

Minutes of the North Logan City
City Council
Held on June 15, 2016
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.

Others present were: Lynn Krebs, Carolyn Krebs, Jon Keller, Madeleine Waddoups, Bruce Baird, Lantz Peterson, Clay Carter, Steve Condie, John Morrey, Lynne Morrey, Bruce Lee, Jake Young, Robert Burt, Lydia Embry, Scott Bennett, Cordell Batt, Robert Burt, Bruce Lee, Brad Crookston, Nathan Hult, Brett Robinson, Jeff Jorgensen and Marie Wilhelm.

The Pledge of Allegiance was led by Kristen Anderson.

An invocation was given by Roger Anderson.

Adoption of Agenda

Damon Cann made a motion to adopt the agenda as presented. 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.

Approval and Follow-up of Minutes of May 18, 2016 City Council May 18, 2016 Executive (Closed) Session, June 1, 2016 City Council and June 1. 2-16 RDA Meetings

The above-referenced minutes were approved by the City Council.

Review of Action Items

Jeff reviewed the action items list with the council.

New Business

Current Action Items

6:35 Public Hearing to receive public input on a proposed subdivision plat amendment for the Marion Anderson Subdivision. Being proposed is the division of lot #2 into two lots, one of which would be a flag lot. Following the public hearing the council may consider approval of the revision to the subdivision plat.

Mayor Berentzen opened the public hearing at 6:38 p.m.

Cordell Batt introduced the item and discussed the situation and the intentions of the developer. He mentioned that the lots in this subdivision are much bigger than the R-1-10 zone they are in, and are 1.25 acres each. He explained that there is an existing home on this lot and, and that they want to split the lot in order to build a second home behind the original, on what would become lot two, by utilizing the flag lot ordinance. He further explained the parameters and requirements for doing a flag lot, which he said, in his opinion this proposal complies with. He said this has an existing plat, so it would therefore need to go through the process of a plat amendment, which he further described; and which includes sending out public notices. He said if there any objections to the project within ten days of the notices being sent out, a public hearing will then be required, which is occurring at this meeting. He said they have received two letters of objection in response to the notices that were sent out. The two letters are from the adjacent property owners, copies of which he said were included in the packet given to the City Council members. He said Planning Commission reviewed this and gave a positive recommendation on this, based on the applicant meeting all of the criteria of the flag lot ordinance.

Cordell addressed various questions from the City Council. Cordell explained the access in relation to the Centerfield Subdivision, per a question from Damon Cann; and that it was developed in such a way that there will not be a road to it, which Jeff Jorgensen also explained, using an overhead, project map of the site. They said this flag lot would be the only way to get to this lot.

The discussion continued.

Jeff and Cordell discussed the history of this subdivision, including that at the time it was done, they could have put over twenty homes in there; and Cordell said the developer at that time simply felt it was easier to do it the way they did, and to have all of the access on 2100 North.

62

63 John Morrey said he and his wife were in attendance to respectfully oppose this proposed
64 change, and said they live directly west of this lot. He said when they moved here sixteen years
65 ago and were looking to build a home, they looked for a larger lot. He said they checked with the
66 City at that time, and were told a single home was what was allowed on the [lots in their
67 subdivision], which he said was a very important criterion for them. He said if it had been zoned
68 differently, they would not have purchased this lot. He also mentioned that they originally
69 purchased this lot from the Bees, and commented further. Per a question from Mr. Morrey, Jeff
70 Jorgensen said the letter Mr. Morrey gave to the City will be part of the record. Mr. Morrey
71 reiterated that they purchased the land with the expectation that his area would continue to be
72 like it is. He said the Bees have been good friends and neighbors; and said he hopes that they
73 can find a less intrusive approach for solving this problem with them.

74 There was further discussion about when the flag lot code was actually established, which Jeff
75 said was after this subdivision was built. Mayor Berentzen asked Jeff Jorgensen to determine the
76 date of when the flag lot was established, because if it was done after these lots were built, he
77 said that might make a difference.

78 Russell Bee, owner of the lot, said when he bought the lot, he knew it could be used for more
79 than one house. He said that since they have lived there, they have watched some of the other
80 lots around them be divided and sold off, so they thought that they could do the same thing. They
81 also understood that they could only have one house per acre; and said they have neighbors who
82 have more than one house per acre, including the Morreys and Curtises. He also mentioned that
83 when they sold their first lot to the Morreys, they expected the Morreys to build their house closer
84 to the road, next to their home, but instead built it in the middle of their lot. He said he did not like
85 that, but that he let it go because he thought that he [Morrey] had the land, and he could do
86 whatever he wants. He said their neighbor on the other side [Carter] built a great big shed, which
87 he said they did not have any say about. He said it blocked their view; but that they didn't say
88 anything about it. He said they wanted to "keep good neighbors" so they didn't say anything
89 about those kinds of things. He said that they would like their daughter and son-in-law and family
90 to be able to live on this flag lot if possible

91 Mayor Berentzen asked Mr. Bee if it was his understanding that this flag lot situation could be
92 done from the beginning, which Mr. Bee confirmed to be the case. Mayor Berentzen said that will
93 need to be established very carefully.

94 Jeff explained for verification, that when Mr. Bee purchased the lot, it was already zoned R1-10;
95 but it would still have taken a revision of the subdivision [and a change in the City's ordinances] to
96 build more than one house on the lot.

97 Damon Cann said if everyone did this in this area, as well as other areas with similarly-sized lots,
98 it would create a very bizarre development pattern.

99 Clay Carter said he lives just to the east of the Bees and said he wanted to express his
100 admiration to them, and said they are good neighbors; and said likewise, they have also tried to
101 be good neighbors [to the Bees]. Mr. Carter said as this moves forward, his family is terribly
102 conflicted in the sense that they want to respect the Bee's ability to do what they want with their
103 property; but likewise have concerns similar to the Morreys. He said he understands the Bee's
104 concerns about his shed and other things. He said their issue is that when they purchased their
105 property, they went to the City looking to see if it were possible to put flag lots back there, and
106 understood at that time that it was not. He said he was the one who did the Centerfield
107 subdivision, and it was purposely done to prevent build-in in that area, and looking for families
108 who wanted to have horses back there, and a more rural environment. He said he grew up in the
109 country and wanted to maintain that kind of environment, and spent a great deal of money to
110 preserve that. He said his objection to a flag lot has nothing to do with the people; it has
111 everything to do with the loss of the privacy and the country feel. He said maybe there are ways
112 to mitigate that; and said he is certainly open to look for an equitable resolution to all of this.

113 Mayor Berentzen asked if the three sets of neighbors have sat down to discuss this together,
114 which Mr. Carter said they had not. Mayor Berentzen commented further and asked if the
115 neighbors could find a way to work this out between them.

116 The Bee's son-in-law said they were looking at another place, but the Bees suggested they build
117 on the back part of their lot; and said he did his due diligence in building here, and checked the
118 zoning and the flag lot ordinance and commented further. He said they have already vested into
119 this process [financially and logistically].

120 Per a question from Mayor Berentzen, Cordell explained the accessory dwelling process and

121 situation. This was discussed further. Cordell addressed various questions from the council.
122 Jeff said the flag lot ordinance was passed in October 2002. Cordell said the subdivision was
123 built around 1990. John Morrey said that makes sense because they purchased their lot in 2000.
124

125 *As there were no further public comments, Mayor Berentzen closed the public hearing at 7:13*
126 *p.m.*
127

128 Damon Cann reiterated that the City would have a very bizarre pattern of development if
129 everyone who could, built something like this, and commented further. He said he thought the
130 neighbors sitting down to discuss this might be a good idea and commented further.

131 Mayor Berentzen said he would recommend that the council *not* do something at this point and
132 have the neighbors get together and determine what to do, and commented further.

133 The City Council discussed this further. Per a question from John Bailey, Jeff explained the
134 zoning for this area and the fact that the current zoning allowed for more lots than were there now
135 with no change in the zoning.
136

137 *Damon Cann made a motion to table this until the next meeting. John Bailey seconded the*
138 *motion.*
139

140 John Bailey said he would be interested in seeing what comes from the neighbors having a
141 discussion together.
142

143 *A vote was called and the motion passed unanimously with Kristen Anderson, Roger Anderson,*
144 *Damon Cann, John Bailey and Nancy Potter voting in favor.*
145

146 Consider approval of a revised Storm Water Management Plan and discuss some of the potential
147 ordinance changes to the municipal code.

148 Alan Luce discussed this and said it is being done because of new state regulations with which
149 North Logan City must comply. He said they have to have their updates to their existing plan to
150 the state by July 1, 2016 and have it up and running; and then fully implement it with a final
151 ordinance and document by September 1, 2016. He described and explained the various
152 requirements further.

153 Jeff and Alan addressed some minor questions from the council.
154

155 *Kristen Anderson made a motion to approve the revised Storm Water Management plan as*
156 *presented. Damon Cann seconded the motion. A vote was called and the motion passed*
157 *unanimously with Nancy Potter, John Bailey, Roger Anderson, Damon Cann and Kristen*
158 *Anderson voting in favor.*
159

160 Discuss outline of changes being considered for the Canyon Gates Subdivision.

161 Jeff Jorgensen explained the situation and used a displayed map of the site to discuss the
162 changes, particularly in relation to the retention ponds, the layout of the lots, and potential
163 changes to the development plan.

164 Mayor Berentzen said he thought we were "on the right track" with these potential changes; and
165 said there are still a few issues they are trying to work out.

166 Bruce Baird, counsel for the Canon Gates Subdivision, further explained the proposed changes
167 being considered as well as the timeline of various related items, including the draft of the
168 agreement, which he said should be done within a few weeks.

169 Per a comment from Mr. Baird, Mayor Berentzen told the council we are currently using Miles
170 Jensen from Bruce Jorgensen's firm as interim legal counsel.

171 Mr. Baird explained items further.

172 John Bailey expressed his concern about water availability for all of the developments east of
173 1600 East and commented further.

174 Mayor Berentzen addressed this and said there have been some issues with the secondary water
175 option that has gone in, but they are trying to work that out. He commented further.

176 Kristen Anderson asked if there were sufficient secondary water rights for the whole
177 development, and the developers said there are, and explained further.

178 Nancy Potter asked about the roads, particularly since there will be 250 homes coming out of just
179 a couple of accesses.

180 Mr. Baird said they had a traffic study performed and those studies show that there will be no
181 issues, which he further explained. He also said when this development is done, there will be
182 many more access points, and he used a displayed map of the project to illustrate. Jeff also
183 explained this.

184

185 2017 Budget Considerations:

186 -Consider resolutions adopting the FY2017 Budget and a final revision to the FY2016 Budget.

187 Mayor Berentzen introduced the item and mentioned that there are four items. He reminded the
188 council that this can be changed in the future if there are issues for any of the council members.

189 Damon Cann discussed his questions and concerns which Jeff addressed. He recommended
190 increasing the energy sales and use tax to only 5% rather than 6%, which he further explained.
191 He recommended that instead of hiring reserve officers for the Police Department, they spend
192 that money on the new officer, which might reduce costs. He said perhaps some of these
193 savings could be used to develop the park in Green Canyon Estates, and commented further.
194 Money for road depreciation was briefly discussed.

195 Jeff and the council continued to review and discuss various items at length, and Jeff continued to
196 address their related questions. They discussed how things would be affected based on different
197 numbers with the energy sales and use tax.

198 Kristen Anderson expressed her questions and concerns, particularly in controlling costs in the
199 police department area, and asked if there are some ways to have more funds go to those
200 departments from utility customers, for the police department; and discussed charging some kind
201 of "per unit" fee for apartments, as was discussed in the past. Mayor Berentzen mentioned that
202 we wanted Bruce Jorgensen to look into that possibility, and that needs following up.

203 Nancy Potter said she thought it should be done for police *and* fire service, and further discussed
204 where most of the calls are coming from.

205 This was discussed further.

206 Kristen Anderson said she also wanted to make sure there was still money in the budget for the
207 maintenance of the Elk Ridge Park astro turf soccer fields, and Jeff said he would ensure that it
208 is. She mentioned finding the funds to re-grade "Sunnyhill" park, which Jeff and Alan addressed.
209 She also discussed the building up of impact fees, which Jeff addressed.

210 Kristen mentioned the library funds, and Mayor Berentzen asked whether all of the library
211 renovations came to fruition, which Jeff and John Bailey briefly addressed. John said he shares
212 that concern and commented further and said there needs to be better communication and tighter
213 controls in this area. The discussion continued. Nancy said the library wages have gone up
214 \$100,000 in two years which she said is a concern.

215 Jeff continued to address various questions.

216 Roger Anderson expressed his concern about using the energy sales and use tax to increase
217 revenue, and who actually gets affected by the increase versus who is actually using it more.

218 Mayor Berentzen said all of our neighboring cities are at 6% [with this tax], and we are the only
219 City who is not [at 6%].

220 This was further discussed.

221 Nancy Potter referred to the 3% budgeted item for salary increases; and said the county is doing
222 a 1.5% increase. She said she would hope that we would do 1% or 2%, and then save the
223 remaining 1% and give it to people who do more based on merit. She asked if the employees
224 understand how much the insurance has gone up, and said they are getting a raise in addition to
225 the insurance costing the City more, so they are getting more than just a raise in wages.

226 Jeff said the way the City has set up health insurance with the new company, the costs for health
227 insurance have actually gone down, and the employees do not have as rich of a health plan
228 anymore.

229 Mayor Berentzen said there was a big change there.

230 Jeff said the 3% is just a budgeted number, and that there are some employees from the library
231 and police department who will get significantly more of an increase than 3%.

232 Nancy said she has a problem with that. She said there is only a \$3.25 difference between a new
233 hire and someone who has been there for twenty years [in the Police Department].

234 Jeff said there are *many* positions in the general fund that are the same way. Nancy said the
235 library has had \$100,000 in salary increases. Jeff said the Library Board approves the salary
236 increases for the library.

237 Jeff said last year the council approved a 3% salary increase in the budget, with 1% going
238 towards COLA across the board; and then 2% designated for Jeff, Mayor and the department
239 heads to distribute based on merit, which he said was done halfway through the year, so not all of
240 last years' budgeted salary increase was spent.

241 John Bailey said he thought that was an ongoing understanding and that after a lengthy
242 discussion, it should always be handled that way.

243 Jeff said as far as having an agreed-upon way to do it, he has not seen that in 22 years.

244 Jeff addressed further questions.

245 Nancy referred to the reduction in the energy use which will reduce the cemetery fund, and asked
246 if the cemetery was going to function on \$10K rather than \$15K. Alan addressed this. Jeff
247 explained the income versus costs in the cemetery. Damon said he thought the balance in the
248 cemetery savings was over \$200K, and Jeff said it is \$386K. Damon said he does not have
249 problem with the cemetery taking \$10K out of their \$300K-plus savings account to cover their
250 costs.

251 Mayor Berentzen reviewed what was discussed, which primarily were the energy sales and use
252 tax, and the salary increase. He said all of the employees switched to the HSA except the one
253 who couldn't, which Jeff said was him [because of his military retirement health care coverage].
254 Mayor Berentzen said because of that, Jeff will pay a lot more for benefits. He said the ones who
255 switched to the HSA created a savings for the City. He said the HSA plan will help the City
256 employees to be more careful of their usage. This was further discussed. Mayor Berentzen
257 asked if there was anyone who wanted to make a motion and reminded the council that we can
258 do amendments to the budget later on in the year.

259
260 *John Bailey made a motion to approve the FY2017 Budget and the final revision to the FY2016*
261 *as presented, given the fact that we know there is opportunity to make changes as necessary.*
262 *Roger Anderson seconded the motion.*
263

264 Kristen Anderson said she is supportive of that; but would like all of the council members who
265 have had comments, to give them to Jeff and agree to give some of those issues a "hard look"
266 and address them.

267 Damon Cann said he intends to vote no, as he feels the energy sales and use tax should be at
268 5% and not 6%.

269 Nancy Potter said she would vote no because of all of the areas that are being cut back, as well
270 as the 6% rate for the energy sales and use tax. She said she knows things are "fluid" and we
271 can make changes, but that doesn't typically happen. She said we are cutting back in important
272 areas, and does not know where that money is going. She said she is concerned about the
273 streets department.

274 Roger Anderson discussed some of the council supporting various issues by being part of those
275 related commissions and boards. He also discussed the need to retain employees with better
276 wages. He also said that the energy sales and use tax increase is helping to avoid having to
277 raise property taxes.

278 The discussion continued, including how and where the monies are spent.

279 Mayor Berentzen discussed not collecting money we don't need, but instead collecting money
280 that is there for us and commented further.

281
282 *A vote was called and the motion passed with John Bailey, Kristen Anderson and Roger*
283 *Anderson voted in favor, and Damon Cann and Nancy Potter voting against.*
284

285 Mayor Berentzen reminded the council that the review can continue, and potential changes be
286 made to address some of the concerns expressed, when necessary.

287 John Bailey agreed that there are various issues that still need to be reviewed closely.

288 Kristen Anderson recommended that each council member submit their list of concerns to
289 everyone, so that they can review them.

290

291 -City Council meets as the North Logan Redevelopment Agency for 2017 and 2016 Budget
292 consideration as well.

293 *Nancy Potter made a motion to adjourn the City Council meeting and convene to the meeting of*
294 *the North Logan Redevelopment Agency. Damon Cann seconded the motion. A vote was called*

295 and the motion passed unanimously with Nancy Potter, John Bailey, Roger Anderson, Damon
296 Cann and Kristen Anderson voting in favor.

297
298 Minutes for this portion of the meeting are written under separate cover.
299

300 *Kristen Anderson made a motion to adjourn the RDA meeting and return to the regular portion of*
301 *the City Council meeting. Nancy Potter seconded the motion. A vote was called and the motion*
302 *passed unanimously with Nancy Potter, John Bailey, Roger Anderson, Damon Cann and Kristen*
303 *Anderson voting in favor. This occurred at 8:45 p.m.*

304
305 -Also adopt a resolution directing the transfer of any General Fund unrestricted fund balance
306 exceeding 10% in FY2016 to be transferred to the Capital Improvement Fund as part of the final
307 audit and closeout procedures for FY2016.

308 *Kristen Anderson made a motion to adopt resolution 16-10 allowing the transfer of any excess*
309 *money from the closeout of the FY2016 budget into the Capital Improvement Fund. Nancy Potter*
310 *seconded the motion. A vote was called and the motion passed unanimously with Nancy Potter,*
311 *John Bailey, Roger Anderson, Damon Cann and Kristen Anderson voting in favor.*

312
313 **City Council Work Session Items**

314 Executive Session (closed) to discuss potential real property transfer issues.

315 *Kristen Anderson made a motion to close the meeting and move into Executive Session for the*
316 *purpose of discussing potential real property transfer issues. Nancy Potter seconded the motion.*
317 *A vote was called and the motion passed unanimously with Nancy Potter, John Bailey, Damon*
318 *Cann and Kristen Anderson voting in favor. This occurred at 8:47 p.m.*

319
320 Minutes for this portion of the meeting are written under separate cover.
321

322 *Damon Cann made a motion to open the meeting and move out of Executive Session and return*
323 *to the regular City Council meeting. Nancy Potter seconded the motion. A vote was called and*
324 *the motion passed unanimously with Nancy Potter, John Bailey, Roger Anderson, Damon Cann*
325 *and Kristen Anderson voting in favor. This occurred at 10:20 p.m.*

326
327 **Reports from city officers, boards, and committees**

328 Mayor Berentzen reminded the council that he will be gone for the whole month of July.

329
330 Jeff Jorgensen discussed a food truck [Sweeto Burrito] that would like to set up on North Logan
331 City as their time in Logan City has expired; and explained various related details to the City
332 Council. He said we currently don't have an ordinance that deals with this. He said they would
333 need permission from the property owner to be there, and explained further. He asked the City
334 Council if they want something in our code to better regulate these kinds of situations, which was
335 further discussed. Damon Cann recommended looking at how other cities handle these
336 situations.

337 Jeff said he will be gone until Tuesday.

338
339 Alan Luce mentioned a company event that Conservice is holding at Elk Ridge Park the following
340 Wednesday, and explained that they will have fireworks; and further explained what they are
341 doing to notify the adjacent neighbors.

342
343 *Damon Cann made a motion to adjourn the meeting. Nancy Potter seconded the motion. A vote*
344 *was called and the motion passed unanimously with Nancy Potter, John Bailey, Roger Anderson,*
345 *Damon Cann and Kristen Anderson voting in favor.*

346
347 The meeting adjourned at:

348
349 Approved by City Council: July 6, 2016

350
351 Transcribed by Marie Wilhelm

352
353 Recorded by _____
354 Scott Bennett/City Recorder