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**Minutes of the North Logan City
City Council
Held on October 8, 2014
At the North Logan City Library, North Logan, Utah**

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

Council members present were: Kristen Anderson, Roger Anderson, Damon Cann, John Bailey and Nancy Potter. (Mayor Berentzen had to leave the meeting at 8:15 p.m., as noted below.)

Others present were: Carlos Anderson, Daren Swasey, Karl Weeks, Devin Weeks, Jon Keller, Jacob Bills, Blaine Bills, Mardell Parrish, Joseph Diaz, H_____ (illegible), Adam Winger, Clay Carter, Alan Luce, Cordell Batt, Lydia Embry, Kim Hawkes, Scott Bennett, Lance Anderson, Jeff Jorgensen and Marie Wilhelm.

The Pledge of Allegiance was led by Kristen Anderson.

An invocation was given by Damon Cann.

Adoption of Agenda

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

Approval and Follow-up of Minutes of the following City Council Meetings:

August 27, 2014 City Council Meeting

August 27, 2014 City Council Closed Session Meeting

September 3, 2014 City Council Meeting

All minutes for the above listed meetings were approved as presented.

Follow-up

Nothing at this time.

Review of Action Items

Jeff Jorgensen reviewed the action items list with the council.

John Bailey asked about the item regarding economic development and Jeff explained the most recent discussions with the council regarding this. Mayor Berentzen also discussed some possibilities to pursue. John said he wants the council to continue looking into this. Jeff discussed some information he had given to the council. Mayor Berentzen discussed someone he was in touch with who is going to give the City a proposal, and commented further. The council discussed this further.

New Business

Consider the Development Plan and Preliminary Plat for the Terra Port Commons Industrial Subdivision (5 lots) located at 500 West 2500 North, North Logan.

Cordell Batt presented the situation, and mentioned that the City Council had reviewed the concept plan for this with its old name. He reviewed the staff report and detailed the various reports and studies required, and more. He said the developer submitted everything required of them; including meeting with UDOT, as this is on a UDOT highway. He discussed the situation with the private road going into this industrial subdivision and explained the situation further; and also said that the City has approved industrial subdivisions on private roads before. He said staff wants the developer to put easements between the lots for utilities on the plat, which is not currently listed. Mayor Berentzen asked if that should be put in the motion, which Cordell said should be done. Cordell said that staff is recommending approval for this.

Cordell addressed various other questions from the council. Nancy Potter asked about wetlands and the water table, which Cordell explained.

58

59 *Nancy Potter made a motion to approve the development plan and preliminary plat for this*
60 *subdivision, with the public works comments and the notes about the easements to be included*
61 *on the plat. Damon Cann seconded the motion. A vote was called and the motion passed*
62 *unanimously with Kristen Anderson, Roger Anderson, Damon Cann, John Bailey and Nancy*
63 *Potter voting in favor.*

64

65 Discuss draft ordinance relating to urban deer herd control.

66 Kim Hawkes presented the draft ordinance on urban deer herd control and discussed some of the
67 changes and updates since the last discussion with council. He further explained the situation.

68 Damon Cann asked how long DWR would typically take to pick up a deer that had been caught in
69 a trap; and Chief Hawkes said they would be available the day of [the incident] to pick up the
70 deer, according to the trapping schedule. Chief Hawkes confirmed a question from Damon Cann:
71 that approximately half of deer that are trapped and relocated die. John Bailey said that is why
72 he wants to explore the potential of trapping and euthanizing the deer; which Chief Hawkes
73 explained could potentially happen next year, but definitely not this year.

74 Chief Hawkes addressed various additional questions from the council.

75 Jeff Jorgensen reviewed the ordinance with the council and explained the approval process
76 moving forward. He also detailed the requirements for the fencing. He addressed various items
77 and questions with the council, including John's concerns about the wording regarding the fence
78 type as it relates to galvanized steel mesh as opposed to vinyl fencing, which John said is what is
79 typically marketed on-line and in home improvement centers. John said it should be clear in the
80 ordinance that vinyl is also allowed, which was discussed further with Jeff. Jeff said he would
81 work on the wording of this item.

82 Mayor Berentzen expressed his concern about having such high fences, which essentially
83 alienates properties from one another.

84 The council continued their conversation.

85 John commented that he does not feel that the fencing and feeding requirements in the ordinance
86 will do anything to reduce the deer herd. He said he thinks the non-feeding item will only
87 redistribute the urban herd to wherever the food is; and said he feels the fencing will do the same
88 thing, and not do anything to actually reduce the herd, but just redistribute them.

89 Jeff commented that this will at least allow people to fence the deer out of their yard if they
90 choose to; and that it also helps to regulate people who feed deer foods they shouldn't be eating,
91 and commented further.

92 John said he also has serious question about whether the trapping and relocation will have the
93 impact on the urban herd. He said while he is in support of this, he does not feel that this will
94 impact the *urban* herd; which is the herd that is here in the summer and not in the winter time.
95 Chief Hawkes commented on this and expressed how he thinks this will, in fact, be effective.

96 John said he is excited about the ordinance and that while it is not perfect, he said he thinks it is a
97 healthy start, and is glad to see it going forward.

98

99 Continue discussions regarding a secondary water system for the east bench, above the upper
100 canal.

100

101 Mardell Parrish presented the situation with his water system and gave an update on the current
102 status of his project in Canyon Gates. He said that water has been in place and available all
103 year. He said that the headgate is in and stubbed off and they are waiting for the go ahead on
104 phase 1 so they can finish the pump station at Canyon Ridge and run the pipe. He further
105 explained, at length, the main requirements that he says they fulfilled, per the City's request. He
106 requested that they could start installing pipe on the first 92 homes based on the report done by
107 Sunrise Engineering.

108

108 Nancy Potter asked where the 92 homes are located; and Mardell said they are in Canyon Ridge,
109 and explained further.

109

110 Nancy asked if all of these 92 residents are willing to allow Mardell to go through their properties,
111 and asked if they are all requesting to be on secondary water.

111

112 Mardell said he is not asking to go in any of the residents' properties; that he is asking to go in
113 public easements along the back corridors. He said he guessed they are also asking, though, to

112

113

114 go through the easements down to their house to stub them off. He said 99% of the pipeline will
115 go in through the public easements, and not within the property limits. He said when they go
116 along the property line, they will stub over two or three feet, approximately one to two feet into the
117 property; they [the resident] will designate where they want that stub-off. He said that then, would
118 give them the option of subscribing for secondary water; and said it is totally optional.

119 Mayor Berentzen discussed the situation with Mardell and the potential for other possibilities.
120 Mardell further explained his plan and intentions, at length.

121 The council asked various questions of Mardell. Kristen Anderson asked how his water service
122 will be less expensive. He said his is a lot less per gallon than other new systems, and half of
123 what they are paying for City water. He said he doesn't think there are many homeowners, who
124 *won't* want to buy into this. Per a question from Kristen, Mardell explained how he will determine
125 his rate structure.

126 The council's conversation with Mardell continued.

127 Roger Anderson referred to the water shares that Mardell said some of which he owns, and some
128 he leases; and asked how long Mardell is allowed to lease those shares. Roger commented
129 further and said the concern would be if a lot of people sign up for water, and Mardell then loses
130 the lease. Mardell said that he does not lease any water from the state. He said all of the water
131 is owned by the state. He said there are individuals who have water shares, and *they* lease it.
132 He said he can't move ahead and buy water shares if he doesn't know if he can even deliver to
133 these 92 people. He said he has already bought some water shares, and already has other water
134 shares which are on loan and on lease; and has enough water for approximately 250 homes that
135 he can lease and get water to these places. He said that part of his contractual agreement is that
136 he will guarantee that they [the residents] do not lose money; so that if it comes to the point
137 where he cannot furnish water to them, and they put more into the system than they have saved;
138 he said he will refund their connection fee. He said they will also know whether they are
139 operating on shares which he owns, or the company owns, or if it is leased water. He said the
140 first ones to sign up will be working on actual, owned shares. He said it comes in priority and that
141 those who sign up later will be working on leased shares. He said there is plenty of water for
142 lease; that it is the delivery that they are limited on. He commented further.

143 Mayor Berentzen said he would like more involvement from the homeowners.

144 John Bailey said he would like to have more extensive input or feelings from homeowners, and
145 referred to Mardell's comment that he has spoken to five or six of the homeowners, who Mardell
146 said are in favor of it.

147 Jeff recommended having each of the City Council members come in to have Jeff explain the
148 situation further to them and discuss some of the finer points on this issue, on a one-on-one
149 basis, before this gets approved.

150 John said he would like more input than from just "five or six" homeowners, and commented
151 further. John and Mayor Berentzen briefly discussed how to get the information to the residents.

152 Mardell questioned the soundness of "stirring up" all of these people over offering secondary
153 water to them. Mayor Berentzen said he definitely wants to make sure the residents know exactly
154 what would be taking place.

155 Jeff referred to Mardell's comment about the majority of the lines going on public land; and Jeff
156 said 90% of them will be in people's backyards in a utility easement. He said the City has some
157 responsibility when it allows the placement of things under the banner of being a utility, which is
158 part of the concern. He commented further about the potential invasiveness this could be to
159 homeowners.

160 Jeff and the Mayor said there are more questions to be answered before the council can approve
161 this. Mayor Berentzen said he would encourage the council to get as much information and input
162 with the residents who will be affected by this.

163 Kristen Anderson agreed to wait on approval. She said she does think it would be beneficial for
164 homes that could not previously get secondary water, to be able to have it available; but said she
165 still does have several questions.

166 The council discussed having another meeting.

167 Mardell expressed his frustration at not moving ahead with this now, as he said the engineering
168 study has been done since January. He said it is important for them to move ahead, or they are

169 going to lose their water rights, because they cannot hold them indefinitely.
170 Mayor Berentzen recommended that the council meet with Jeff, as well as having them contact
171 Mardell directly to have some of their questions answered. Mayor Berentzen said he feels there
172 should be input from the residents impacted by this issue.
173 Mardell asked if he could be privy to the meetings between the council and Jeff, which Mayor
174 Berentzen said would be fine.
175 John said he has heard "grapevine" information that there are complaints from property owners
176 who are expecting certain things from Mardell's water system [in Canyon Gates], and have
177 significant dissatisfaction; and said he is hesitant to move on this until he has more information.
178 Mayor Berentzen said he would like to invite people who might receive this service, as well as
179 those who have had experience with this, to a meeting to really vet this system out.
180 Mardell commented further and defended his system and processes, as well as detailing the
181 billing calculations, at length.
182 Mayor Berentzen said we will make sure questions are answered from an engineering standpoint
183 for the City; would welcome anyone to talk to Mardell, including having him in the meetings with
184 the council and Jeff; and, to also do something for the residents to give them a chance to give
185 input.
186 Damon Cann said if we are going to allow Mardell to go trenching in 92 homes; we need to make
187 sure that there are no unresolved issues.
188 The council's conversation with Mardell continued.
189
190 Consider approval of a resolution adopting changes to the FY2015 municipal budget.
191 Jeff Jorgensen explained the resolution, and said there was one change regarding a grant that
192 Chief Kim Hawkes would explain; which Chief Hawkes did.
193 Jeff addressed various questions from the council, as did Adam Winger regarding an item for the
194 library renovation.
195 Per a question from Nancy Potter, Alan Luce and Jeff explained the continued costs for the
196 equestrian area.
197
198 *Kristen Anderson made a motion to adopt the resolution to the budget. John Bailey seconded the*
199 *motion. A vote was called and the motion passed unanimously with Kristen Anderson, Roger*
200 *Anderson, Damon Cann, John Bailey and Nancy Potter voting in favor.*
201
202 Discuss drafts of agreements relating to the land for the new high school and regional park to be
203 constructed near the ice center and the conversion of County owned Land and Water
204 Conservation Fund property in that area.
205 Lance Anderson discussed the different drafts for land associated with the new high school and
206 park, and addressed various questions from the council.
207 The conversation continued and Mayor Berentzen discussed what should be included and how
208 this should move forward. He asked if this is a "living agreement", i.e., changes would still be
209 able to be made, as necessary.
210 Alan Luce commented on this also. He said the agreement looks good, but said he had similar
211 concerns, and would like to have some openness to be able to adjust it, at least after a certain
212 amount of time; and commented further.
213 The agreement was further discussed at length, and Damon Cann expressed that he did not feel
214 he was getting enough of the level of detail he wanted for him to be able to make a good
215 decision, and commented further.
216 *Mayor Berentzen had to leave at this time, 8:15 p.m.*
217 Lance discussed his county council meeting the following week.
218
219 *Damon Cann made a motion to make Nancy Potter Mayor Pro Tem for remainder of meeting.*
220 *John Bailey seconded the motion. A vote was called and the motion passed unanimously with*
221 *Kristen Anderson, Roger Anderson, Damon Cann, John Bailey and Nancy Potter voting in favor.*
222
223

224 Reports from city officers, boards, and committees

225 Jon Keller reminded the council of the Fire Prevention Night event behind held the following
226 evening, taking place at the fire station at 6:30, and explained the event further.

227
228 Alan Luce explained the various "pumpkin" events coming up, including the Pumpkin Run, and
229 the Pumpkin Walk. He also mentioned that the Pumpkin Toss event on November 1st, and
230 explained further.

231
232 Adam Winger said he worked out an agreement with Smithfield City for selling some of the library
233 shelving to them, which he said would help with our renovation process; and said there will be
234 additional deals for more of the shelving.

235
236 Scott Bennett said that elections had started, and there is a box in the North Logan City offices in
237 which citizens can drop in their mail-in ballots. He explained this further, briefly.

238
239 Damon Cann asked about the chip seal on 2200 North and whether there would be a top coat
240 seal done; which Alan Luce explained that the contractor said would not be necessary. Per a
241 question from Damon, Alan confirmed that it saved money to have it done this way.

242
243 John Bailey asked if the council could get a fresh copy of the deer ordinance, which would include
244 all of the changes discussed, to which Nancy concurred. Jeff said he would send one out after
245 the Planning Commission reviews it, and after he included the changes he needed to make.

246
247 Executive session to discuss pending litigation.

248 *John Bailey made a motion to close the meeting and move into Executive Session for the*
249 *purpose of discussing the acquisition of real property. Damon Cann seconded the motion. A*
250 *vote was called and the motion passed unanimously with Nancy Potter, John Bailey, Roger*
251 *Anderson, Damon Cann and Kristen Anderson voting in favor. This occurred at 8:26 p.m.*

252
253 Minutes for this portion of the meeting are written under separate cover.

254
255 *Damon Cann made a motion to open the meeting and move out of Executive Session and return*
256 *to the regular City Council meeting. John Bailey seconded the motion. A vote was called and the*
257 *motion passed unanimously with Nancy Potter, John Bailey, Roger Anderson, Damon Cann and*
258 *Kristen Anderson voting in favor. This occurred at 9:08 p.m.*

259
260 Consider approval of documentation regarding the approval of the Center Field Subdivision.

261 *Damon Cann made a motion to approve the Findings of Fact document on the appeal related to*
262 *the Center Field Subdivision. John Bailey seconded the motion. A vote was called and the*
263 *motion passed with Roger Anderson, Damon Cann, John Bailey and Nancy Potter voting in favor.*
264 *Kristen Anderson recused herself from this motion.*

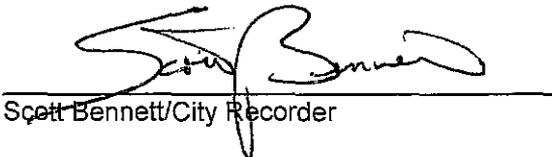
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267 *Damon Cann made a motion to adjourn the meeting. John Bailey seconded the motion. A vote*
268 *was called and the motion passed unanimously with Nancy Potter, John Bailey, Roger Anderson,*
269 *Damon Cann and Kristen Anderson voting in favor.*

270
271 The meeting adjourned at: 9:09 p.m.

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273
274 Approved by City Council: November 12, 2014

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277 Transcribed by Marie Wilhelm

278
279 Recorded by

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281 
Scott Bennett/City Recorder