Service taking place on Saturday,
173 September 28th.

174

175 Scott Bennett reminded the candidates that they need to have their newsletter article in by Friday
176 [September 6th] if they want to have information about themselves in there. He said they just
177 need to do a 200 word paragraph, with a photo, like we did two years ago.

178 He also mentioned that the potential dates for the "Meet the Candidates" night is either going to
179 be Wednesday, October 9th or Thursday, October 10th, and that he needed information from the
180 candidates on their availability. John said he could do either one, but preferred the 10th.

181

182 John Bailey said he has received questions about the property on 1900 North just above 800
183 East and have had complaints about why the City has not been stronger with the property owner
184 to keep the property in better repair. This was discussed briefly and Chief Hawkes said he would
185 look into it.

186 John said Cache County has adopted some kind of water conservation policy and said he thought
187 it would be a good idea for the City to show support for that, possibly with a resolution expressing
188 our intent to consider that and have that same kind of approach. Mayor Berentzen suggested
189 getting a copy of that to review and perhaps adopt something formally at our next meeting. John
190 recommended going even beyond that and the council having a formal conversation to discuss
191 long-range water planning. This was discussed briefly.

192 John referred to a local business going out of business in town; and said he wanted to reiterate
193 our need to make sure we have a specific plan for promoting local businesses, both the chains
194 and the "mom and pop" places.

195 John mentioned the item removed from the agenda regarding Beck's Lane and the emergency
196 access through the cemetery to the Wildercrest Subdivision; and Jeff explained that it was not on
197 the agenda because Kristen Anderson wanted to be here when it was discussed, therefore it was
198 to be moved to a future meeting. Mayor Berentzen explained that originally, this was going to be
199 handled with a neighborhood meeting, but that Kristen suggested that it might be better handled
200 during a City Council meeting, and explained further.

201 John asked about people wanting to have items on the agenda for discussion; which Jeff
202 explained and said it is easy to get on the agenda for normal issues but for those things out of the
203 ordinary, he asks that citizens get someone on the council to "sponsor" their issue to get it on an
204 agenda.

205 John referred to off-premises beer permits, and asked how North Logan City came to allowing the
206 number "two". Mayor Berentzen explained the history of the situation and said the number was
207 chosen many years ago because that was the current number of places that sold beer at the
208 time. Mayor Berentzen said the council can revisit this any time; and said he believed Logan City
209 adopted an ordinance which no longer puts a restriction on the number of permitted licenses.
210 This was discussed further. Jeff explained the situation for liquor licenses [i.e., for consumption
211 on premises like with restaurants] versus convenient stores (consumption off premises); and
212 commented that it is likely more deleterious when alcoholic beverages are distributed through a
213 convenient store situation, where there is no control once the alcohol leaves the premises. He
214 said North Logan City actually has a pretty conservative number, and commented further, and
215 that "two" licenses were essentially chosen because that is how many outlets there were at the
216 time; and that it was left at that so any future requests could be dealt with on a case-by-case
217 basis. This was discussed further. Damon said he does not want the limit on beer licenses to be
218 any more than two.

219

220 Roger Anderson asked about information for the City of Leagues and Towns, which Jeff
221 explained and said information was put into their [City] boxes, and is also on-line.

222 Roger mentioned the issue with the Wildercrest subdivision and the comments he has heard
223 about a verbal "promise" that no one else would be allowed to use that lane. Mayor Berentzen
224 explained the issue as it stands currently, and said he is attempting to discuss this personally with
225 the neighbors there to best understand the situation. This was discussed further, briefly.

226

227 Nancy Potter said she met with George Humbert who said he would like Alan Luce to email him
228 because Mr. Humbert would like to donate money again for the Pumpkin Walk this year from
229 Rocky Mountain Power.

230

231 Mayor Berentzen said he will not be in attendance to the next meeting and asked Nancy Potter to
232 run the meeting, which she agreed to do.

233

234

235 *Nancy Potter made a motion to adjourn the meeting. John Bailey seconded the motion. A vote*
236 *was called and the motion passed unanimously with Nancy Potter, John Bailey, Roger Anderson*
237 *and Damon Cann voting in favor.*

238

239 The meeting adjourned at: 7:40 p.m.

240

241 Approved by City Council:

October 2, 2013

242

243 Transcribed by Marie Wilhelm

244

245 Recorded by

246



Scott Bennett/City Recorder