

Minutes of the North Logan City
City Council Workshop
Held on February 26, 2014
At the North Logan City Library, North Logan, Utah

Damon Cann made a motion to appoint John Bailey as Mayor Pro Tem in Mayor Lloyd Berentzen's absence. 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.

The meeting was called to order by John Bailey at 7:00 p.m.

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

Others present were: Laurel & Linda Hayes, Mardell C. Parrish, Morgan Parrish, Mayor Berentzen (later in the meeting), Lydia Embry, Russell Goodwin, Jeff Jorgensen and Marie Wilhelm.

New Business

Discuss plans to extend secondary water services on the east bench.

John Bailey introduced the item, which he said was essentially a continuation of the discussion from the last City Council meeting regarding the extension of secondary water services on the east bench involving Mardell Parrish. He explained that the first main issue from the council is regarding North Logan City getting written documentation showing permission from the canal company allowing the Parrishes to put a headgate in the canal bank in order to use water on the east side of the canal.

The council invited Laurel Hayes, there to represent the canal company, to discuss the situation; and Mardell explained the situation to him, including that the Parrishes need to have permission to have an easement to cross the City's 16-foot park easement on the east side. He further explained their conversations with Fisher's.

Laurel explained that the canal company has an easement on the west side of the canal, but is limited by the property owners, and said they have to get permission/easements from them for any head gates that go in. He said this has not been a problem before, because the only people putting in headgates have been property owners. He said there is a stipulation in the canal company's bylaws now that allows a headgate to be installed on the east side of the canal, which would have to be approved by the canal company; but such cannot be done until they are sure that they have an easement from the property owner allowing the water master to travel the canal bank on the east side to do maintenance (check the headgate, meter, etc.), which in this case, the City is the owner. He said the Parrishes are at a standstill, because they can't build the headgate until the canal company gets that easement. Laurel said he thought all the canal company needs is a written statement, or an easement, stating that the canal company's water master will be allowed to travel on that easement to perform maintenance. He said they are trying to discourage headgates on the east side because it does add to the water master's job, and explained further.

Jeff said the 16 feet in this case is not technically an easement, it is a "right-of-way", and said it is more like a road, and explained further using a projected site map of the location, including Canyon Ridge Subdivision. Per a question from Mardell, Jeff confirmed that the City owns this strip, which he further detailed using the map. Mardell asked if a three-wheeler can be driven on this; and Jeff said that is a different issue and needs to be discussed, and further explained. Jeff said he does not have an issue with the water master walking on the right-of-way to do maintenance; and Mardell said the water master rides his four-wheeler along there. Access was further discussed and Jeff said it could be worked out. Jeff said his understanding was that according to Keith Meikle and others, the canal company has claimed to have a maintenance easement on both the east and west sides of the canal. Laurel Hayes said he questioned whether that was correct.

58 Laurel said the bottom line is that they will not allow a headgate unless they know they can get in,
59 easily, for the water master to do his maintenance and check things.

60 Damon Cann asked Laurel that if the City allowed access, and even allowed a motorized vehicle
61 (three or four-wheeler); whether the canal company would grant the Parrishes access.

62 Laurel said that would take a vote of the canal board; but said he knows it won't happen at all
63 unless they know the Parrishes can have that access. He also said while the canal board is not
64 in favor of putting headgates on the east side; that since the Parrishes cannot put it on the west
65 side, he cannot see why the canal would disallow it, but said that it just his opinion.

66 Morgan asked Laurel to explain why the canal changed their previous rule which did not allow
67 any headgates on the east side, which Laurel explained. He said that until a couple of years ago,
68 the canal company did not allow water east of the canal at all. He said since land use has
69 changed, and there is so much development on the bench; the canal company filed for and
70 received a "change in point of use application" from the state engineer and now they're allowing
71 water to be taken east of the canal. If water is not being used west of the canal, which was the
72 historical area for the water's use, it can be diverted east of the canal. He explained further.
73 Laurel said each case will be considered individually.

74 The conversation continued, including how shares in the canal company are used on the land.
75 Mardell explained how he will utilize these, and other canal shares for the land east of the canal.

76 Mardell said that they will put into the agreement a "no loss commitment" to anyone who works
77 with them in Canyon Ridge. He said if they are unable to provide water for any reason, they will
78 ensure that [the property owner] will not take a loss by hooking up to their secondary water
79 system. He said they will not pay more than they would have paid to the City until their
80 connection fee is paid. He explained further; including doing a "lease to buy" water shares option.

81 Laurel Hayes mentioned that they only transfer the point of diversion to a different headgate once
82 a year. He gave the example that they can't finish in September and transfer it to another place
83 for October.

84 John Bailey asked about the right-of-way and what controls we have there, which Jeff explained.

85 John said we need to think about this carefully in terms of setting any precedents.

86 The conversation continued.

87 Nancy Potter asked Mardell if he had a business license for this, which he said he did and
88 explained briefly. He has a business license under which he runs a number of DBAs.

89 Mardell reiterated the situation and its history, including what he is doing and has done in the
90 Canyon Gates subdivision.

91 Nancy discussed the issues that occurred with water difficulties again in Canyon Gates and said
92 they need to make sure everything is working there.

93 The conversation continued with the council and Parrishes.

94 *Mayor Berentzen joined the meeting.*

95 Mardell said what they are putting in will service about 70 homes below the canal and further
96 discussed the situation.

97 Morgan went through a power point presentation addressing the history of the situation,
98 concerns, water availability, and their addressing of the water issues with Canyon Gates'
99 residents.

100 Damon said he would be comfortable with granting access to the City right-of-way; allowing them
101 to put in the headgate on the east side of the canal and granting that access for a guarantee of
102 one to two years; and all that subject to making sure that before they expand their system beyond
103 just Morgan's property, that Canyon Gates is fully operational. He said this would then allow
104 them to irrigate Morgan's property for now. He said this would allow them to put in the headgate;
105 and does not commit the City to do more than that, until 1) the Parrishes can demonstrate that
106 under a fully-operational system, they have Canyon Gates working to the satisfaction of the
107 residents; and 2) that if that works out, they can then work out some kind of agreement to
108 continue the water delivery beyond Morgan's property, which may include a type of franchise
109 agreement for an expanded system.

110 Mayor Berentzen explained that while the conversation can continue; an official motion to
111 approve anything should not be made until a regular City Council meeting in which this is an
112 agenda item.
113 The council discussed how to proceed.
114 Jeff recommended providing a letter to the council that they could approve at the next City
115 Council meeting. Such a letter would be sent to the canal company, stating what the City will
116 allow at this point.
117 Mardell reiterated his concern that if they don't use the water, they will lose it.
118 The council continued reviewing with the Parrishes what had been discussed to make sure
119 everyone understood what was being agreed to.
120 *Damon Cann left the meeting at this time.*
121 Mardell passed out to the council an amendment to his documentation regarding water meter
122 reading.
123 Mayor Berentzen asked the council to voice any of their concerns.
124 John Bailey and Kristen Anderson concurred with Damon's comments, particularly in having proof
125 that Canyon Gates is working sufficiently for the residents before an expanded system in Canyon
126 Ridge is authorized.
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129 *Nancy Potter made a motion to adjourn the meeting. Kristen Anderson seconded the motion. A*
130 *vote was called and the motion passed unanimously with Nancy Potter, John Bailey, Roger*
131 *Anderson and Kristen Anderson voting in favor.*
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134 The meeting adjourned at: 8:17 p.m.
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137 Approved by City Council:

March 19, 2014

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140 Transcribed by Marie Wilhelm
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142 Recorded by
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Scott Bennett/City Recorder