

**Minutes of the North Logan City
City Council
Held on July 6, 2016
At the North Logan City Library, North Logan, Utah**

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Damon Cann made a motion to appoint Nancy Potter as Mayor Pro Tem for this meeting. Roger Anderson seconded the motion. A vote was called and the motion passed unanimously with Nancy Potter, John Bailey, Roger Anderson and Damon Cann voting in favor.

The meeting was called to order by Nancy Potter at 6:08 p.m.

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

Others present were: Starla Jones, Laurel & Lynda Hayes, Russell Goodwin, Jerry W. Good ___? (illegible), John & Jan Hayes, Don Younker, Doug Younker, Conley Krebs, Lantz & Tamera Peterson, John Keith, John Malechek, Craig Winslow, Val Potter, Janet Forbush, Dave Erickson, Dave Rayfield, Greg Forbush, Nan Erickson, Debra Murray, Neil Murray, Doug Tingey, Brenda Anthony, Estee Wilson, Kim Hawkes, Jon Keller, Scott Bennett, Alan Luce, Cordell Batt, Lydia Embry, Jeff Jorgensen and Marie Wilhelm.

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

Adoption of Agenda

The council agreed to discuss item #9 regarding the energy sales and use tax at another meeting, and therefore removed that item from the agenda.

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

Approval and Follow-up of Minutes of June 15, 2016 City Council Meeting, Executive (Closed) Session Meeting, and RDA Meeting

All minutes were approved as presented.

New Business

Current Action Items

Executive Session (closed) to discuss litigation issues.

John Bailey made a motion to close the meeting and move into Executive Session for the purpose of discussing litigation issues. Damon Cann seconded the motion. A vote was called and the motion passed unanimously with Nancy Potter, John Bailey, Roger Anderson and Damon Cann voting in favor. This occurred at 6:08 p.m.

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

Damon Cann made a motion to open the meeting and move out of Executive Session and return to the regular City Council meeting. John Bailey seconded the motion. A vote was called and the motion passed unanimously with Nancy Potter, John Bailey, Roger Anderson and Damon Cann voting in favor. This occurred at 6:43 p.m.

6:35 Public Hearing to allow citizens to provide input on the proposed annexation of all, or remaining parts, of seven parcels between 1050 to 1200 East and 2850 to 3000 East.

Jeff Jorgensen introduced the item and explained the various parcels and their status; and used an overhead projected map of the site to further illustrate where the parcels are.

Nancy Potter read aloud the rules for speaking at a public hearing. She opened the public hearing at 6:48 p.m.

61 Conley Krebs explained that they have no intention of selling this land or property, for quite a
62 while. He said they want to live there and leave it the way it is. He said their sisters Dana and
63 Susan do not want to sell their adjacent parcels either; and neither do their sisters Janice (who
64 lives in Nevada); and that Starla and brother Kim who also own adjacent acreage are also not
65 interested in selling, and commented further.

66 Starla Jones commented that she agreed with Conley Krebs.

67 Kim Krebs said he would like to keep this as farm ground and keep it in green belt.

68

69 *As there were no further public comments, Nancy Potter closed the public hearing at 6:51 p.m.*

70

71 In response to the comments in the public hearing, Jeff Jorgensen said the only reason he did not
72 include the top piece shown on the map in the annexation, was because there should not be a
73 boundary line that would cut through a piece of property; and in this case a future road would
74 bisect the parcel and the boundary eventually would as well, and explained further. He also said
75 just because a piece of land becomes part of North Logan, does not mean it cannot remain in
76 green belt, nor that it cannot continue to be farmed and commented further. He also said that
77 even though there is typically not a lot of police or fire protection needed for areas of farmland; a
78 good reason for annexing the property into the City is to have the property owners pay their fair
79 share of the cost of services that are provided by the City to their property, and explained further.

80 John Bailey asked about the difference in the tax rate that would result if these pieces get
81 annexed in, which some of the citizens expressed concerns about, and what would happen if they
82 remained farm land.

83 Jeff explained that the only additional tax the owners would pay by being annexed would be the
84 North Logan portion of property taxes, which information he had sent out to the various
85 landowners.

86 Per a question from John Bailey, Jeff explained why this is on the agenda.

87

88 **6:40 Public Hearing to allow citizens to provide input on establishing the Cache Water District.**

89 *Nancy Potter read aloud the state's very specific requirements for holding a public hearing for this*
90 *item. [A copy of the paper that was read is attached herewith and made a part of these minutes.]*

91 *The public hearing was officially opened at 6:57 p.m.*

92 Nancy Potter (Mayor Pro Tem), John Bailey, Damon Cann and Roger Anderson stated
93 themselves as being present.

94 The following Cache County Council members stated themselves as being present: Dave
95 Erickson and Val Potter.

96 Nancy said this was done, per the rules, which she finished reading.

97

98 Dave Erickson said he was there representing Cache County Council, as well as the Bridgerland
99 Water Group. He said this is fulfilling something that was put in place years ago together with the
100 Water Master Plan. He said one of the highest priorities to come out of that plan was to try to
101 create a water district. He read aloud the purposes for creating a water district and the functions
102 for such. He also mentioned that there is more information on their website. [Bridgerland Water
103 Conservancy Work Group <https://www.cachecounty.org/water/water-conservancy-district-considerations.html>]
104

105

106 Lydia Embry presented her comments and questions on this, including questions about future
107 reservoirs and how the district would be run.

108

109 Dave Rayfield addressed Lydia's questions regarding reservoirs. He said the district has been
110 put together to determine what is needed and how best to address various issues. He said there
111 are still many things which to be decided by the district.

112

113 Russell Goodwin said he had attended the May 23rd joint meeting regarding the water district, and
114 presented his questions and concerns on this item.

115

116 John Malechek asked if someone knew about how much money a new tax for the district could
117 raise county-wide, if the full amount was implemented, and commented further.

118

119 Damon Cann explained that the document on the website states that there will be no taxes
120 required from the water district for the first four years; and that after that, the rate is regulated by
121 the state levy, and he understands it would be approximately \$2 per household, per month.

122

123 Dave Rayfield tried to address Mr. Malechek's questions, and said the use of any tax money
124 would be decided by a board that has yet to be created.

125

126 Neil Murray asked if there is any structure in place as to how this money will be spent. He said
127 he understands that the board will decide how the money is to be spent, but that it concerns him
128 that the questions are going to be answered "as they go along" and that it seems to all be open-
129 ended.

130 Dave Erickson said it may seem "open-ended", but explained that there is a lot to be determined
131 as things are being proposed based on other things, which are also yet to be determined. He
132 said that the boards that are elected and appointed will be handling the issues; and those
133 appointed members of the board will be replaced by elected members, which he further
134 explained. He said they want to make sure that the boards are eventually made up of elected
135 community members.

136

137 John Keith said that the way it stands now, if the appointed board can adopt any bylaws it wants,
138 it would have the power to change the bylaws and not have elected members. He said when this
139 goes for public vote, he would recommend that the bylaws put in place in the beginning, be
140 guaranteed not to be changeable, unless the elected board makes the changes.

141

142 The City Council and members of the Cache County Council continued to address various
143 questions from the citizenry in attendance.

144

145 Nancy Potter discussed the importance of protecting the water rights in Cache Valley.

146

147 Estee Wilson asked about the taxes and why there was no tax for the first four years, which
148 Nancy addressed, stating that the county's funds already going for this purpose would cover the
149 costs for those first few years.

150

151 *Nancy Potter read the state requirements for officially closing the meeting. The public hearing*
152 *was officially closed at 7:50 p.m.*

153

154 Consider approval of the location for a propane tank for S&S Worldwide. The tank would be
155 located within the S&S complex south of 2500 North at about 300 West.

156 Jeff Jorgensen introduced the item and discussed the paperwork he gave to the council. He
157 further explained the request and used an overhead, projected, aerial photograph of the site to
158 further detailed the requested location for the tank.

159 Jeff addressed various questions from the council, including what requirements exist for this and
160 what kind of barriers will have to be used, which Chief Kim Hawkes also explained.

161 John Bailey discussed the propane tank on 2500 North and said he does not have nearly as
162 many concerns with this request as he did with that one, which was approved.

163

164 *Damon Cann made a motion to approve this contingent upon this meeting all of the safety*
165 *requirements. John Bailey seconded the motion. A vote was called and the motion passed*
166 *unanimously with Roger Anderson, Damon Cann, John Bailey and Nancy Potter voting in favor.*

167

168 Reconsider approval of the revision to subdivision plat for the Marion Anderson Subdivision.
169 Being proposed is the division of lot #2 into two lots, one of which would be a flag lot.

170 Jeff Jorgensen discussed the situation and referred to the information he gave to the council. He
171 also used an overhead drawing of the site to further explain the situation.

172 There was discussion about whether a meeting had taken place amongst the neighbors, per the
173 conversation on this at the last City Council meeting.

174 Lantz Peterson said he spoke with the other neighbors, Clay Carter and John Morrey. He said
175 the Carters were okay with the extra lot if the landscaping they discussed together was put in
176 place. He said Mr. Morrey was also eventually okay with them building their home on the second
177 lot. *[Neither the Carters nor the Morreys were present at the meeting.]*

178 Damon Cann said he had some reservations about the patterns of development that the City
179 could end up with if everyone decided to do this; however, if the ordinance allows this, and if we
180 don't like the pattern of development, we need to change it.

181

182 *Damon Cann made a motion to approve the revision to the plat for the Marian Anderson*
183 *Subdivision. John Bailey seconded the motion. A vote was called and the motion passed*
184 *unanimously with Roger Anderson, Damon Cann, John Bailey and Nancy Potter voting in favor.*

185

186 Reconsider the proposed rezone of 4.3 acres of land from R-1-12 Residential zoning to MXG
187 Mixed-use General zoning. The property surrounds the existing Pioneer Valley Lodge which is
188 part of the North Logan Retirement Residence Subdivision located at approximately 400 East and
189 2400 North.

190 Nancy Potter referred to what was discussed at the last meeting where this was on the agenda,
191 and explained that it was returning for further discussion.

192 Craig Winder, developer, discussed the zone and the concerns the council had at the last
193 meeting, including the potential of putting a commercial building in the development. He said
194 they have taken the commercial building out of the development, and are willing to go away from
195 the Mixed Use General zone, and go to a MR-8 zone, which is consistent with the land
196 immediately to the west, and explained further.

197 Jeff Jorgensen said it is best to have this written in ordinance form for approval, which they will
198 bring back to the City Council for formal approval so that they can vote on it.

199 The council discussed various issues with Mr. Winder. Nancy discussed her concerns about the
200 density, which was further discussed at length.

201 The council and Mr. Winder continued to discuss various items, including density, housing types
202 and more. Jeff also addressed various questions, including the process for moving forward.

203 Jeff recommended talking to our city attorney about whether a public hearing is required. He
204 further reviewed some density numbers with the council and the developer.

205 Cordell Batt explained the intentions of the developers and how it relates to the adjacent areas.
206 He said essentially the same kind of development is going in to the west, as it is also an MR-8
207 zone. He discussed this further with the council.

208 There was discussion from a couple of citizens that a public hearing should be held; and Cordell
209 recommended that one be held, and at the Planning Commission level.

210

211 *Damon Cann made a motion to table the matter for this meeting, until the Planning Commission*
212 *can hold a public hearing on the rezone, not to MXG, but to MR-8. John Bailey seconded the*
213 *motion. A vote was called and the motion passed unanimously with Roger Anderson, Damon*
214 *Cann, John Bailey and Nancy Potter voting in favor.*

215

216 Damon explained to the developer that when the public hearing is held, if there is a lot of negative
217 feedback, there is still the possibility that it will not go in his favor.

218 Mr. Winder said he would be very open to discussing this with any of the neighboring property
219 owners and answer any questions they have. He said he would also like to discuss this further
220 with any of the council members and address any concerns they may have.

221 John Bailey referred to the Town Center Villas and asked what the density is there; which Cordell
222 said was 10.5 units per acre. John said Town Center is dense, but people seem to like it.

223 This was discussed further, and the developer further explained his intentions for his site.

224

225 **City Council Work Session Items**

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

227 Alan Luce explained the chip sealing that will be taking place on 2500 North between Main Street
228 and 1250 East on July 18th and 19th, and discussed further details.

229 Alan discussed the festivities for the Pioneer Day Celebration taking place on July 25th [the 24th is
230 a Sunday].

231

232 John Bailey discussed a letter he received from someone wanting time to speak at a City Council
233 meeting. Jeff said staff met with them and further discussed how the situation would be
234 managed.

235 John said he had been approached by several people who hoped that when the canal got
236 covered, they would have access to those trails and were disappointed when the gates went up,
237 and asked what is happening with that. Alan said the County Trails representative from Cache
238 County is trying to work that out, and that the canal company put the gates up for liability
239 concerns. John asked if there is any hope that it will get worked out. Alan explained that the
240 county is currently performing a land survey over the next few weeks to more definitively
241 determine ownership for the land along the canal; and that neighborhood meetings will then be
242 held.

243 John said he has heard a lot of neighborhood complaints about fireworks and asked about the
244 time deadline in the ordinance; which Fire Chief Jon Keller addressed, and said they are
245 supposed to stop at 11:00 p.m., except on the Fourth of July, when they are allowed to go until
246 midnight. Jon further explained the types of fireworks that are allowed.

247 Two citizens in attendance said they live near Elk Ridge Park, and said fireworks were being shot
248 until 2:30 a.m. recently, and that they contacted the North Park Police Department who "did
249 nothing whatsoever about it".

250 Brett Robinson, the Planning Commission chairman who was in attendance, and who lives next
251 to Elk Ridge Park, said the North Park Police Department completely avoids Elk Ridge Park
252 altogether.

253 Nancy Potter said they will discuss this at the Police Commission meeting being held the
254 following evening.

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

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263 The meeting adjourned at: 8:52 p.m.

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266 Approved by City Council:

July 20, 2016

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268

269 Transcribed by Marie Wilhelm

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272 Recorded by



Scott Bennett/City Recorder

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