



Minutes of the North Logan City  
City Council  
Held on February 21, 2024  
At the North Logan City Library, North Logan, Utah

Item #1 - Opening Business

The meeting was called to order by Mayor Lyndsay Peterson at 6:31 p.m.

Council members present were: Buzzy Mullahkhel, Emily Schmidt, Kenny Reese and Mark Hancey. (Joni Kartchner was excused.)

Others present were: Tyler Jacobson, Alberto Garcia, Nancy Potter, Steven Wood, Mark Wilkinson, Lance Anderson, Janet Duncan, Police Chief Kent Goodrich, Fire Chief Nate Thompson, Jordan Oldham, Scott Perkes, Scott Bennett, Alan Luce and Marie Power.

The Pledge of Allegiance was led by Buzzy Mullahkhel.

An invocation was given by Mark Hancey.

Adoption of Agenda

*Emily Schmidt made a motion to adopt the agenda, as presented. Buzzy Mullahkhel seconded the motion. A vote was called and the motion passed unanimously with Buzzy Mullahkhel, Emily Schmidt, Kenny Reese and Mark Hancey voting in favor.*

Approval and Follow-up of Minutes of the January 17, 2024 City Council Meeting, January 17, 2024 Executive (Closed) Session and February 7, 2024 City Council Meeting.

*Mark Hancey made a motion to approve the three sets of above-referenced minutes, as presented. Emily Schmidt seconded the motion. A vote was called and the motion passed unanimously with Buzzy Mullahkhel, Emily Schmidt, Kenny Reese and Mark Hancey voting in favor.*

Review of Action Items

Alan Luce reviewed the list with the council.

Recognition of Exemplary Staff Member

Mayor Peterson and the City Council recognized Danielle (Dani) Larsen and Natasha Papke from the Recreation Department, who were both nominated by Jesse Howe, for all of the hard work and efforts they put into creating the Murder Mystery Dinner event; which had great attendance and was a fun time for all who went and participated!

New Business

Current Action Items

Item #2 - Consider the authorization of the signing of a City-wide Franchise Agreement with Google Fiber.

Alan Luce gave an overview of the agreement, and said we've been working with Google on this for several months. He also commented that staff has been working on getting fiber into the City for many years, with the best possible situation possible; and explained some of the issues they saw with various companies that they considered and reviewed over the years. He said we're extremely pleased to finally have this taking place. He further explained the thorough review this agreement and situation has gone through, to ensure that the City has made the best choice possible for the citizens; including having the City Attorney review the agreement thoroughly.

Aberto Garcia from Google discussed the process of reaching the agreement with North Logan City, and said they do these deals all over the state; and said he wanted to express their gratitude for the diligence, thoroughness and positive collaboration from the City staff, and said it was incredible; and said that the City staff did everything they could to make sure the residents of

57 North Logan were protected. Alberto said they are very grateful to be there, and to be able to  
58 provide this service to North Logan.

59 Buzzy Mullahkhel asked Tyler Jacobson, the western region engineer lead for Google, whether  
60 the situation is similar to Xfinity, with its junction boxes and power source distributing out to the  
61 homes; and also asked if they intend to cover the entire City.

62 Tyler addressed this, and explained that Google uses pure fiber, where Xfinity uses coaxial and  
63 some fiber. Tyler also said that they are looking to install fiber to the whole City. He said there  
64 may be some homes that won't be able to have this due to various issues, such as being located  
65 remotely, or where there are rural moratoriums, or other deterrents.

66 Mayor Peterson asked about the timing of this taking place; and Alberto explained that once the  
67 agreement is done, they are going to finish their engineering, and then the installation is  
68 contingent upon the weather, and when permits can be obtained. He said they are hoping to  
69 install in May or June, and they are looking at a two-year build-out, and explained further. He  
70 said they realize this is a burden to citizens, as they are going into neighborhoods and onto their  
71 streets; but explained that they really pride themselves on what they do to mitigate that as much  
72 as they possibly can; and detailed some of the things that they do to communicate with residents  
73 and staff, and to be as helpful as they can, with the least amount of disruption as possible.

74 Emily Schmidt said several residents asked her about road closures; and Tyler said that they  
75 almost never do road closures, and also said there will be no blocking of roads, and explained  
76 further.

77 Alan said we asked endless questions of Google when they were looking into this, on every  
78 aspect and area, which he further discussed, including their installation process, and explained  
79 how they physically install the lines. He said Google does this with a very quick process, which  
80 he said was one of the most appealing aspects of this. He also said other companies make  
81 residents pay a fee for installation, and explained how Google does not do that. Per a question  
82 from Kenny Reese, Alberto confirmed that they cover the entire costs of installation and  
83 infrastructure; that residents will not be charged a fee for that.

84 Per a question from Mark Hancey about which cities North Logan staff spoke to, who had  
85 experience with Google fiber; Alan explained that they spoke to South Jordan, as well as Logan  
86 City, who Alan said was approximately six months ahead of us. Alan said they spoke to the staff  
87 of these cities, in varying departments, and asked many detailed questions, but that we have not  
88 heard any negative comments from these other cities.

89 Mark asked about the assignment clause, as well as an indemnity clause in this agreement; and  
90 Alberto said they have almost never had an issue with the assignment clause, when there has  
91 been good collaboration with a city. Mark explained the potential issue with the indemnity clause  
92 that was stricken out of this agreement, but thought there were other items still in the contract  
93 which referred to that stricken clause; and Mayor Peterson explained the language in the  
94 contract, in another place in the document, that takes care of that.

95 Buzzy asked for a ballpark figure for what this will cost the residents, approximately.

96 Alberto said it is \$70 for 1 Gigabit (speed) of service, per month.

97 This was discussed further.

98 Buzzy said it's \$120 for the same service per month, from the primary vendor in this area.

99 Per a question from Alan, Alberto said it's \$100 for double that (2 Gigabits) and that there is a  
100 price structure for faster speeds.

101 Buzzy said the competition is needed for this; and that it is good for the citizens to know this is a  
102 huge savings for them.

103

104 **Motion**

105 *Emily Schmidt made a motion to authorize the signing of a City-wide Franchise Agreement with*  
106 *Google Fiber. Buzzy Mullahkhel seconded the motion. A vote was called and the motion passed*  
107 *unanimously with Buzzy Mullahkhel, Emily Schmidt, Kenny Reese and Mark Hancey voting in*  
108 *favor.*

109

110

111 Item #3 - Consideration of a proposed amendment to the Smiling H Subdivision Development  
112 Agreement to allow for slightly reduced side-yard setbacks.

113 Mayor Lyndsay Peterson introduced the item and said that OLO had asked the City Council to  
114 hold off on this; however, she said she thought it would be valuable for the City Council to have a  
115 discussion on this, and to hear what their thoughts are. She said she knows that several of them  
116 have each had their own discussions with OLO and with Jake Young; and said she thinks it would  
117 be a good exercise to see where they are, as a council.

118 Scott Perkes said he would be glad to give them any backstory on this, or feedback from the  
119 Planning Commission. He explained that essentially, this is a request for an amendment to the  
120 Development Agreement to allow for an exemption to the side-yard setbacks, with a reduction of  
121 four feet, overall; to allow for alternative floorplans, and potentially easier to fit ADUs. He said the  
122 Planning Commission heard this back in December and ultimately provided a negative, 3-2 vote.  
123 He further explained the discussions the applicant had with the City Council members, and said it  
124 may come back before the City Council, as well as the Planning Commission.

125 Scott said what is currently before the City Council, is what went before the Planning  
126 Commission, on which they gave the negative recommendation; and that the applicant may be  
127 open to discussing alternatives.

128 Mayor Peterson said her initial question is about the fact that the when she had spoken to the  
129 applicant almost a month ago, what she had requested, as had the City Council, was a very clear  
130 proposal about some sort of exchange for these reduced setbacks, particularly where design is  
131 concerned. Mayor Peterson asked the council members if any of them had received anything  
132 from the applicant, in that vein, and they said they had not.

133 Mayor Peterson said that is something that she explained very explicitly to them; that we can't  
134 consider some unstructured proposal, and expressed her frustration. She said out of respect for  
135 their time, she would want to see *anything* concrete from them; and that if this is the same  
136 proposal the Planning Commission considered, then it is very unlikely that the City Council would  
137 support something that the commission voted down.

138 Mayor Peterson asked Kenny Reese to comment on this, as someone who was on the Planning  
139 Commission when this was considered.

140 Kenny said that this was not a unanimous vote of the Planning Commission, it was a 3-2 vote  
141 with a negative recommendation, and said that the Planning Commission had a good debate  
142 about this. He said the key take-aways from the Planning Commission on this were, that this  
143 would have to be a variance that they would essentially have to grant on this. He said the  
144 municipal code sets a pretty high threshold for the five items that together, allow for granting a  
145 variance, and this did not cross that threshold. He said while they understand that there is market  
146 demand for three-car garages and ADUs; the developer could have accounted for that at the time  
147 of plat design, and they could have designed a plat such that they did not need to reduce  
148 setbacks, and still get those features. He said they chose not to do that at the time, and we  
149 should not have to feel like we now have to accommodate them to have the reduce side setbacks  
150 later.

151 Per a request from Mayor Peterson for her feedback, Emily Schmidt said she watched the  
152 meeting and spoke to the [Planning Commission] members after, and thinks they were hoping  
153 that the developer and the Planning Commission had more discussion back and forth. Emily said  
154 she feels that she doesn't see enough difference in what is before the City Council now, than  
155 what went before the Planning Commission, to now vote against their motion. Based on previous  
156 conversations they had with the applicant, Emily said she actually thought that when she came to  
157 tonight's City Council meeting, the applicant would have something else that they were offering;  
158 and said she does not want to say "yes" when nothing has changed. She said she's confused  
159 about the fact that she had a discussion with Jake Young over a month ago, and she has still not  
160 received anything, and nothing is written down anywhere about what they will commit to, and  
161 commented further.

162 Kenny said he also spoke to Jake, who said that they could put in the Development Agreement  
163 that they would not duplicate the same house three time in a row, which Kenny said he would  
164 think that most developers would not want to have anyway, and commented further.

165 The discussion continued. Mayor Peterson discussed the "identical home" item really not being a

166 meaningful offering. Mark Hancey agreed, and also referred to an item in the Development  
167 Agreement regarding the Walmart sign, and said they are really unrelated items, and for the  
168 developer to compare them is inviting every developer to say they're not going to follow our rules,  
169 and commented further.

170 Density was also discussed and Emily said the amount of density increase is a huge increase to  
171 what people were expecting in that area.

172 They discussed this further.

173 Buzzy said he is a huge proponent of ADUs, and said that housing is a mess, and he would tend  
174 to be excited about the potential changes here, but would need to see substance in the  
175 Development Agreement. He also said that this is in the heart of the City Center area, and is  
176 going to be visible to a whole lot of people, and said the developers should be creating something  
177 unique in this area.

178 Mayor Peterson commented that no one on the council is opposed to ADU's and that her issue is  
179 that this feels like it could be used as a façade to just have bigger houses, and commented  
180 further.

181 Buzzy agreed and further explained, and said he is confused by what the real intent may be of  
182 this.

183 The council continued to discuss the vague nature of the true intent of this, and various related  
184 items.

185 Mayor Peterson said it is not our job to create a profit for the developers; our job is to protect the  
186 citizens.

187 Per a question from Mayor Peterson, Scott explained that this would be an exemption, not a  
188 variance, and that this could facilitate some of these homeowners choosing to add an ADU to one  
189 of these floorplans, and explained how OLO is allowing the buyers to have options for the homes.  
190 He also said, based on the owners meeting certain standards, ADUs are permitted in the City,  
191 and ADUs could be done in any one of these homes.

192 Mayor Peterson said the council didn't need to necessarily take action on this, but that she just  
193 wanted to have this discussion with the City Council on the record, and said they all have had  
194 discussions with Jake.

195 Emily said the applicants keep saying they want to meet, but then they offer the same thing. She  
196 said she doesn't want this to go on and on, if nothing is going to change. She said if there is a  
197 proposal, she wants to know what they are actually offering; and if they do make changes, she  
198 wants to get more public opinion on it before approving it.

199 They continued to discuss this, and how to potentially proceed; and Mark mentioned that there  
200 may not be enough City Council members in attendance for a quorum at the next meeting.

201 Emily said even if they bring something completely different, she would still want to get public  
202 feedback on it and for it to go before the Planning Commission again before she could approve it.

203 The discussion continued. Scott discussed how they could potentially proceed.

204

205 **Motion**

206 *Buzzy Mullahkhel made a motion to deny this request for a proposed amendment to the Smiling  
207 H Subdivision Development Agreement to allow for slightly reduced side-yard setbacks. Kenny  
208 Reese seconded the motion. A vote was called and the motion passed unanimously with Buzzy  
209 Mullahkhel, Emily Schmidt, Kenny Reese and Mark Hancey voting in favor.*

210

211 Item #4 - Consider modifying the approved six-foot tall privacy fence type for Smiling H  
212 Subdivision.

213 Scott Perkes explained the situation and said a vinyl fence had already been reviewed and  
214 approved for the boundary fence of this subdivision. He said what is being proposed is a fence  
215 with an alternate material, which he further explained. He introduced Janet Duncan, who is a  
216 representative here to explain the alternate material.

217 Janet Duncan explained that this horizontal fencing is made of a wood, plastic composite  
218 material, with aluminum, rust-free posts, that go deeper into the ground than what is standard.  
219 She explained the benefits of this fence material, versus vinyl plastic fencing, including that it is

220 110 mph wind resistant; has a ten-year manufacturer's warranty; is pet safe; is made from 90%  
221 recycled materials; and that she is a new, locally-owned business. She used photographs of this  
222 type of fencing used in various areas, to show as examples. She explained how she came to  
223 learn about this fencing material. She also said that the fencing being proposed, is for a  
224 development that is at the heart of our City and is the entrance to North Logan City, and  
225 commented further on the benefits of this type of fencing.

226 Mayor Peterson asked where the more open fencing examples would be located versus the more  
227 closed ones, which Janet explained, using pictures of the fence and the areas.

228 Per a question from the council, Janet said this fencing is actually less costly and explained  
229 further. Janet addressed various questions and comments from the council.

230 Mark Hancey asked if we need to change the Development Agreement, as it relates to both  
231 Phases, which was further discussed. Alan Luce said to be clear, he would make that change in  
232 the motion to ensure that it states that it is for both Phases.

233 The discussion continued relating to whether or not there should be privacy fencing along the  
234 road, and not the type of this that is more open; and also discussed how the fencing would be  
235 installed around two lots, lots four and five, that are adjacent to the retention basin.

236 Alan discussed his concern about having the two lots spilling into the retention basin. Alan  
237 explained the issues they've had previously on the entrance to North Logan City. He said one of  
238 the concerns is having consistency with the fencing along there.

239 Alan asked for clarification about which fence would in this area, be according to the two separate  
240 designs.

241 Scott agreed with the need for clarification on that, as well as on the concrete mow strip along the  
242 bottom of the fence; and where this type of fencing might not be able to be installed, such as the  
243 site triangle, and explained further.

244 The discussion continued.

245 Alan asked that they be very specific in their motion to state exactly what they want.

246 The council asked about the mow strip. Scott said it would definitely add to cost, but would  
247 improve the aesthetics.

248 They discussed this further.

249

#### 250 **Motion**

251 *Emily Schmidt made a motion to approve modifying the previously-approved six-foot vinyl fence*  
252 *for Phase 1 and Phase 2 for the Smiling H Subdivision, to the type now being presented to the*  
253 *City Council, of the privacy fence with the mid-rail design for Phase 1 and Phase 2 of the Smiling*  
254 *H Subdivision, along 2500 North, and to include an industry-standard mow-strip underneath and*  
255 *along the fence line; along with the stipulation that the fence also be included along the west side*  
256 *of lot five and the north side of lot four, with discretion to staff as to the use of the split-rail (open)*  
257 *fence in the area surrounding the detention pond. Buzzy Mullahkhel second the motion. A vote*  
258 *was called and the motion passed unanimously with Buzzy Mullahkhel, Emily Schmidt, Kenny*  
259 *Reese and Mark Hancey voting in favor.*

260

#### 261 **City Council Work Session Items**

262 Item #5 - Overview of a draft update to the North Logan City Water Masterplan.

263 Steven Wood from Sunrise Engineering gave a presentation on a draft to the North Logan City  
264 Water Master Plan for 2024. He explained various details in the documentation. He also  
265 mentioned that he needs to update the document to list the current list of City Council members,  
266 as he used the previous, outdated list.

267 Alan Luce mentioned that North Logan City was one of the last cities in the valley to adopt a  
268 water rights ordinance, and that the other cities had already had them in place for ten or more  
269 years; and commented further that we might have more water rights if we'd adopted it earlier, but  
270 that we have been able to secure water rights with developments in the last couple of years.

271 Steven said he does recommend that North Logan City continues to gather water rights, which he  
272 explained further. Steven addressed some questions and comments from the council on this.

273 Steven reviewed in detail the items included in the presentation for the situation with water in

274 North Logan City, including items regarding Demographics and that the population could  
275 approximately double in 20 years; a 5-Point Analysis; Water Rights Capacity; Water Source  
276 Capacity; Water Storage Capacity; Water Treatment; and, a Water Distribution System. He then  
277 presented their findings and recommendations. He also said the City's water plan should be  
278 updated every five years.

279 Steven addressed various questions and comments from the City Council, and further detailed  
280 the items.

281 Lance Anderson said that for most of the developments here, we found we could acquire water  
282 shares when those development come in, and said we looked at this in 2006. He said that, as  
283 Alan mentioned, the City Council at that time didn't adopt that ordinance, which has put us a bit  
284 behind. He said if we acquire water shares when development comes in, we should be able to  
285 make up that deficit.

286 This was discussed further.

287 Steven commented on this and said he is not concerned about North Logan City's water rights  
288 deficit, and discussed what the City has put into place to manage this.

289 Kenny Reese asked if the Water Masterplan gets "folded in" to the General Plan.

290 Alan addressed this and said there is a new requirement to have a water element in the General  
291 Plan that Scott Perkes is working on, and explained further.

292 Alan said this report is much more of an in-depth water study than we have ever had, and this is  
293 desperately needed, and further commented.

294

295 Item #6 - Draft FY2025 Budget proposal from the Fire Department.

296 Fire Chief Nate Thompson presented the budget for the Fire Department.

297

298 Item #7 - Draft FY2025 Budget proposal from the Economic Development Department.

299 Alan Luce presented the budget for this department.

300

301 Item #8 - Draft FY2025 Budget proposal from the Building Inspection Department.

302 Jordan Oldham presented the budget for this department.

303

304 Item #9 - Draft FY2025 Budget proposal from the Community Development Department.

305 Scott Perkes presented the budget for this department.

306

307 Emily Schmidt discussed potentially paying the Planning Commission members more and  
308 increasing the fee they receive; particularly for the extra work they are having to do on the  
309 General Plan, and the voluminous amount of work, and responsibility that is being placed on the  
310 Planning Commission members created by Senate Bill 174.

311 Buzzy Mullahkhel said he supported this. Alan Luce discussed the difficulty that has been  
312 created for implementing increases, by the changes made by a legislator who put in a  
313 complicated process for doing something like this, including having to hold a special public  
314 hearing.

315 This was discussed at length.

316 Nancy Potter said during her ten years on the City Council, she always appreciated the opinions  
317 from the Planning Commission, and they put in a lot of work. She said that they should  
318 realistically be putting in ten hours, in preparation for each meeting, and if they are, they are  
319 making approximately \$5 per hour; and that if you want good people, they should be  
320 compensated. She said if you really want the people to feel of value, they should be getting  
321 more. She said she really feels like it should be doubled. She said she very infrequently voted  
322 against the Planning Commission on an item, because they went into such depth researching the  
323 issue.

324

325 Item #10 - Updates regarding the North Logan City General Plan.

326 Scott Perkes explained the current status of the process for the work being done on the City's  
327 General Plan; and also discussed the open house that was held. He detailed how that went, and  
328 what more they have planned as they move forward with this.

329 Scott also discussed with the City Council, holding a combined work session with the Planning  
330 Commission and City Council, on Thursday, April 11<sup>th</sup>.

331 Kenny Reese asked Scott about the 35 comments received at the open house and asked if more  
332 had come in, which Scott addressed. Scott also discussed what they're doing to get more  
333 feedback. He said they're also planning on some kind of additional public event in May.

334  
335 Item #11 - Updates regarding North Logan's water capital improvement projects.

336 Jordan Oldham gave an update on the most recent status of the water improvement projects. He  
337 also discussed impact fees, and how they're working to get funding and grants to assist with the  
338 projects.

339  
340 Item #12 - Updates on Civic Center.

341 Alan Luce updated the council on the status of the Civic Center projects.

342  
343 Item #13 - Reports from City officers, boards, and committees.

344 Chief Kent Goodrich thanked the City Council members who attended the presentation they did  
345 on Human Trafficking. He gave an update on the Pennsylvania firefighter he had told them about  
346 previously. He further discussed the changes that will be taking place in 2025 because of Senate  
347 Bill 124. Chief Goodrich also gave the latest stats for the department.

348  
349 Alan Luce reviewed the list of upcoming events with the City Council, and explained various items  
350 in detail. He addressed questions from the council.

351  
352 Mayor Peterson discussed the meeting schedule for March. Kenny Reese, Mark Hancey and  
353 Buzzy Mullahkhel said they would be unable to attend the first meeting in March, and they  
354 discussed whether or not that first meeting should be held, or whether to rearrange the March  
355 meeting schedule. Mayor Peterson said it would be best to have the two meetings in March,  
356 particularly since they only have one meeting taking place in April. They agreed to hold both  
357 meetings in March

358  
359 **Motion**

360 *Buzzy Mullahkhel made a motion to adjourn the meeting. Emily Schmidt seconded the motion.*  
361 *A vote was called and the motion passed unanimously with Buzzy Mullahkhel, Emily Schmidt,*  
362 *Kenny Reese and Mark Hancey voting in favor.*

363  
364 The meeting adjourned at: 9:17 p.m.

365  
366 Approved by City Council:

March 6, 2024

367  
368 Transcribed by Marie Power

369  
370 Recorded by:

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

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