

**Minutes of the North Logan City  
City Council  
Held on July 20, 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. John Bailey 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.*

The meeting was called to order by Nancy Potter at 6:30 p.m.

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

Others present were: Jill Daugs, Russell Goodwin, Tom Worthen, Madeline Waddoups, Jon Keller, Matthew Wood, Neil Murray, Laurel & Linda Hayes, Debra Murray, David Benson, Adam Winger, Lydia Embry, Scott Bennett, Scott Bennett, Jeff Jorgensen and Marie Wilhelm.

The Pledge of Allegiance was led by Kristen Anderson.  
An invocation was given by John Bailey.

**Adoption of Agenda**

Nancy Potter said we should discuss the City Attorney situation; and Jeff said that could be done during the Action Items List review.

*John Bailey made a motion to adopt the agenda as amended. 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 July 7, 2016 City Council Meeting and Executive (Closed) Session Meeting.**

*Both sets of minutes were approved as presented.*

John Bailey referred to the item in the above-referenced minutes regarding the decision the City Council made on the Marion Anderson subdivision, and Damon Cann's concern about the implication on future events that might come up and whether we really wanted more situations with flag lots in previously approved subdivisions. John said he wanted to make sure we had further discussions on this in the near future, and commented further.

Damon Cann recommended asking the Planning Commission to review the flag lot ordinance and evaluate whether there is something they could recommend that would help to allow people to get reasonable use out of their land, but still try to avoid some really bizarre development patterns that could occur if everyone in certain areas of the City, including the Marion Anderson subdivision did something like this. He said they should determine if there is a better balance to be struck.

**Review of Action Items**

Jeff Jorgensen asked the City Council if they had any questions on the actions items list, as there were no significant changes since the last one.

John Bailey asked what is in place to maintain the landscaping along the stormwater channel, which Alan Luce addressed, and said that it will ultimately be "grassed in", and discussed this further.

John asked about the situation at the Daines' home, which Jeff addressed and explained. This was further discussed, including Nancy's recommendation to have a time-line in place for timely management of the situation.

Jeff gave an update on the status of the 200 East project.

60

61 Nancy Potter mentioned that City Attorney, Bruce Jorgensen had passed away. She said in the  
62 interim, they will be appointing Miles Jensen, from the same firm as Bruce Jorgensen, until the  
63 Mayor returns and determines what to do with the City Attorney position officially. Nancy  
64 confirmed with Jeff that we needed to make a motion on this.

65

66 *Damon Cann made a motion to approve the appointment of Miles Jensen as interim City Attorney*  
67 *until the Mayor can make a permanent appointment. Roger Anderson seconded the motion. A*  
68 *vote was called and the motion passed unanimously with Nancy Potter, John Bailey, Roger*  
69 *Anderson, Damon Cann and Kristen Anderson voting in favor.*

70

71 John Bailey asked Jeff what the City was going to do in terms of recognizing Bruce Jorgensen,  
72 which Jeff addressed; and also discussed the memorial bench the family had requested be  
73 placed at the North Logan City cemetery, for which people could donate funds, in lieu of flowers.

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### New Business

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#### Approve a list of surplus items to be made available for sale.

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77 Alan Luce reviewed the list with the council and addressed their various questions. Jeff also  
78 discussed some of the wood from the old library desks old that could be used that is placed  
79 outside of the library, that people can help themselves to, and that whatever is left will then be  
80 taken away.

81

82

82 *Damon Cann made a motion to approve this list of surplus items as well as the wood from the*  
83 *library. John Bailey seconded the motion. A vote was called and the motion passed unanimously*  
84 *with Kristen Anderson, Roger Anderson, Damon Cann, John Bailey and Nancy Potter voting in*  
85 *favor.*

86

87

#### Consider approval of an ordinance changing the Municipal Energy Sales and Use Tax from 3% to 6%.

88

89 Nancy Potter expressed her concerns, including that we are raising this tax, but still cutting back  
90 on the cemetery, and asked why we would be doing this. Jeff addressed this, and explained the  
91 need for more funds for roads, staffing the police department, increasing other staff; and other  
92 various projects and needs throughout the City, which he further discussed and explained.

93

93 Per a question from John Bailey about whether the budget was approved at the increase to 6%,  
94 Jeff confirmed that that the approval did in fact include that increase, and said the City Council  
95 would have to go back and revise the budget if they decide not to approve the 6% increase, or we  
96 would not make our 10% fund balance target for next year. He said that even by postponing it for  
97 two weeks, the City has probably lost approximately \$15K in energy sales and use tax revenue.

98

98 Nancy Potter said the majority of the calls for the police and fire departments are primarily coming  
99 from where the apartments are; and said that if we increase the energy sales and use tax, it will  
100 be those apartments that use the most electricity, and whose residents will pay for that.

100

101

101 Jeff said that additionally, the USU Innovation campus does not pay any property taxes at all, but  
102 they pay this, as do other large companies in the City, such as Walmart, and commented further.

102

103

103 Kristen Anderson said she could support this, as long as we can specifically identify where this  
104 money is going, and commented further. She said she knows part of it is going towards the new  
105 positions in the police and fire departments; but reiterated that if we increase this, she would like  
106 to be able to tell the public specifically what these funds are going towards.

104

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107

107 Nancy Potter said if the public knows that the funds are going to the police and fire departments  
108 and that's where the majority of the calls are, and they will pay more for it; that to her, she said, is  
109 very important.

108

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110

110 John Bailey said he believes this is something designed to help meet needs that have chronically  
111 been a deficit, which is why he is supportive of it and commented further. He agreed with being  
112 able to quantify the funds for the public and further explained.

111

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113

113 The discussion continued and Jeff addressed various questions from the council. Jeff discussed  
114 some of the issues that might occur in attempting to specifically delineate where the funds are  
115 going, as citizens will have different views on what are the most important items.

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116

116 Kristen Anderson asked what would be cut if this does not get approved and Roger Anderson

117 suggested the police officer, which Jeff addressed and was discussed further; and Jeff said there  
118 would have to be several areas cut in order to make up for those funds. Jeff also said that the  
119 budget passed in June was an interim budget; and that the final budget will have to be passed in  
120 August, because there will be a truth in taxation hearing to be held because of the change in  
121 property taxes.

122 Damon Cann said he prefers 5% over 6% but respects the council and if they support a 6%  
123 increase, then we should move forward with it, although he said he would not vote in favor of the  
124 6% increase.

125 Nancy Potter said she would vote "yes" on the 6% increase if the money is put back into the  
126 cemetery, as she said that is why she voted against it last time.

127

128 *Roger Anderson made a motion to approve ordinance 16-03 changing the Municipal Energy*  
129 *Sales and Use Tax from 3% to 6%. John Bailey seconded the motion. A vote was called and the*  
130 *motion passed with John Bailey, Roger Anderson and Kristen Anderson voting in favor, and*  
131 *Damon Cann and Nancy Potter voting against the motion.*

132

133 John Bailey said he does not object to putting a large amount of our resources into the payment  
134 of salaries and benefits and into our services that the City receives, as the employees are a  
135 valuable benefit to our citizens; but said he would also like to charge the Police Commission to  
136 explore ways to determine if the ways that the costs are being incurred by the Police Department  
137 are valid, and if there is a disproportionate amount of the resources going to a certain area, it  
138 should be reviewed.

139

#### 140 **City Council Work Session Items**

141 Discuss the proposed annexation of seven parcels between 1050 to 1200 East and 2850 to 3000  
142 North. Being considered is how much to scale back the proposed annexation, if any.

143 Jeff Jorgensen explained the documentation with his recommendations that he gave to the City  
144 Council, and used an aerial projected photograph of the site to further explain. He discussed the  
145 feedback from various landowners, and further explained his recommendations.

146 He addressed various questions from the council and the discussion continued. They also  
147 discussed how to proceed. The council agreed with Jeff that this would be passed to the  
148 Planning Commission to recommend an appropriate zoning for the area, and then it will be  
149 presented back to the City Council.

150

151 Discuss ordinance changes relative to trails in the city.

152 Alan Luce reviewed the changes that Dayton Crites made to the City's ordinance as it relates to  
153 trails, which includes review and modifications made by the Planning Commission and staff. He  
154 explained the changes and how it makes the code a better standard for developers to follow and  
155 to adhere to. He said this meeting is more of a workshop for the City Council to review the  
156 changes; and then it will go back to the Planning Commission for review and a public hearing;  
157 and then it will return to the City Council as an official ordinance for approval.

158 Alan addressed various questions and comments from the council and the discussion continued,  
159 including issues of bonus density; trail development and construction; and the status of the  
160 survey, particularly in relation to the gates and allowing people to be on the trail. The council  
161 asked Alan to check into the status of that survey, which he said he would.

162

163 Discuss ordinance changes relative to street lights in the city.

164 Alan Luce reviewed the latest draft of the street light ordinance and addressed the City Council's  
165 questions. He explained that this is an effort to reduce costs in this area considerably. He also  
166 discussed the need to have a standard light that can be much more easily replaced than some of  
167 the ones in the past. He said because this is an ordinance change, it will have to go before the  
168 Planning Commission, and a public hearing will be held; and then it will return to the City Council  
169 for their approval of the ordinance.

170

#### 171 **Reports from city officers, boards, and committees**

172 Alan gave an outline of events for the 24<sup>th</sup> of July Pioneer activities being held on Monday, July  
173 25<sup>th</sup>.

174 Alan also gave the status of the chip seal of 2500 North.

175

176 Jon Keller discussed the deployment of his department's firefighters going where needed across  
177 the country to assist in firefighting, which earns the department additional funds. Jon also  
178 discussed the restrictions for fireworks this year.

179

180 Scott Bennett discussed the upcoming Utah League of Cities and Towns convention events and  
181 asked the council members to let him know which parts of the convention they will attend so that  
182 he can get them registered and book things appropriately. Scott said the convention for the  
183 league is taking place on September 14, 15 and 16.

184

185 Jeff Jorgensen said that S&S Worldwide broke ground that day at 10:30 a.m. and further  
186 explained the event. He explained that this company is the largest manufacturer of amusement  
187 park rides, in the United States. He said they are expanding their company in North Logan; and  
188 expect to be the largest amusement park ride company in the world in the next year or two. He  
189 said there were fifteen representatives from Japan at the ground-breaking ceremony and said this  
190 is a multi-national company that is based here with a large financial stake. He said the state  
191 President of the Chamber of Commerce also attended the event, including a representative from  
192 the Governor's office, as well as EDC Utah. He said if we're serious about economic  
193 development, there should be more than just Jeff representing the City at a ground-breaking  
194 event of this magnitude, and commented further. He said this is a big deal and that they employ  
195 over 100 people including engineers and highly-specialized technicians; and said they do some  
196 pretty impressive things all over the world. He said they have rides in virtually every country that  
197 has amusement parks. He said when there are things like this such as ground-breakings, open  
198 houses, ceremonies, etc., he highly recommended to the City Council that we make a good  
199 showing at these events, and commented further.

200

Cordell further explained S&S Worldwide's development and its location.

201

202 Roger Anderson asked how much candy was needed for the parade, which was further  
203 discussed.

204

205 Kristen Anderson referred to the letter from the Woods regarding issues at The Cove subdivision;  
206 and mentioned that Mr. [Matthew] Wood was in attendance and asked the council whether they  
207 wanted to discuss it, which Jeff addressed. He said Cordell was working on the lighting issues,  
208 and that the Police Department is looking into the parking situation [along 2200 North]. Cordell  
209 explained how The Cove's lighting situation was addressed [whether the lights on the sides of the  
210 buildings met our night sky regulations] and explained that the developer had installed some  
211 shields around the lights but was not sure if what was done brought them all into compliance.

212

213 Nancy said she does not like all of the cars, trucks and trailers that are parked along the road  
214 [along The Cove] and said that this is a hazard, particularly in light of the fact that there is plenty  
215 of empty parking stalls inside of The Cove's parking lots, and commented further. She also  
216 mentioned a very large, dead tree that was left there months ago and was a road hazard, which  
217 Alan Luce said the canal company left there. Nancy asked Alan to have it hauled away, which  
218 Alan said he could, but also said something should be sent to the canal company so that they are  
aware of it.

219

The issue of the cars parking along the side of the road was further discussed and how to best  
220 manage this problem.

221

222 John Bailey discussed the recent request regarding a lot in the Marion Anderson subdivision, as  
223 well as the memo from Miles Jensen, interim City Attorney, and what should be done. Nancy  
224 said the way she read it, unless there was something that was done incorrectly, it had to go  
225 through.

226

227 Jeff said that is how he understood it as well, and further explained; and said it essentially  
228 sounded like it could only be denied if there was a mistake made on the plat, or something  
similar, and explained further.

229

230 The council discussed this further and Jeff and Cordell addressed their questions. There was  
231 discussion about what right the City Council had in turning the project down. Cordell said the  
232 applicant met all of the requirements, but that the City Council still has the option to turn it down,  
but not just because the neighbors "don't like it".

232

233 Jeff said after discussing this further with the City Attorney, the City Council has more discretion  
234 in disapproving a change to a previously approved subdivision than they do in disapproving a  
235 new subdivision that is up for consideration, and commented further. John asked on what basis  
236 that denial would be allowed; and Jeff said it could be denied based on the fact that the change  
237 may not fit the existing neighborhood, for example as Damon Cann suggested, it is a "strange"  
238 way of developing the area.

239 The conversation continued.

240 John said he was frustrated knowing that he had that latitude, as he likely would have voted  
241 differently knowing that, as that was *not* his understanding two weeks ago when this was  
242 presented.

243 Jeff said if the council wants this reconsidered, they should make a motion to have it  
244 reconsidered, and then notify all of the parties. John said the parties are moving ahead quickly  
245 on this project already, including cutting down trees. Jeff said the plat has not yet been signed;  
246 and they cannot start construction until it has been approved, signed by Jeff, the Mayor and the  
247 City Attorney. Jeff said if the council decides to make a motion to hold this, he recommended that  
248 the council have the City Attorney in attendance to advise them.

249 Nancy said she thought they had to have a specific reason for denying it. Kristen Anderson said  
250 she did think that it makes an unusual pattern of development for that particular neighborhood,  
251 based on how it was originally platted.

252 The conversation continued at length. Roger mentioned that we would have to look at all the  
253 other flag lots that we have approved throughout the City.

254 After further discussion, the general consensus of the council was that they would not revisit this.

255

256 Kristen Anderson asked Alan Luce about the status of the construction of the splash pad, which  
257 he addressed.

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259

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

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265 The meeting adjourned at: 8:17 p.m.

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268 Approved by City Council:

August 17, 2016

269

270

271 Transcribed by Marie Wilhelm

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273 Recorded by

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Scott Bennett/City Recorder