Minutes of the North Logan City Council
Held on May 13, 2015
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: Nancy Potter, John Bailey, Roger Anderson, Damon Cann and Kristen Anderson. (Kristen Anderson and John Bailey arrived at 6:52 p.m. and 6:56 p.m., respectively).

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

The Pledge of Allegiance was led by Roger Anderson.

An invocation was given by Damon Cann.

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

Approval and Follow-up of Minutes of February 25, 2014 City Council Meeting, Regular and Executive (Closed) Session
These minutes were approved as presented.

New Business
6:35 Public Hearing to receive public input on a proposed ordinance modifying certain regulations relating to the transfer of real property to and from the city. Following the public hearing the council may consider adopting the ordinance.
Alan Luce explained the purpose of this ordinance and the modifications made to the City’s previous regulations for the transfer of property. He explained that the City has acquired a large amount of properties, acquired through different subdivision methods as well as by other means; and these pieces have become difficult and costly for the City to maintain. He explained further, including what the requirements would be in the future when land is donated to the City. He said this ordinance is the City’s attempt to address this. He said this is the current draft that was brought before the City Council approximately a year ago, which now addresses the questions brought up at that time; and has also been reviewed by the City Attorney, who submitted his comments; and this draft has also received a positive recommendation from the Planning Commission. Alan addressed minor questions from the council.

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

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

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

Damon Cann commented on Lydia’s statement regarding “taking”, and said he feels that it is clear that the purpose of this ordinance is to not allow anything to be taken from anyone; and said he feels that is not a fair comment, in that this ordinance does not suggest anything like that, and explained further. He said there is also nothing in this ordinance that states that the City is requiring anyone to donate land to the City.
Kristen Anderson arrived at this time 6:52 p.m.

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

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

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

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

The council discussed how to proceed.

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

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

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

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

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

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

The discussion continued on this.

Damon Cann expressed his support of the project.

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

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

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

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

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

Consider the Concept Plan for the Elk Meadows Farm Subdivision (12 Lots) on 9.25 acres located at approximately 2470 and 1200 East. The plan would be contingent on a re-zone of the
area to the R-1-30 zone. Approval of the associated re-zone request will not be on this agenda
awaiting a public hearing with the Planning Commission and their recommendation.
Mayor Berentzen commented that the rezone process needs to be addressed prior to an approval
taking place for this; but that it would still be beneficial for the City Council to hear the
presentation on this.
Cordell Batt introduced the project and said this is just north of the Elk Ridge Subdivision, and
further oriented those in attendance to the site via an overhead, project map of the site, including
how it lays out in relation to the Curtis development, [aka Elk Ridge East], and said this project
will also develop the continuation of 1200 East all the way through to 2500 North. He asked the
developer, Josh Campbell, to explain his plans for this site.
Josh Campbell explained his family’s desire to live in North Logan, as well as wanting to keep
their project consistent with adjacent development. He explained that in laying out his project,
they realized they were going to need to do a rezone; and also discussed some nearby spot
zoning similar to what is being asked for here. He further discussed his discussion with Cordell
Batt and how they determined that rezoning would be the best option for this project.
Cordell mentioned that this proposal will not work unless a rezone is done. He also said they
worked through several options, and this seemed to be the best option for the developer, as well
as the City, including the fact that it will complete 1200 East as part of this development; as well
as the completion of 2500 North, and around the corner to 1250 East. Cordell detailed which
studies they will be requiring the developer to do, as listed in the staff report; in addition to
requiring that any secondary water associated with this be split up, and noted on the plat. He
said the Planning Commission reviewed this and gave a positive recommendation to the City
Council on this as presented, contingent upon the rezone of this property to R-1-30 being
approved. He mentioned that R-1-30 is the zone closest to RE1, and is ¾-acre zoning; and
further explained that most of the subdivisions that he has worked with since working with North
Logan City have either been ¾-acre zoning, or have been rezoned.
Mayor Berentzen asked the council to give Mr. Campbell any comments so that he would know
what their thoughts are for him in moving forward.
Mayor Berentzen asked there has been a considerable amount of concern in the rezone of the
area; not just for this particular property, but with a prior development, which he further explained;
including that a rezone was denied for that project, and the bonus density option used, with land
going towards enlarging the park, and commented further.
Mayor Berentzen asked the council to give Mr. Campbell their feedback.
Nancy Potter said she has received a lot of calls and emails from people concerned that this is
even being considered prior to a public hearing happening with the Planning Commission. She
said she is not willing to give her opinion until it has gone through the proper channels.
Damon Cann said he is reluctant to do the rezone, particularly as the council had received a
request to rezone the previous project that is adjacent to this one, and that rezone request was
denied; and said he would not feel right about then rezoning this piece. He also said that this is
one of the few areas in North Logan that works best for larger lots, and feels protective in keeping
it that way, and commented further.
Kristen Anderson agreed with Damon Cann; and explained how she thought that using the bonus
determinate might work in order to maintain the rural character of this particular area; and said
she is also more inclined to maintain the current zoning as it is.
Mr. Campbell mentioned that on 2500 North, on the other side of the street, there are three
homes that are each on approximately a half of an acre; and then there are some .6 acre lots that
go progressively smaller to ¾ acre; and then in Elk Ridge East, the lots are .48 acres, and
commented further. He also discussed that trying to use the bonus density method would make
the “prime lots” unusable, because of the way the road lays out. He commented further.
The discussion continued.
Cordell discussed the zoning in the area, and said that as people want to develop this area, there
will continue to be people who want to change it to smaller zoning.
Mayor Berentzen asked why, once a property has been developed, it would be zoned smaller.
Cordell said it probably wouldn’t, and explained further.
The discussion continued. No action was taken on the issue.
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Discuss and consider staff recommendations and concerns related to allowing the development of only a portion of the second phase of Canyon Gates Subdivision.

Mayor Berentzen discussed the situation and said the developers would like to do a “lesser portion”, which would not complete 2300 North.

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

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

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

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

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

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

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

The conversation continued.

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

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

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

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

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

The council continued to discuss this.
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Nancy reiterated the need for an additional access for this subdivision as it continues to grow.

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

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

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

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

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

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

He further discussed various needs and upcoming costs.

He continued to address the council’s various questions.

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

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

Lance addressed various questions from the council.

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

Damon Cann made a motion to adjourn the City Council meeting and convene to the meeting of the North Logan Redevelopment Agency. Nancy Potter 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. This occurred at 8:43 p.m.

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

Roger Anderson made a motion to adjourn the RDA meeting and return to the regular portion of the City Council meeting. Kristen Anderson 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. This occurred at 8:48 p.m.

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

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

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

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.

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.

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

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.

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.

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

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.

The discussion continued.

Damon Cann mentioned that he is going to seek reelection.

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

The piping of the canal was briefly discussed.

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

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.

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

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

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

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.

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.

Mayor Berentzen mentioned some information he received from the CMPO stating that our region...
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has received $284,564 in Federal funding to complete our annual planning work program, and
explained further.

Executive session (closed) to discuss real estate and litigation issues.
Nancy Potter made a motion to close the meeting and move into Executive Session for the
purpose of discussing real estate and litigation issues. 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. This occurred at 9:37 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, Damon Cann and
Kristen Anderson voting in favor. This occurred at 10:00 p.m.

Damon Cann made a motion to adjourn the 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 adjourned at: 10:00 p.m.

Approved by City Council: September 9, 2015

Transcribed by Marie Wilhelm

Recorded by Scott Bennett/City Recorder