

Minutes of the North Logan City
City Council
Held on January 18, 2017
At the North Logan City Library, North Logan, Utah

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

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

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

Others present were: Paul Woodland, Casey Moriyama, Miles Jensen, Jenissa Seeley, Daniel Knigge, Neil Murray, Debbie Murray, Sean Michael, Jim Malouf, Charlotte Brennand, Adam Winger, Brad Larson, Jay & Nancy Larsen, Lydia Embry, Jon Keller, Alan Luce, Kim Hawkes, Cordell Batt, Scott Bennett, Jeff Jorgensen and Marie Wilhelm.

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

Adoption of Agenda

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

Follow-up

Nancy Potter announced that Alan Luce will be replacing Jeff Jorgensen as the City Administrator and discussed the extensive process that the City undertook in searching for the best candidate.

Review of Action Items

Jeff Jorgensen reviewed the action items list with the council.

John Bailey arrived at this time, 6:39 p.m.

New Business

City Council Work Session Items

Discuss the concept plan for the Wheatland Hills residential subdivision. The subdivision is about 155 acres, 118 lots using the bonus determinant option in the RE-1 zone and located at approximately 2200 E and between 3100 and 3400 N.

Jeff Jorgensen explained that he wanted this on the agenda because it relates to other items the City is working on, especially in terms of our Water Master Plan, and may ultimately affect this subdivision, which he explained further. He said one of the main issues with the Wheatland subdivision was water; both the quantity and the pressure, which he further described. He said he wants to discuss with the council what items to move forward with first.

Nancy Potter said she feels that water is one of the key issues. She said she would be concerned about the developers doing much until the water situation gets worked out.

Roger Anderson asked about the timeline for Lance Anderson finishing the Water Master Plan, and Alan Luce agreed with Jeff that it will take a few months for the Water Master Plan; but that it will then also take one to two weeks for Lance to do the water modeling for this subdivision.

Jeff said there is plenty of water and pressure for a first phase of this project; but beyond that, there will definitely be issues with both capacity and pressure; and said he thinks it would be wise to hold off on this.

John Bailey said after reviewing many of these, he feels that conceptually, Wheatland Hills is doing a very good job. However, he said he is not comfortable with the fact that we consistently tend to look at things without considering how it really impacts the larger issues. He said water is his main concern. He said as he has done some preliminary calculations on Wheatland Hills and

59 Canyon Gates combined; and considers all of the other projects above the canal that may not
60 have secondary water; and he has also looked at the summer consumption rates for those who
61 have to use culinary; he said with all of those issues combined including Wildercrest, he would
62 argue strongly in favor of putting all decisions on hold for this subdivision for now.

63 Damon Cann said he has a number of concerns, water being a main one, and said he is okay
64 with putting things on hold while the water situation is worked out; and said it would also be
65 beneficial to discuss the other issues. He said he is concerned about the sections of steep road
66 in terms of plowing and more. He said he also wants to discuss what options might be available
67 to connect to 3400 North; and what the timeline might be for connecting to 3100 North, and
68 commented further. He said his recommendation would be to wait on authorizing a concept plan,
69 and working *all* of these things through, in addition to the water.

70 Kristen Anderson mentioned her potential conflict of interest; and said that the developer does not
71 even really want it on the agenda until the City has addressed these issues. She said having it
72 on the agenda is primarily for the City to ensure that we are addressing these issues that need to
73 be discussed.

74 Nancy Potter mentioned the meeting that they had with some of the residents in that area; and
75 said that they will make sure that the Mayor gets those comments.

76 Roger Anderson asked what the likelihood is of getting 2300 North connected.

77 Jeff said it will be done at some point, but part of it relates to the development agreement with
78 Canyon Gates which is under revision, and explained further. He said when that is worked out,
79 they will have a better idea about 2300 North, 2500 North, 3100 North and 3400 North, etc.

80 The council continued to discuss various related items.

81 Damon Cann explained to the attendees how the approval process works, based on the code and
82 ordinances.

83 The council discussed this further.

84

85 *Damon Cann made a motion to table the Wheatland Hills subdivision; continue to work with staff*
86 *on the water issues, as well as any other issues that may come up; and communicate those to*
87 *the developer. John Bailey seconded the motion. A vote was called and the motion passed*
88 *unanimously with Kristen Anderson, Roger Anderson, Damon Cann, John Bailey and Nancy*
89 *Potter voting in favor.*

90

91 Discuss a proposed ordinance that makes amendments to the Subdivision Ordinance:
92 "Subdivision Review & Approval Process; Designating the Planning Commission as the Land Use
93 Authority for North Logan City."

94 Cordell Batt explained that the Planning Commission has been working on this for a long time, as
95 it was suggested that we compare what other area cities do for this and consider whether North
96 Logan City might want to make our Planning Commission the Land Use Authority. He said by
97 state code, it has to be a recommendation made by the Planning Commission; and further
98 explained that they have been working with attorney Miles Jensen, who has gone through the
99 code and suggested changes that accomplishes making the Planning Commission the Land Use
100 Authority. He asked Miles Jensen to explain further.

101 Miles Jensen explained the situation and the proposed ordinance given to the council for review;
102 and further explained the process, and the benefits to having the Planning Commission serve as
103 the Land Use Authority.

104 Nancy Potter said she was concerned about the section that says the council has no say; that we
105 have informal say, but no public hearings at the City Council; and that everything is done through
106 the Planning Commission and then it goes right to the Mayor for final approval. She said there
107 are some scenarios that could take place that are concerning; one being a potential situation
108 where a Mayor is elected who is a developer, as there could a conflict there. She said a Mayor
109 could also get elected who is very anti-development, and commented further. She said she is
110 concerned that by taking the City Council out of it, we are going to lose some balance of how the
111 City is going to be designed, and commented further. She also mentioned that the City Council
112 members are elected, unlike the Planning Commission, and are the ones who are responsible for
113 how our City is developed.

114 Miles addressed this and explained how things could be managed, and further explained the
115 typical process for approving projects and subdivisions.

116 John Bailey said he has mixed feelings, and said on one hand, he is concerned about the amount
117 of time subdivisions consume on City Council Agendas and explained further. He asked Miles
118 about what the sizes of cities are when a city moves to take this step, which Miles and Cordell
119 addressed. Miles said that most cities are moving towards the Planning Commission taking on
120 more of this, so that the City Council is not involved in a lot of the details in the subdivision
121 approval process. He explained further. He also discussed the confidence a City Council needs
122 to feel in its Planning Commission and that things will be appropriately administered, which is
123 why, he said, they left the Mayor as a final signatory in the approval process, so that he can see if
124 anything was missed during the process.

125 Nancy said she is aware that in Cache County, subdivisions go through the Planning
126 Commission, but that they also then go through the Cache County Council.

127 Cordell discussed the presentation he heard about this at a planning conference and said people
128 were surprised that our subdivisions are still being approved by our City Council. He said Mayor
129 Berentzen is in favor of doing this. Cordell said the Utah League of Cities and Towns, including
130 David Church, recommend doing it this way, and commented further. He further explained the
131 benefits of doing it this way. He said if there are a lot of issues, like with a large subdivision such
132 as Wheatland Hills, public hearings can still be held, and there can be more review, and
133 discussed this further.

134 Kristen Anderson said she can see the wisdom in moving in this direction. She said her feeling is
135 that if we do this; she would like to go through everything we have "with a fine-toothed comb" and
136 ensure that they are written how we want, before we "hand things off" and commented further.
137 She said we also need to make sure that our planning staff and the Planning Commission are
138 receiving the training they need. She said as we remove a "layer of protection" from the
139 community, she wants to make sure we are doing everything we can.

140 Damon Cann said originally, he didn't think this was something he could ever support. He said
141 while he still has some concerns and reservations, he sees the wisdom in doing this, if it is done
142 correctly, including some of the items Kristen mentioned. He further explained his comments and
143 reservations on this; and said it comforts him that if things change, the City Council has the ability
144 to revoke the authority from the Planning Commission if necessary.

145 Nancy Potter said however, that once the Planning Commission approves something, it is done.

146 Damon agreed and made some recommendations, including making the City Council the Land
147 Use Authority on City Center projects and commented further. He also recommend that any
148 subdivision requests involving more than 60 lots, or some other number; i.e., the "big ones", are
149 guaranteed to have that extra level of oversight. He also recommended that if the Planning
150 Commission approves waivers of certain requirements, such as for steep roads or sidewalks; that
151 those sorts of waivers require City Council approval, and explained further. He also discussed
152 Kristen's comment about training; and further discussed the importance of the Planning
153 Commission members having regular training. He also discussed assigning a City Council
154 member to attend every City Council meeting. He commented further.

155 Roger Anderson agreed with Damon and commented further. He said this may be happening too
156 soon, but said he likes the idea.

157 John Bailey said it sounds like the City Council likes this idea in theory, but are not sure how to
158 get there; and that they don't want to move too quickly, and said he would support a measured
159 approach.

160 Nancy said that this puts a lot of the burden on the Mayor. She continued that things come up,
161 and it's not that we question the Planning Commission's authority; but that there are more eyes
162 looking at a project and potentially seeing something that needs to be changed, and commented
163 further.

164 Cordell addressed this and said the information on the concept plan and preliminary plat is still
165 given to the City Council; he said there will just not be a formal meeting where he explains the
166 project to the council, and commented further.

167 Miles explained the timing of the process per a question from Nancy Potter, particularly in relation
168 to potential meeting schedules.

169 The discussion continued, and Cordell and Miles addressed various questions from the council.

170 Jeff explained that when there are issues with a particular subdivision, the City Council will still
171 review those; but if the ordinances are set up the way they should be, there is no reason why a

172 smaller, less complicated subdivision has to be reviewed by the City Council, and explained
173 further.

174 John Bailey said he supports moving in this direction, but is not ready to give total approval in
175 making the Planning Commission the Land Use Authority, and commented further.

176 Damon said he shares some of the reluctance of the other City Council members and feels there
177 should be more discussion with the Planning Commission, and commented further.

178 Jeff suggested having Cordell and Alan Luce work on this and make some of the changes that
179 Damon recommended and were discussed.

180 Nancy reiterated that she does not like the fact that the City Council is completely out of it; and
181 said she feels like they are one more layer that gets things reviewed, and commented further.

182 Alan Luce said he has spoken to four or five other cities about this method, and said there is
183 really not one perfect format for how this takes place and explained further. He said the cities
184 that are moving more towards having the Planning Commission be their Land Use Authority, have
185 also formed some kind of development review committee. He said each one of those is different,
186 but most of the cities' committees are made up of several staff members including the planning
187 director, a fire department representative, building inspectors; and in addition, it typically has a
188 City Council member and a Planning Commission member. He said this would be a formal
189 meeting to carefully go over the plan, and then they meet again to finalize the report and then
190 submit it to the Land Use Authority. He explained further. He said regardless of which way we
191 go, we should move towards having this committee. He said the other cities have explained that
192 the committee is able to catch a lot of things when they all sit together and go over everything,
193 and further explained, including that the purpose of the committee is to ensure that the
194 developers are completely abiding by the code.

195
196 *John Bailey made a motion to direct the appropriate City staff to bring back to the City Council an*
197 *amended proposal that would explore a limited Land Use Authority being given to the Planning*
198 *Commission and have the City Council review that again. Kristen Anderson seconded the*
199 *motion. A vote was called and the motion passed with John Bailey, Roger Anderson, Damon*
200 *Cann and Kristen Anderson voting in favor and Nancy Potter voting against.*

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

202
203 Cordell Batt said that Planning Commission chairman Brett Robinson resigned, so we are in need
204 of another Planning Commissioner.

205
206 Jeff Jorgensen asked Alan Luce to discuss the Crocket Avenue Irrigation situation.

207 Alan explained that "Crocket Avenue Irrigation" is an organization of people who are looking to
208 pipe several of the canals in a wide-ranging study. He said that JUB and Crocket Avenue
209 Irrigation have lined up some potential grants; and that the City Council needs to write letters of
210 support, and it requires some commitment on our end before we can move ahead. He briefly
211 discussed the draft agreement displayed which outlined the financial commitment for the various
212 participants in our area; and he further explained that this is sizeable grant which would cut the
213 costs significantly for North Logan for our participation in the study. Jeff explained the costs
214 further, and also explained that the funds could potentially be taken out of the storm water fund.
215 He said he wanted the City Council to be prepared to discuss this at the next meeting.

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217 Nancy Potter asked about storm water with the rain that has been occurring and asked how our
218 drains handled it, and whether we had any issues, which Alan addressed and explained; and said
219 a lot of it was prevented by the proactive nature of the residents.

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221 **Executive Session - Closed**

222 **Discuss acquisition of real property.**

223 *John Bailey made a motion to close the meeting and move into Executive Session for the*
224 *purpose of discussing acquisition of real property. Damon Cann seconded the motion. A vote*
225 *was called and the motion passed unanimously with Nancy Potter, John Bailey, Roger Anderson,*
226 *Damon Cann and Kristen Anderson voting in favor. This occurred at 7:52 p.m.*

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

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Kristen Anderson 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 8:04 p.m.

Damon Cann made a motion to adjourn the 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.

The meeting adjourned at: 8:04 p.m.

Approved by City Council: April 5, 2017

Transcribed by Marie Wilhelm

Recorded by _____
Scott Bennett/City Recorder