

1 **Minutes of the North Logan City**  
2 **City Council**  
3 **Held on December 7, 2016**  
4 **At the North Logan City Library, North Logan, Utah**  
5  
6

7 The meeting was called to order by Mayor Lloyd Berentzen at 6:31 p.m.  
8

9 Council members present were: Kristen Anderson, Roger Anderson, Damon Cann, John Bailey  
10 and Nancy Potter.  
11

12 Others present were: James B. Parker, Tyler S. Thomas, Lauren Roberts, Lynn Krebs, Greg  
13 Roper, Allyson Hahn, Kay Gilgen, Ranae Randall, Laurel & Linda Hayes, Byron & Tonya Lopez,  
14 Carole Justice, Samantha S\_\_\_\_\_ (illegible), Everett Peterson, Glenn Janda, Kathy Janda,  
15 Joylynn Nelson, Bret Leckie, Mathias Huber, Landon Pugh, Bob Durtscliz, Joanne Broadbent,  
16 Andrew Fanth, Jacob MacInnes, Lisa MacInnes, Russell Goodwin, Diana Cannell, Daniel Knigge,  
17 Debbie Murray, Neil Murray, Annette Perkes, Alan Thomander, JT Malouf, Bruce Nelson,  
18 DeeDee Minor, Jen Thompson, Darci Chew, Debbie Brough, Sean Michael, Zan Murray, Rachel  
19 Willis, Steve Earl, Bruce Maird, Dan Cox, Brian Hirschi, Curtis Jacobs, Jon Keller, Kim Hawkes,  
20 Alan Luce, Cordell Batt, Scott Bennett, Jeff Jorgensen and Marie Wilhelm.  
21

22 The Pledge of Allegiance was led by Jon Keller.

23 An invocation was given by Roger Anderson.  
24

#### 25 **Adoption of Agenda**

26 An item for consideration of the Mayor's appointments to the Planning Commission was added to  
27 the agenda.  
28

29 *Nancy Potter made a motion to adopt the agenda as amended. Damon Cann seconded the*  
30 *motion. A vote was called and the motion passed unanimously with Nancy Potter, John Bailey,*  
31 *Roger Anderson, Damon Cann and Kristen Anderson voting in favor.*  
32

#### 33 **Consider Mayor's appointments for new members to the Planning Commission**

34 Mayor Berentzen briefly discussed the backgrounds of Casey Moriyama and Nelson Boren and  
35 asked the City Council to consider his appointing them as new members of the Planning  
36 Commission.  
37

38 *Nancy Potter made a motion to approve the Mayor's appointment of Casey Moriyama to a four*  
39 *year term to the Planning Commission. John Bailey seconded the motion. A vote was called and*  
40 *the motion passed unanimously with Nancy Potter, John Bailey, Roger Anderson, Damon Cann*  
41 *and Kristen Anderson voting in favor.*  
42

43 Cordell Batt gave a bit of background on Nelson Boren, who Mayor wanted the City Council to  
44 consider appointing to the Planning Commission as an alternate.  
45

46 *Nancy Potter made a motion to approve the Mayor's appointment of Nelson Boren as an*  
47 *alternate member of the Planning Commission. Roger Anderson seconded the motion. A vote*  
48 *was called and the motion passed unanimously with Nancy Potter, John Bailey, Roger Anderson,*  
49 *Damon Cann and Kristen Anderson voting in favor.*  
50

#### 51 **Review of Action Items**

52 Jeff Jorgensen reviewed the Action Items list and also explained that at this meeting, they would  
53 be discussing some of the items during the course of the meeting.  
54

#### 55 **New Business**

##### 56 **Current Action Items**

57 **Receive auditor's report for FY2016.**

58 Diana Cannell presented the audit report for fiscal year ending June 30, 2016.  
59

60 **Receive report on the results of a city-wide survey taken in October by a USU class.**

61 Tyler Thomas and Lauren Roberts, USU students, presented the results of the survey regarding

62 general questions the City was interested in learning about the community and its citizens,  
63 determining the citizens' interests on various subjects.

64  
65 **7:00 PUBLIC HEARING to receive public input on the concept plan for the Wheatland Hills**  
66 **residential subdivision. The subdivision is about 155 acres, 118 lots using the bonus determiniant**  
67 **option in the RE-1 zone and located at approximately 2200 E and between 3100 and 3400 N.**  
68 Mayor Berentzen introduced the item and read aloud the rules for speaking at a public hearing.  
69 He further explained the approval process a developer has to go through for a potential project in  
70 the City, including how the concept plan is the beginning of that and allows the developer to move  
71 forward with the project. He said he knew there were certain concerns about this project, but that  
72 nothing can be done in terms of studies and other items, until the concept plan is approved.

73  
74 *Mayor Berentzen opened the public hearing at 7:02 p.m.*

75  
76 Allyson Hahn said she lives in Deer Hollow on the corner of 3100 North and 1800 East. She said  
77 they purchased four years ago, and moved in permanently a year ago, and said the "construction  
78 trucks dump rocks *everywhere*", which she said all of the neighbors complain about. She said in  
79 California, the construction companies are made to clean up after themselves. She said when  
80 their kids are riding their bikes, or running across the street, or they're driving and get rocks  
81 kicked up into their windshields, it is really not acceptable. She referred to the Cache County  
82 Water Plan that stated that citizens should take action. She said in 2010 North Logan  
83 approached an annual water shortage, and also read a portion of an article from the Cache Valley  
84 Daily where Cache County Water Manager Bob Forthingham discussed the shortage of water  
85 and the inability to get more water rights and read further, including a comment that we must  
86 protect what we have. She asked if ten million extra gallons of water a month is conserving what  
87 we have. She gave what she said is water use numbers for various-sized lots in "Canyon Ridge"  
88 and "Deer Hollow" on a monthly basis; and said therefore, that a development such as this one  
89 that has 118 new homes means they'd be using between ten to sixteen-million gallons of water  
90 every month during the summer. She said she does not see how we are conserving water by  
91 building 118 new homes up there. She said we can talk all we want about roads, but water is our  
92 number one issue that we need to talk about.

93  
94 Debbie Murray said they live "downstream" from this. She said she does not have a problem with  
95 property owners developing their property with "the statutory grants of the ordinances of our City",  
96 and said she knows these property owners to be "fine, upright people". She said the problem is  
97 that our City's infrastructure is not ready for their development. She said North Logan citizens  
98 depend on the City Council to come to the meetings having researched the issues and not  
99 depend entirely on what information comes from staff. She said if the City Council is not  
100 prepared and have not familiarized themselves with North Logan City's General Plan, they should  
101 not proceed. She read sections of the General Plan, in particular the Transportation Element,  
102 and verbiage discussing the need for east/west connectivity, and issues with traffic intrusion and  
103 traffic safety. She discussed the potential impact of 200 East on the western part of the City,  
104 particularly 2500 North, which she said already sees enough stress. She discussed the issues  
105 residents have with the volume and speed of traffic, noise, on-street parking and construction  
106 trucks on neighborhood streets. She read a policy (2.2) in the General Plan that stated "new  
107 development will be considered only when serviceable by the transportation network". She said  
108 this policy has been overlooked again and again, and we must have the infrastructure in place  
109 before allowing any more construction. She continued citing various sections of City code. She  
110 said she would like to see in the development plan, that if this property moves forward, the City  
111 will not be legally and financially liable if there are landslides, which she said occur on a property  
112 such as this. She told the City Council that if they follow the General Plan, as they have been  
113 elected to, they will see that this is an open and shut case and commented further.

114  
115 Rachel Willis said she lives in Mahogany Ridge. She said her main concern is infrastructure,  
116 roads, and the impact on the schools with this development as well as Canyon Gates, and  
117 commented further. She expressed her husband's concerns who she said was unable to attend  
118 the meeting, which included the fact that the school busses won't even go one more block to their  
119 house because of the conditions of the roads when it snows, because of the road's design. She  
120 said her husband's concerns also include the problems with access and roads, and the fire  
121 hazard created by the lack of access. She said her husband wondered why there are no City  
122 open spaces in these lots; asked if there will be any public access to the national forest; and had

123 questions about access in general.

124

125 Brad Crookston said since he was the one [on the Planning Commission] who made the motion  
126 to move this along [to the City Council] he wanted to explain the discussion the Planning  
127 Commission had on this. He said they had a lengthy conversation about this project, and had the  
128 same concerns a lot of the public is going to have. He said they felt the roads *had* to be taken  
129 care of, which he said was part of the motion; including that there had to be a way to get the  
130 traffic from this development down to Main Street, completely out of town, before it could be  
131 developed. He said the commission felt that the water [issues] had to be resolved and there had  
132 to be a plan in place before the subdivision could be done. He said he also put into the motion  
133 that the commission wanted to see some studies done on the upper part [of this property] for  
134 stability, so that the City does not end up with the liability of it. Per a question from John Bailey,  
135 Brad Crookston explained that the Planning Commission felt that the subdivision met the City  
136 code, so they moved it forward because they did not have a good reason to reject it, other than  
137 that in terms of the General Plan, they could have rejected it based on the fact that there is no  
138 good infrastructure to get to it; so he said they felt like that had to be taken care of before it could  
139 go forward. He discussed this further with John.

140

141 Bruce Nelson said he is an attorney in Salt Lake City and the Trustee of the Robert D. Kent, Jr.  
142 Trust. He said he was at the meeting with Jim Malouf, and that the two of them own property  
143 near this. He discussed their concerns about water and said in 2004 the trust and another owner  
144 contributed about an acre or so for the installation of a water tank, in addition to \$250K of cash,  
145 \$90K of which and some of the land was contributed by his client. He said their concern is that  
146 they don't want this subdivision to take the water from their tank, because they thought that it  
147 would be for *their* future development if and when that happens. He said they are at the meeting  
148 to express concern that if they are going to approve another subdivision, they ought to have their  
149 own water, or at least adequate water, so that it does not make their own properties  
150 "undevelopable".

151

152 Andy Fauth said he lives on 3025 North, and moved to this area two years ago from River  
153 Heights; one for the house of "their dreams", and also for a quiet neighborhood and friendly  
154 atmosphere. He said his concern is traffic and said there are a lot of cars that go speeding down  
155 their streets. He said last spring, a teenager was speeding, jumped a curb and hit a tree and  
156 ended up sideways in the road a house up from his, and said his son was 100 feet from that  
157 sidewalk and could have been hit. He said we already have a problem with cars speeding down  
158 the hills, and this subdivision will add 200 or more cars a day coming down these hills, which he  
159 said is a major concern for him. He said this is a safety issue that needs to be taken seriously.  
160 He said all of his neighbors have little kids that are always coming out on the sidewalks to play,  
161 and he has already worried that one day, one of these kids could get hit.

162

163 Joylynn Nelson said she lives on 3100 North 1940 East and said she hopes the council  
164 understands how much traffic is routed onto 3100 North. She said if something by chance  
165 happened to close 3100 North, from 1600 East to 1800 East; no one will be able to get out from  
166 everything that is south from 3100 North all the way through Wildercrest subdivision. She said  
167 that is close to approximately 190 homes, if that one two-block section of road is blocked. She  
168 said she spoke to Cordell Batt who she said told her there is a proposed road for 2600 North and  
169 2300 North. She asked how we would add more traffic that will route to 3100 North.

170

171 Russell Goodwin said he wanted to reiterate the comments made by Debbie Murray. He also  
172 said that he was in a Hyde Park City Council meeting in which he said they "lectured" Mayor  
173 Berentzen about how Hyde Park handles development and that they only consider it if the  
174 developer "comes with the roads, the sewer and the water", and that until then, "they don't even  
175 look at it". He commented that this development does not have adequate road access, water,  
176 utilities, etc. He said once the City Council adopts a concept plan, [the City] has essentially told  
177 the developer that we are going to approve the development; and that it doesn't matter the  
178 studies or complaints of neighbors, or inadequate infrastructure; but that once the concept plan is  
179 accepted, the City has essentially said "one way or another, this development is going to go  
180 forward". He said he hopes we keep that in mind.

181

182 Brian Hershey said he lives in Canyon Ridge Estates. He said his concerns are most of those  
183 expressed tonight: the water; where is it coming from; are they drilling their own well; do they

184 have water rights, etc. He said regarding the roads; that east/west roads need to be developed,  
185 particularly up to 1600 East. He said the entrance from 3100 North is basically used by  
186 everybody including Wildercrest, which is more towards Green Canyon. He said his question is,  
187 where is the second road for Wildercrest that he said he heard was promised, and asked how a  
188 subdivision could be built without that second access. He asked if it was going to be built soon;  
189 whether the City owns that property; if we have the funds for it; and whether the developer will  
190 have to build it. He said he thinks it should be roads and infrastructure first and *then* the  
191 development, and does not know how this one happened. He said there is a proposed road on  
192 the City's transportation map for 3100 North to go down to the new high school, and said a lot of  
193 people would like that to be done, and asked if it can be done soon and what the hold-up is.

194  
195 Darci Chew said she lives on 1895 Canon Ridge Drive. She said her concern is about roads and  
196 said trying to get home on our roads can be very difficult, which she explained further, including  
197 the dangerous road that many of the students take from Sky View High School in Smithfield, back  
198 to North Logan. She said it needs to be resolved and is not a good way for all of our kids to go to  
199 Sky View. She said her concern is also with Wildercrest and said they have heard promises for  
200 years about how this is all going to work and nothing is being done. She asked with all of these  
201 homes going in, why is there still no "south exit" coming out of Wildercrest, or coming down from  
202 the cemetery. She said they still all have to funnel through them on 3100 North and that corner of  
203 Canyon Ridge is a "nightmare". She said with the weather situation and all the busses; she does  
204 not know how we're thinking that this makes sense at all. She said she strongly opposes this  
205 subdivision that is being considered, and knows that all of her neighbors strongly disapprove it as  
206 well until something is done, she said right now, because it is a mess to get home. She said she  
207 is in Canyon Ridge Phase one, and that there were three phases done twenty years ago. She  
208 said at that time, nothing was required of the developer to go in and do anything, like parks, that  
209 go back into the City. She asked what we have done as a City to force the developers to have to  
210 give something back. She said they are making a ton of money on all of these lots and property;  
211 and asked what do they have to give back to the City to give us a park. She said our kids can't  
212 get to the park, and can't bike to Elk Ridge and get back home, and explained further. She asked  
213 why we don't have any kind of parks in that whole upper section. She said if they're going to  
214 have hundreds of homes, they need to give something back. She said everyone should not have  
215 to go to Elk Ridge, and said the kids all need a ride to and from that park. She said the corner of  
216 2700 North is a "car accident nightmare" and commented further that it is a great concern. She  
217 said before this stuff goes in and adding to the nightmare road situation, we have to have a  
218 resolution.

219  
220 Byron Lopez said he lives on 3100 North in Mahogany Ridge and said his house is the first one  
221 next to the proposed subdivision. He said he agrees with the other comments made before him.  
222 He said the water pressure on his street is absolutely terrible and he's afraid that by adding more  
223 homes there it's going to keep getting worse. He said he has reported the problem to the City on  
224 several occasions and said he did not feel like he was listened to and explained further. He said  
225 a City employee came out and checked the situation with the water meter; and said that the City  
226 employee explained to him that something was installed there to control the water pressure and  
227 that his street was the one most affected by it. He said the meter showed that the water pressure  
228 was 50 psi, but that has seen it go as low as 20 psi. He said that when his neighbor is watering,  
229 he cannot water and explained his issues further and said his neighbors down the street do not  
230 have the same problem. He asked whether the City is doing anything about this and what he  
231 should do to get it reported.

232  
233 Jennifer Thompson said she lives on 3100 North and said her biggest concern is why there needs  
234 to be so many homes. She said they've lived there for ten years and chose this lot for a reason.  
235 She said she has little kids and worries about the traffic. She said there is a house being built on  
236 their street now and she is trying to be patient with the trash and dirty roads. She said with this  
237 developer saying she wanted to do potentially ten to twelve homes per year, it means to her that  
238 for the next ten years she will have so much traffic and construction going up and down her road,  
239 which she said worries her for the speed of the traffic as well as how dirty everything will be all  
240 the time. She said she thinks it's great that people want to build, but wondered if there could be  
241 less homes and that maybe the project could be cut, even in half. She said she wondered if the  
242 City could take a look at how many homes are here already, and how many have not been sold  
243 or are sitting empty. She said we already have so many empty lots, and asked why we need this  
244 many more.

245

246 Daniel Knigge said he lives on Juniper Circle which he said is on the road right next to  
247 Wildercrest subdivision. He said he wanted to explain the issues he's had with Wildercrest to  
248 help the City Council understand the concerns he has with current road infrastructure in this  
249 neighborhood. He said he lives on the corner of Juniper Circle and every resident from  
250 Wildercrest subdivision passes his house, including all the construction that is taking place in that  
251 subdivision, including future construction. He said because there are no east/west roads, the  
252 residents of that subdivision will feel the same burden he does. The lack of adequate road  
253 infrastructure heavily burdens the few roads that are there now and commented further. He said  
254 he is afraid that if we don't put in enough infrastructure to property route traffic, those residents  
255 will have the same problems he has. He says he has five children, and people drive 40-50 miles  
256 per hour past his house and if we do the same thing again, we're just increasing the risk factor of  
257 the neighborhood.

258

259 Neal Murray said he also lives down the road from this. He said what people are really talking  
260 about, and what the City Council should consider is the "reasonable time clause" we have in our  
261 design standards. He said without it being defined, a road can be put in; but you don't know  
262 when or *if* another road is ever going to be put in on the "other end". He said there are several  
263 subdivisions around the City that are the same way. He said we need to put some "teeth" into  
264 that clause to make sure things happen and not go on for years and years.

265

266 Greg Roper said he lives at 2815 North Juniper Circle. He said with this kind of development, the  
267 City continues to add to an infrastructure that is very incomplete to begin with. He said there is  
268 no way to tell a developer how and when to finish the roads. He said there are safety issues with  
269 the roads with Canyon Ridge and Wildercrest, and yet we're looking at adding additional  
270 problems, additional infrastructure, and additional costs, when we haven't solved the existing  
271 problems. He said 190 homes are coming out of one road right now and that is a very major  
272 concern; and we're adding more to it without taking care of one major concern that already exists.  
273 He said adding more to an existing problem is not solving anything.

274

275 Sean Michael said he lives on 3100 North and 1840 East. He said when they moved here in  
276 2008, he spent about a year renting and looking for which community he wanted to live in, in  
277 Cache Valley. He said is a little obsessive about that because he has a background in Planning  
278 and Landscape Architecture. He said meetings like this and plans like these are what set up our  
279 quality of life and commented further. He said he chose their specific lot and this specific town,  
280 when they could have lived anywhere in the valley; and said it was based on what they saw as a  
281 quality of life there and in this City. He commented further and also discussed the issues with the  
282 lack of access in this area, as well as traffic and road issues. He said if we don't have what we  
283 need in terms of management, oversight, law enforcement, water systems, etc., we shouldn't put  
284 it on the backs of others, like Jim Malouf in having pre-existing agreements. He continued to  
285 comment at length. He concluded with reminding the City Council that they are public servants,  
286 and they set up what the citizens have to live with.

287

288 *As there were no further public comments, Mayor Berentzen closed the public hearing at 7:46*  
289 *p.m.*

290

291 Mayor Berentzen said he made notes on many of the comments; some of which are items that  
292 the developers are already required to take care of, and some of which have not yet been  
293 considered and will be included in their review and consideration of this project; and commented  
294 further.

295

296 Damon Cann thanked the citizens for their attendance at the meeting. He said it seems that  
297 sometimes people think that the City Council has already decided to do something and having  
298 this public hearing is just another step along the way. He said this is not the case and that this  
299 was not a required hearing, but something that they *chose* to do so that they could get the  
300 citizens' input and feedback. He further addressed some of the comments, including regarding  
301 trails, and said that there are already trails included with this plan and explained further. He said  
302 the City Council has a set of rules and ordinances that they are bound by, and the decision will  
303 not and cannot be made based on whether or not the City Council likes the development. He  
304 said if this project does not meet the ordinances, they *cannot* approve the development, and  
305 further commented.

306 Mayor Berentzen said that as we look at infrastructure requirements for this, there needs to be  
307 acknowledgement that there has been investment that has been put into existing development  
308 that is there and said we need to ensure that what is already approved is taken care of.

309 Nancy Potter said there are three places where the road is too steep. She said two of them are  
310 on curves and one is not and said she is still concerned about that, because of similar issues with  
311 safety concerns in Wildercrest.

312 Damon Cann said 3100 North is planned on the Master Plan as a 66-foot wide collector. He said  
313 it may seem less busy than that; but that for some time it has been planned that that road would  
314 carry that kind of capacity of traffic. He also mentioned that North Logan City had made an effort  
315 to make a 2900 North, connecting from 1600 East up to 1850 East, and a large number of  
316 residents from the Canyon Ridge area came and asked us to take that off, and to not add that  
317 additional connectivity through there; so we did not make that addition to the Master Plan. He  
318 said that we try to work through things as we engage in dialogue; but said part of the reason why  
319 we do not have more roads Master Planned to have more east/west traffic, is that we were  
320 responding to feedback from that community to *not* add that road to connect through, and  
321 commented further.

322

323 Consider approval of a proposed North Cache Transportation Corridor Plan.

324 Zan Murray from JUB Engineering presented the regional transportation plan and said they have  
325 been working on a plan for several years that involves the communities of North Logan City, Hyde  
326 Park and Smithfield. He explained its inception and the reasons and intentions of the plan.

327 Zan addressed various questions from the council, including regarding 600 East, north of 2500  
328 North.

329 Per a question from Mayor Berentzen, Zan said he has already met with our Planning  
330 Commission; will be meeting with the Smithfield City Council the following Wednesday; and, will  
331 be meeting with Hyde Park in January.

332 Damon Cann said we might want to consider adding a power line road to this and commented  
333 further, which Zan said would be very appropriate. He said they can add those items in without  
334 any concern.

335 The discussion continued, including working out some of the roads with the other cities and  
336 having those discussions with them. Mayor Berentzen and Jeff Jorgensen agreed that the power  
337 line road, or potentially 2000 East, should be discussed with the other communities.

338 Zan addressed some other items in the plan and how the agreements will be done between the  
339 cities. He further explained other items to be considered.

340 Mayor Berentzen said it would nice to know some of the feedback from the other communities  
341 and coordinate some of those ideas. Zan agreed and suggested how to proceed, to which the  
342 council agreed.

343

344 Consider approval of the proposed development plan and development agreement for the Ashley  
345 Court Subdivision, the development of 5.14 acres into 12 lots located at 600 East and 2600 to  
346 2700 North.

347 Mayor Berentzen introduced the agreement and discussed his meeting with Hyde Park regarding  
348 this, and explained that there is some reference in the agreement to dealing with the road access  
349 on 600 East, which he further explained. He said he wants to make sure that the discussion with  
350 the Hyde Park City Council is reflected accurately and said one of the items he said he received  
351 feedback on was that they did not want the water accessed from Hyde Park. Mayor Berentzen  
352 briefly discussed the alternatives and said it would be a metering issue, and some design would  
353 have to take place to make it work, and explained further. He said there are some clear  
354 alternatives in the development agreement which was proposed to the Hyde Park City Council.

355 Alan Luce briefly discussed the meeting with the Hyde Park City Council. He said one of the  
356 concerns that was brought up, which was also a concern of our City Council, is the access  
357 coming off of 2500 North, and said Hyde Park went over different options about how a temporary  
358 road could potentially be put in, and explained further. He also discussed potential funding for a  
359 bridge.

360 Mayor Berentzen discussed the cost of the road installation in Hyde Park, which Alan also  
361 addressed.

362 Jeff Jorgensen recommended approving this with a couple of changes, which he said included  
363 the surface of the road into Hyde Park being done with a separate agreement, and explained

364 further. Mayor Berentzen addressed this and said something different was presented to the  
365 council; and it was also reviewed by council.

366 They further discussed how this could be worked out contractually with Hyde Park and the  
367 developer, as well as with North Logan City. They discussed the council approving this  
368 agreement as is, with the understanding that it could be amended if the developer and Hyde Park  
369 could work out an alternative to this and come back with that.

370 Damon Cann commented on the process this has gone through.

371

372 *Damon Cann made a motion to approve this development plan and development agreement with*  
373 *the condition that the developer meet with Hyde Park and investigate the possibility of securing a*  
374 *development agreement to extend drivable surface into Hyde Park; and also contingent on a*  
375 *willingness of this City Council to make amendments as might be necessary if there are*  
376 *alternative agreements reached with Hyde Park in terms of drivable surface that come this way*  
377 *further down into North Logan along 600 East.*

378

379 Jeff and the council discussed Damon's motion, which he also addressed. Damon clarified his  
380 motion.

381

382 *Damon Cann made a motion to approve this development plan and development agreement with*  
383 *the condition that there is a development agreement done between Hyde Park City and the*  
384 *developer on the roadway from the Hyde Park boundary northward to make that connectible and*  
385 *workable; and contingent upon a willingness to amend if necessary. John Bailey seconded the*  
386 *motion.*

387

388 Dan Cox confirmed the information that he received from the State. He discussed a concern he  
389 has in a section of the development agreement that he spoke to Jeff about regarding the access  
390 and the asphalt being 25 feet wide, and cost sharing, which he further explained. He said his  
391 concern is that he's working with North Logan, *in* North Logan; and has a development  
392 agreement that appears to say that he can [only] do this *if* they do certain things to improve  
393 another city's roads and do something that is in another city. He said he wanted clarification on  
394 this and asked whether this is even legal.

395 Mayor Berentzen addressed this and explained, including that North Logan City has reviewed this  
396 with our attorney; and said that the last statement in the agreement regarding the road surface  
397 being done by separate agreement between the developer and Hyde Park City, is key, and  
398 explained further.

399 Dan said he is willing to do that but said there are some people on the Hyde Park City Council  
400 that have been pretty adversarial towards the project. He said while his development has been  
401 approved; his fear is that Hyde Park will not allow him to do construction on their roads.

402 This was discussed further at length, in addition to the water situation and other various items.

403

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

406

407 Consider approval of the proposed revised development agreement for the Canyon Gates  
408 Subdivision, the development of the remaining 120.79 acres into a maximum of 233 lots located  
409 between 1600 and 2200 East and 2000 and 2400 North.

410 Mayor Berentzen introduced the item. He asked if the revised concept plan had been reviewed  
411 by the Planning Commission. Bruce Baird discussed the process on the concept and the  
412 development plan and said he had not received the revised plans back from Miles Jensen with  
413 his questions that he sent to him last October. Cordell Batt said the Planning Commission has  
414 not seen anything yet.

415 Per a request from Jeff Jorgensen, developer Bruce Baird explained the changes and various  
416 points of the current agreement.

417 Nancy Potter said we need to have the concept plan approved with Planning Commission before  
418 this agreement is approved.

419 Mr. Baird said the concept plan is not "materially different" and is ready to go before the Planning  
420 Commission.

421 Jeff addressed questions from the council.

422 There was more discussion about how to proceed.

423 Kristen Anderson said there are still issues with how secondary water is administrated and asked  
424 if there are ways to improve that, which Mr. Baird addressed.

425  
426 Consider approval of the proposed development plan and preliminary plat for the for Brooker  
427 Haven Senior Living, a city center development of 7.7 acres with 46 units (23 duplexes) on the  
428 East side of 400 East at about 1900 to 2000 North.

429 Cordell Batt introduced this item and explained the situation. He said we are including CC&Rs  
430 this time to maintain the senior living element. He explained other various details and said the  
431 Planning Commission, as well as staff, made a positive recommendation on this. He said the  
432 CC&Rs have been reviewed by the City Attorney, who said there are still some items that need to  
433 be worked out upon which negotiations are taking place, and will be worked out before final  
434 agreement.

435 Kristen Anderson asked if that had to be worked out before they give approval, which Cordell said  
436 is up to the City Council and commented further.

437 Kristen expressed her concern about approving this when the City Attorney feels the CC&Rs are  
438 not where they should be.

439 Nancy Potter said she has the same concern; and said that Cordell said there are changes but  
440 that there is no way of knowing on the document, what the changes are, and commented further.

441 Kristen said she would like a red-lined copy.

442 The discussion continued.

443 Developer Curtis Jacobs said it's actually called "Brookhaven" and further explained the situation  
444 with the agreement.

445 The City Council agreed that they want to receive comments from the City Attorney before they  
446 move forward, and agreed that they could have a meeting in two weeks if necessary.

447  
448 Consider approval of a proposed ordinance that makes revisions to Section 12D-206 Approved  
449 Procedures Flag Lots in Subdivisions, adding a statement that the flag lot procedures will not be  
450 used in existing subdivisions.

451 Cordell Batt explained the situation, the history of flag lots and the conversation that the Planning  
452 Commission had on this that led them to add the statement disallowing flag lots in existing  
453 subdivisions.

454 Cordell addressed questions from the council.

455 Mayor Berentzen said he thinks this is a good idea, but that he is concerned about people who  
456 may have purchased lots with the idea that they could put in a flag lot someday.

457 John Bailey concurred and explained the situation that recently occurred on 2100 North. He said  
458 in taking this completely away, however, it may replace one problem with another one and  
459 commented further.

460 Cordell said he agreed and said the Planning Commission discussed that. He said the City  
461 Council had enough concern that this could happen again in an existing subdivision, that they  
462 asked the Planning Commission to review this; and this is what the Planning Commission came  
463 up with.

464 Nancy Potter said with the previous situation on 2100 North, the gentleman said all of the  
465 neighbors were okay with it but the City did not have that in writing; and it turned out they *were*  
466 *not* okay with it.

467 Jeff Jorgensen said the City Council has to know they have the responsibility and the authority to  
468 deny something because something is not for the "good of the community". He said a flag lot is  
469 used as an exception, and is subjective; therefore the City Council can decide whether or not it is  
470 a good idea.

471 The discussion continued and Cordell and Jeff addressed the council's questions.

472 Kristen Anderson discussed her support of this proposed ordinance.

473 Jeff discussed his issues with how a subdivision is actually defined, which Cordell addressed.

474 The discussion continued, including how to proceed.

475

476 *Kristen Anderson made a motion to approve this ordinance and re-evaluate it in six months.*

477 *Damon Cann seconded the motion. A vote was called and the motion passed with Roger*

478 *Anderson, Damon Cann and Kristen Anderson voting in favor and John Bailey and Nancy Potter*

479 *voting against.*



480

481 Consider approval of a proposed resolution revising the City's Personnel Policy regarding  
482 Affordable Care Act requirements.

483 Scott Bennett briefly explained the ordinance, including that it meets the ACA requirements.

484

485 *Kristen Anderson made a motion to approve this resolution. Nancy Potter seconded the motion.*

486 *A vote was called and the motion passed unanimously with Nancy Potter, John Bailey, Roger*

487 *Anderson, Damon Cann and Kristen Anderson voting in favor.*

488

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

490 Chief Kim Hawkes discussed the success and community support for the "Shop with a cop" event  
491 that took place the previous Saturday.

492

493 Chief Jon Keller discussed Senate Bill 122 and suggested that we go ahead with it, and  
494 commented further. He also discussed using a grant as well as money allocated to hire a full-  
495 time employee at the first of the year. This was further discussed briefly, and Mayor Berentzen  
496 explained how the money is being worked out. Chief Keller also said he still wants to have a  
497 workshop with the Fire Department and the City Council to discuss current and upcoming issues.

498

499 Cordell Batt said the Planning Commission is going to suggest that they become the Land Use  
500 Authority and said this is per attorney Miles Jensen who they have been working with and  
501 explained further. Mayor Berentzen said he is very supportive of this "separation" and  
502 commented further.

503

504 Alan Luce gave an update on the Capitol Improvement Plan, which he would tie into a future  
505 impact fee study, which he said would address the issues we are having regarding future  
506 improvements for roads, storm water, water, sewer, etc., and commented further. He said we're  
507 about three-fourths of the way through that and will have it ready for the City Council soon.

508 Alan asked the council to allow Dayton Crites from Cache County to review trails with them.

509

510 Cache County Trails Planner Dayton Crites discussed the current situation with canal trails,  
511 particularly in relation to the prescriptive easement.

512

513 Kay Gilgen discussed when, fourteen years ago, when the City Council asked him to give twenty  
514 feet on the east side of the canal to build a home, and said the City told him that unless he did,  
515 the City would not give him a building permit. He said he went to the state Ombudsmen who  
516 write North Logan City a letter stating that they could not do that, and said the City therefore had  
517 to "back out of it". Kay said the landowner owns the canal; it can't just be "taken" for a trail.

518 Mayor Berentzen said there are some areas that are owned by the property owners, and some  
519 that are owned by Cache County.

520 Kay referred to the right-of-way for 2300 North coming out of Wildercrest, and suggested that we  
521 buy a piece of his property that would be part of road; and that we would also be able to put the  
522 Bonneville Shoreline trail through the property, and commented further.

523 Mayor Berentzen said the City needs to discuss various things with Kay Gilgen.

524

525 Zan Murray from JUB Engineering referred to the study taking place with the Crocket Canal  
526 diversion, and pressurization of the middle canal; and briefly discussed their involvement and  
527 their study of that project and explained further. He said he was at this meeting to ask for North  
528 Logan City's participation in this study financially for a portion of the funds, which he said would  
529 be approximately \$16, to be split between fiscal years 2017 and 2018, which he detailed further.

530 Nancy Potter said she would like to see something in writing and Zan said he would be glad to do  
531 that. Zan further detailed the plan. Mayor Berentzen asked him to put a short proposal together  
532 for the City Council.

533

534 Jeff Jorgensen discussed the situation with the traffic light on the northwest corner of the Wal-  
535 Mart property where UDOT wants to put a traffic light on Main Street. Jeff discussed the funding  
536 of this and UDOT's request to have North Logan City pay to acquire the rights-of-way there, and  
537 further explained their request from us for an increasing amount of funds. Mayor Berentzen  
538 discussed the potential for getting the adjacent businesses to participate, and Jeff explained that  
539 this is not something the City can afford to fund, which the City Council agreed with. Jeff

540 addressed various questions from the council and the discussion continued.

541

542 Roger Anderson discussed the long process that it will take to get an impact study done. He said  
543 whatever we can do to speed the process along we should do, because the money we receive  
544 will help to alleviate our infrastructure problems.

545

546 Kristen Anderson said she has spoken to Brent Dahle who asked if we could close 2500 North [to  
547 the cemetery] for one day, which Mayor Berentzen said allows them to have certain rights. This  
548 was discussed further, particularly how to manage it. Alan Luce addresses some questions from  
549 the council.

550 Kristen said she's had another person complain about the weeds in front of the old K-Mart and  
551 the need to have them removed. Nancy Potter concurred.

552 Kristen referred to the public comments made tonight at the meeting; and said that nearly every  
553 person is concerned about the speeds on the roads for the upper subdivisions on and above  
554 1600 East, and said she has had people mention it to her as well.

555

556 John Bailey said as he read the Planning Commission meeting minutes about them becoming the  
557 land use authority; and the question they asked about whether the City Council then becomes the  
558 appeal authority. Cordell explained that Mark Hancey was North Logan City's appeal authority,  
559 but that that position became vacant recently when Mark became the City Attorney. Mayor  
560 Berentzen said we need to appoint a new appeal authority. The discussion continued. John  
561 Bailey said making this change would allow the City Council to handle much more "strategic"  
562 items, which Mayor Berentzen concurred with and commented further.

563 John Bailey discussed the clearing of snow on trails, in relation to requiring citizens to clear snow  
564 on the sidewalks adjacent to their homes and asked what the liability is if we don't clear them,  
565 which Alan Luce addressed.

566

567 Nancy Potter asked about all of the trailers and various vehicles parking along 2200 North; and  
568 Chief Kim Hawkes explained that those vehicles are legally allowed along there as long as they  
569 are on private property. Mayor Berentzen explained that that unimproved area has not been  
570 dedicated to the City, and that all we have is the asphalt area. The discussion continued.

571

572 **Executive Session – Closed**

573 Discuss issues relating to ongoing litigation.

574 *Nancy Potter made a motion to close the meeting and move into Executive Session for the*  
575 *purpose of discussing issues relating to ongoing litigation. John Bailey seconded the motion. A*  
576 *vote was called and the motion passed unanimously with Nancy Potter, John Bailey, Roger*  
577 *Anderson, Damon Cann and Kristen Anderson voting in favor. This occurred at 10:07 p.m.*

578

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

580

581 *Damon Cann made a motion to open the meeting and move out of Executive Session and return*  
582 *to the regular City Council meeting. Nancy Potter seconded the motion. A vote was called and*  
583 *the motion passed unanimously with Nancy Potter, John Bailey, Roger Anderson, Damon Cann*  
584 *and Kristen Anderson voting in favor. This occurred at 10:22 p.m.*

585

586

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

590

591 The meeting adjourned at: 10:22 p.m.

592

593 Approved by City Council:

March 1, 2017

594

595 Transcribed by Marie Wilhelm

596

597 Recorded by

598

\_\_\_\_\_  
Scott Bennett/City Recorder

599