

1 **Minutes of the North Logan City**
2 **City Council**
3 **Held on May 13, 2015**
4 **At the North Logan City Library, North Logan, Utah**
5
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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, Damon Cann and
11 Kristen Anderson. (Kristen Anderson and John Bailey arrived at 6:52 p.m. and 6:56 p.m.,
12 respectively).
13

14 Others present were: Carolyn & Lynn Krebs, Bruce Lee, Steven Cox, Karen R. Malechek, Bob
15 Oaks, Jon Keller, Joshua Campbell, Dan Cox, Raquel Bushman, Jacob Norlund, Thomas Clark,
16 Robert & Linda Burt, Barbara Middleton, Lance Anderson, Kim Hawkes, Alan Luce, Lydia Embry,
17 Scott Bennett, Cordell Batt and Marie Wilhelm. (Jeff Jorgensen was excused from this meeting).
18

19 The Pledge of Allegiance was led by Roger Anderson.
20 An invocation was given by Damon Cann.
21

22 **Adoption of Agenda**

23 *Damon Cann made a motion to adopt the agenda as presented. Roger Anderson seconded the*
24 *motion. A vote was called and the motion passed unanimously with Nancy Potter, Roger*
25 *Anderson and Damon Cann voting in favor.*
26

27 **Approval and Follow-up of Minutes of February 25, 2014 City Council Meeting, Regular and**
28 **Executive (Closed) Session**

29 These minutes were approved as presented.
30

31 **New Business**

32 **6:35 Public Hearing** to receive public input on a proposed ordinance modifying certain
33 regulations relating to the transfer of real property to and from the city. Following the public
34 hearing the council may consider adopting the ordinance.

35 Alan Luce explained the purpose of this ordinance and the modifications made to the City's
36 previous regulations for the transfer of property. He explained that the City has acquired a large
37 amount of properties, acquired through different subdivision methods as well as by other means;
38 and these pieces have become difficult and costly for the City to maintain. He explained further,
39 including what the requirements would be in the future when land is donated to the City. He said
40 this ordinance is the City's attempt to address this. He said this is the current draft that was
41 brought before the City Council approximately a year ago, which now addresses the questions
42 brought up at that time; and has also been reviewed by the City Attorney, who submitted his
43 comments; and this draft has also received a positive recommendation from the Planning
44 Commission. Alan addressed minor questions from the council.
45

46 *Mayor Berentzen opened the public hearing at 6:40 p.m.*
47

48 Lydia Embry presented her comments and questions on this, including an item related to the
49 donation of land to the park, also requiring to have associated water rights with it; and said she
50 suggests that this is a "taking", particularly by using the term "perpetuity".
51

52 *As there were no further public comments Mayor Berentzen closed the public hearing at 6:51*
53 *p.m.*
54

55 Damon Cann commented on Lydia's statement regarding "taking", and said he feels that it is
56 clear that the purpose of this ordinance is to *not* allow anything to be taken from anyone; and said
57 he feels that is not a fair comment, in that this ordinance does not suggest anything like that, and
58 explained further. He said there is also nothing in this ordinance that states that the City is
59 requiring anyone to donate land to the City.

60 *Kristen Anderson arrived at this time 6:52 p.m.*

61 Damon commented further on that, and also had various questions, comments and modifications,
62 which Alan Luce addressed, and took note of.

63 Alan addressed other various questions. Alan also discussed that there are some homes that
64 have secondary water east of the canal that is being pumped up, which was discussed briefly.

65 *John Bailey arrived at this time, 6:56 p.m.*

66 Damon recommended adding language in relation to the cost of water conservation practices,
67 which he said will help us avoid having to accept a large piece of land in the future, if there is a
68 watering issue in maintaining that land as a park.

69 The council discussed how to proceed.

70 Kristen Anderson said she would like to wait for a future meeting before approving this, to be able
71 to review it in its changed form. Mayor Berentzen said he agreed with Damon's points and
72 agreed with postponing it until the next meeting.

73

74 Consider the Concept Plan for the Ashley Point Subdivision (12 Lots) on 5.02 acres located at
75 approximately 2650 North and 600 East in the proposed R-1-12 zone.

76 Cordell Batt reviewed the situation for this concept plan. He oriented those in attendance to the
77 site via an overhead, projected map of the site; and said that the road is tied into Hyde Park's 50
78 East Road to the north; and that the future 600 East will be to the south, and will tie into 2500
79 North. He said they are proposing twelve lots for this site, which is on five acres; and further
80 discussed the road improvements for this subdivision including the need for a cul-de-sac in order
81 to have access to all the lots. He said until 600 East is improved, the access to this subdivision
82 will be from Hyde Park. He said this piece is currently situated within Cache County; but North
83 Logan City is going through the process of annexation, and explained further. He said the
84 Planning Commission has reviewed this; and further discussed some of the studies that staff is
85 requiring in this situation. He further described the road development, briefly. He said because
86 of some complications when Aspen Meadows went in, staff is proposing a different profile for this
87 road, which he further explained, and said that will be something the council has to consider. He
88 said staff is recommending that the City Council not give approval until the annexation process is
89 completed; but that they still wanted to give this plan to the council for their review.

90 Damon Cann said the plan looks good to him, and asked about a parcel, that Cordell explained
91 that currently has a cell tower on it, and will be annexed in.

92 Dan Cox said the annexation process has begun, with notices being sent out. He said he was
93 under the impression that the concept was being submitted tonight, but that the preliminary plat
94 couldn't get final approval until annexation is done.

95 Mayor Berentzen said the City has to see more take place, including the annexation, before the
96 plan gets approved.

97 The discussion continued on this.

98 Damon Cann expressed his support of the project.

99 Cordell said that one of the things staff is requiring of the developer is to have a trail along the
100 canal, and commented further.

101 Kristen Anderson discussed the issue with the lack of access to subdivisions, which has been
102 frustrating to those residents who live there; and said that is something that needs to be
103 considered here, and commented further.

104 John Bailey agreed, and commented further on the issues that can exist with cul-de-sacs. He
105 asked whether the Planning Commission is addressing this from a long-range standpoint,
106 specifically moving away from cul-de-sacs, and moving towards connect-ability.

107 Cordell said the Planning Commission has been careful about planning that way, but that some
108 pieces of land make that very difficult to develop, and explained further.

109 Nancy Potter said there are a lot of public works comments and there are a lot of things that need
110 to be worked out; and said she agreed that we need to wait for the annexation to happen before
111 approval takes place.

112

113 Consider the Concept Plan for the Elk Meadows Farm Subdivision (12 Lots) on 9.25 acres
114 located at approximately 2470 and 1200 East. The plan would be contingent on a re-zone of the

115 area to the R-1-30 zone. Approval of the associated re-zone request will not be on this agenda
116 awaiting a public hearing with the Planning Commission and their recommendation.
117 Mayor Berentzen commented that the rezone process needs to be addressed prior to an approval
118 taking place for this; but that it would still be beneficial for the City Council to hear the
119 presentation on this.

120 Cordell Batt introduced the project and said this is just north of the Elk Ridge Subdivision, and
121 further oriented those in attendance to the site via an overhead, project map of the site, including
122 how it lays out in relation to the Curtis development, [aka Elk Ridge East], and said this project
123 will also develop the continuation of 1200 East all the way through to 2500 North. He asked the
124 developer, Josh Campbell, to explain his plans for this site.

125 Josh Campbell explained his family's desire to live in North Logan, as well as wanting to keep
126 their project consistent with adjacent development. He explained that in laying out his project,
127 they realized they were going to need to do a rezone; and also discussed some nearby spot
128 zoning similar to what is being asked for here. He further discussed his discussion with Cordell
129 Batt and how they determined that rezoning would be the best option for this project.

130 Cordell mentioned that this proposal will not work unless a rezone is done. He also said they
131 worked through several options, and this seemed to be the best option for the developer, as well
132 as the City, including the fact that it will complete 1200 East as part of this development; as well
133 as the completion of 2500 North, and around the corner to 1250 East. Cordell detailed which
134 studies they will be requiring the developer to do, as listed in the staff report; in addition to
135 requiring that any secondary water associated with this be split up, and noted on the plat. He
136 said the Planning Commission reviewed this and gave a positive recommendation to the City
137 Council on this as presented, contingent upon the rezone of this property to R-1-30 being
138 approved. He mentioned that R-1-30 is the zone closest to RE1, and is ¼-acre zoning; and
139 further explained that most of the subdivisions that he has worked with since working with North
140 Logan City have either been ¼-acre zoning, or have been rezoned.

141 Mayor Berentzen asked the council to give Mr. Campbell any comments so that he would know
142 what their thoughts are for him in moving forward.

143 Mayor Berentzen said there has been a considerable amount of concern in the rezone of the
144 area; not just for this particular property, but with a prior development, which he further explained;
145 including that a rezone was denied for that project, and the bonus density option used, with land
146 going towards enlarging the park, and commented further.

147 Mayor Berentzen asked the council to give Mr. Campbell their feedback.

148 Nancy Potter said she has received a lot of calls and emails from people concerned that this is
149 even being considered prior to a public hearing happening with the Planning Commission. She
150 said she is not willing to give her opinion until it has gone through the proper channels.

151 Damon Cann said he is reluctant to do the rezone, particularly as the council had received a
152 request to rezone the previous project that is adjacent to this one, and that rezone request was
153 denied; and said he would not feel right about then rezoning this piece. He also said that this is
154 one of the few areas in North Logan that works best for larger lots, and feels protective in keeping
155 it that way, and commented further.

156 Kristen Anderson agreed with Damon Cann; and explained how she thought that using the bonus
157 determinate might work in order to maintain the rural character of this particular area; and said
158 she is also more inclined to maintain the current zoning as it is.

159 Mr. Campbell mentioned that on 2500 North, on the other side of the street, there are three
160 homes that are each on approximately a half of an acre; and then there are some .6 acre lots that
161 go progressively smaller to ½ acre; and then in Elk Ridge East, the lots are .48 acres, and
162 commented further. He also discussed that trying to use the bonus density method would make
163 the "prime lots" unusable, because of the way the road lays out. He commented further.

164 The discussion continued.

165 Cordell discussed the zoning in the area, and said that as people want to develop this area, there
166 will continue to be people who will want to change it to smaller zoning.

167 Mayor Berentzen asked why, once a property has been developed, it would be zoned smaller.
168 Cordell said it probably wouldn't, and explained further.

169 The discussion continued. No action was taken on the issue.
170

171 Discuss and consider staff recommendations and concerns related to allowing the development
172 of only a portion of the second phase of Canyon Gates Subdivision.
173 Mayor Berentzen discussed the situation and said the developers would like to do a "lesser
174 portion", which would not complete 2300 North.

175 Cordell Batt used a projected map showing which parts have been completed, and where the
176 roads are, and which part they want to develop. He said they are only proposing to do a few lots;
177 and said because of the grading of the materials that have been hauled out, there is concern
178 about whether there are enough materials left in there, or if they can obtain some to completely
179 finish 2300 North when the time comes. He said staff discussed with the developers how they
180 were planning on completing that corner, and how they were going to work out the issues with
181 this site. He said that Jeff Jorgensen's biggest issue is now how the grading is going to work for
182 Phase II, rather than just the north part of it, at this point, and commented further.

183 Mayor Berentzen said the grading is the largest issue, and if the development of this phase is
184 split, there may be less motivation to finish the road.

185 Cordell also said they are now infringing on the flood plain; and they will have to go to FEMA and
186 show them their proposed stormwater and flood plain plan when they get initial approval, which
187 they have not done yet; which Cordell said Jeff is concerned about.

188 Alan Luce said their next phase will include completing the portion of 2300 North that is below the
189 canal, and said one of their primary concerns is grading, and part of that is flood plain. He
190 explained that with their current proposal, two of the lots infringe upon the flood plain; and by
191 putting in 2300 North, they infringe upon it further. He said they need to get approval from the
192 Army Corps of Engineers as well as FEMA to be able to build this next phase of the subdivision.
193 He also explained that the original intent of putting in Phase II with 2300 North was to provide the
194 second access, which they need in order to add any more lots to the subdivision, which is the
195 second great concern, and explained further. He reiterated that Jeff's major concern is the
196 grading, and said it is staff's recommendation that they develop all of Phase II as they've outlined,
197 including 2300 North; along with having every clarification through FEMA that it is okay to put in
198 that portion of the subdivision.

199 John Bailey asked if they are currently removing material from the area they are not authorized to
200 use; and if they keep doing that, asked whether they are painting the City and themselves into a
201 corner, and commented further.

202 Alan said that was correct and explained that it is his understanding that they can remove gravel
203 out of either the lower, or the higher pit, and explained further. He said, however, they are
204 already at a deficit in the lower pit, and should not be hauling anything out of that one, but
205 currently are doing so. Mayor Berentzen said they are going to have to *add* to the lower pit to get
206 the grade up. This was discussed further.

207 Cordell said they haven't given us any information on the full phase, which is really what we need.
208 He said that he thinks Jeff wants the City Council's backing that the developers need to give us
209 what we are asking for, before we can move ahead. He said this would not typically need to
210 come before the City Council, because the developers are following a plan; but that this particular
211 development has some serious issues that the City needs information on, and commented
212 further.

213 The conversation continued.

214 Nancy Potter had a question about a detention pond vs. a retention pond, which Alan explained.

215 Cordell said the developers had an issue with the fact that they did not know that their subdivision
216 was on tonight's agenda for discussion, and were not happy that they could not be here to
217 represent themselves; but mentioned that they came by the City offices that day and Cordell was
218 able to sit down with them and discuss some of these issues.

219 Mayor Berentzen recommended postponing the discussion until the next meeting, so that the
220 developers can be in attendance at that meeting, and can hear the council's feedback.

221 Cordell said he felt that the developers would appreciate that; and Kristen Anderson said she was
222 in support of that.

223 The discussion continued, particularly on the continuing excavation of the lower pit, which the
224 developers say they are not doing; and Alan said they *are* in fact doing that, and have been
225 warned about it twice.

226 The council continued to discuss this.

227 Nancy reiterated the need for an additional access for this subdivision as it continues to grow.

228 Mayor Berentzen recommended not discussing this further. He asked Cordell to let the
229 developers know it will be on the next agenda.

230

231 Budget presentations by the Streets Department and the Utilities Department (Water and Sewer).

232 Water Department

233 Alan Luce presented the budget for the streets department, and addressed various questions
234 from the council. He also discussed updating the Water Master Plan in the future. Alan said the
235 well should be running approximately the first of June. He also mentioned the potential for doing
236 tiered water rates, which he explained briefly.

237

238 Sewer Department

239 Alan Luce explained the budget for the sewer department. He also discussed various costs,
240 including for some larger items in the future.

241 Logan's meter in relation to our system was discussed; and Mayor Berentzen discussed the
242 situation with Logan City and an upcoming meeting he will be attending with Logan City's Mayor
243 regarding an agreement with Logan City for the sewer system.

244

245 Streets Department

246 Alan Luce explained the budget for the streets department and briefly discussed revenues and
247 expenditures. He discussed the installation of LED lights, as well as a five-year plan. He
248 addressed various questions from the council.

249 He further discussed various needs and upcoming costs.

250 He continued to address the council's various questions.

251

252 Consider two agreements relating to the development of the Cache Recreational Complex 1) the
253 previously approved agreement among North Logan City, Hyde Park City, Cache County and the
254 Cache County School District regarding the Land and Water Conservation Act property owned by
255 Cache County with the proposed changes included and 2) consider approval of the associated
256 subdivision's development agreement.

257 Lance Anderson reviewed the documentation he gave to the council, including a trails map for
258 this area. He said his goal is that all of the cities will sign the agreements in June, and further
259 reviewed the agreements with the council. He discussed the comments and changes that were
260 included in the various agreements.

261 Lance addressed various questions from the council.

262

263 City Council meets as the North Logan Redevelopment Agency to re-consider a proposed
264 revision to the FY2015 RDA budget. Also discuss as the City Council and RDA the funding for
265 the water and sewer lines to be installed along 200 East.

266 *Damon Cann made a motion to adjourn the City Council meeting and convene to the meeting of*
267 *the North Logan Redevelopment Agency. Nancy Potter seconded the motion. A vote was called*
268 *and the motion passed unanimously with Nancy Potter, John Bailey, Roger Anderson, Damon*
269 *Cann and Kristen Anderson voting in favor. This occurred at 8:43 p.m.*

270

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

272

273 *Roger Anderson made a motion to adjourn the RDA meeting and return to the regular portion of*
274 *the City Council meeting. Kristen Anderson seconded the motion. A vote was called and the*
275 *motion passed unanimously with Nancy Potter, John Bailey, Roger Anderson, Damon Cann and*
276 *Kristen Anderson voting in favor. This occurred at 8:48 p.m.*

277

278 Consider approval of a resolution adopting the annual Self Assessment Report for the city's
279 Municipal Wastewater Planning Program.

280 Alan Luce explained the report to the City Council, and addressed their various minor questions.

281

282 *Damon Cann made a motion to adopt resolution 15-09. Nancy Potter seconded the motion. A*
283 *vote was called and the motion passed unanimously with Kristen Anderson, Roger Anderson,*
284 *Damon Cann, John Bailey and Nancy Potter voting in favor.*

285

286

Reports from city officers, boards, and committees

287

Chief Kim Hawkes explained a message that he received from The Four Seasons and discussed the parking issues they are having on 2200 North as well as 200 East. He said The Four Seasons is asking about the potential for having angled parking along 200 East, and explained further.

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The council discussed this with Chief Hawkes, including the fact that 200 East will become a main thoroughfare, and whether angled parking could be a problem in the future. Nancy Potter and Mayor Berentzen both commented on the fact that it might be best not to have parking along there at all; and the general consensus from the council was to not allow this, which Chief Hawkes said he would pass on to The Four Seasons.

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Mayor Berentzen asked Chief Kim Hawkes to explain the reason for having the three stop signs at 2300 North and 1200 East, which Chief Hawkes explained; the main need being to slow traffic down in order to allow pedestrian traffic to cross 1200 East safely into the park. This was discussed further, briefly.

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Alan Luce mentioned the Memorial Day program taking place on May 25th at 11:00 a.m.

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Scott Bennett said he wanted the City Council to think about the fact that now that the State of Utah has authorized an increase in the gas tax for transportation purposes; the county has to hold an election on whether or not there is gas tax, but it would be up to the City Council whether they want to give a statement that they are for it, or against it. Scott said it will have to be noticed by mid-August to be on the ballot. This was discussed further and Scott addressed the council's questions.

309

310

Scott also asked the City Council for their input on employee health insurance, and further explained the various possibilities, per the paperwork that he had given to them.

311

312

The council discussed various related items, particularly using the HSA option, potentially with a higher deductible.

313

314

John Bailey said he would like to hold a workshop or something with the employees with the City Council strongly recommending that they consider all plans that have an HSA.

315

316

The discussion continued.

317

318

Damon Cann mentioned that he is going to seek reelection.

319

320

Kristen Anderson mentioned that she enjoyed the presentation by the Police Department.

321

322

The piping of the canal was briefly discussed.

323

324

Per a question from Roger Anderson about when the reelection filing campaign deadline is, Scott said it is between June 1st and June 8th.

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329

John Bailey mentioned a home that is not being maintained and has become an eyesore, and asked what can be done about this; and Chief Hawkes said the police department is dealing with it, and further detailed the process for dealing with this kind of issue.

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331

Nancy Potter thanked the streets crew for the great job they've done on her road.

332

333

Mayor Berentzen agreed and detailed how well they are doing things.

334

335

Mayor Berentzen told Chief Hawkes that the awards presentation to the police department the evening before was really nice.

336

337

Mayor Berentzen mentioned a letter he received from Logan City's Police Chief, Gary Jensen, in relation to their new shooting range, and thanked North Logan City for willingness to help them with that. Chief Hawkes thanked the street department for their help with this.

338

339

Mayor Berentzen mentioned the Utah Transportation Commission meeting coming up on Thursday, May 21st at 8:30 a.m., in the Brigham City Council Chambers, and asked if there was someone who could attend in his absence.

340

341

Mayor Berentzen mentioned some information he received from the CMPO stating that our region

342 has received \$284,564 in Federal funding to complete our annual planning work program, and
343 explained further.

344

345 Executive session (closed) to discuss real estate and litigation issues.

346 *Nancy Potter made a motion to close the meeting and move into Executive Session for the*
347 *purpose of discussing real estate and litigation issues. John Bailey seconded the motion. A vote*
348 *was called and the motion passed unanimously with Nancy Potter, John Bailey, Roger Anderson,*
349 *Damon Cann and Kristen Anderson voting in favor. This occurred at 9:37 p.m.*

350

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

352

353 *Damon Cann made a motion to open the meeting and move out of Executive Session and return*
354 *to the regular City Council meeting. John Bailey seconded the motion. A vote was called and the*
355 *motion passed unanimously with Nancy Potter, John Bailey, Roger Anderson, Damon Cann and*
356 *Kristen Anderson voting in favor. This occurred at 10:00 p.m.*

357

358

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

362

363 The meeting adjourned at: 10:00 p.m.

364

365 Approved by City Council:

September 9, 2015

366

367 Transcribed by Marie Wilhelm

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369 Recorded by

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Scott Bennett/City Recorder