

**Minutes of the North Logan City
City Council
Held on September 4, 2019
At the North Logan City Library, North Logan, Utah**

**(The time stamps throughout the minutes below, located next to an item, indicate the time an item begins in the recording of the meeting.)*

***00:00:08**

The meeting was called to order by Mayor Damon Cann at 6:30 p.m.

Council members present were: Roger Anderson, Kristen Anderson, Bruce Lee, Craig Humphreys and Brad Crookston.

Others present were: Paul Artz, Ulysses Black, Jon Keller, Christina Barrington, Deanna E. Fry, Debbie Murray, Neil Murray, Megan Thomson, Casey Isom, Jennifer Isom, Susan Durham, Lydia Embry, Scott Bennett, Jordan Oldham, Spencer Burt, Alan Luce and Marie Wilhelm.

The Pledge of Allegiance was led by Jordan Oldham.

An invocation was given by Craig Humphreys.

Adoption of Agenda

00:01:40 Motion

Bruce Lee made a motion to adopt the agenda as presented. Brad Crookston seconded the motion. A vote was called and the motion passed unanimously with Kristen Anderson, Roger Anderson, Bruce Lee, Craig Humphreys and Brad Crookston voting in favor.

Approval and Follow-up of Minutes of August 21, 2019 City Council Meeting.

00:01:58

Minutes were approved as presented.

Review of Action Items

00:02:23

Alan Luce reviewed the list with the council. He addressed questions from the council.

Recognition of Exemplary Staff Member

00:10:57

The award to Mary Corry will be done at a subsequent meeting in which she can attend.

New Business

Current Action Items

Consideration of a Petition for North Logan City Water Service for property located at 1020E 2900N Cache County, UT. (Patrick Barrington)

00:11:35 Discussion

Mayor Damon Cann explained the situation with Patrick Barrington wanting to petition for water services from North Logan City for their piece of property that is within unincorporated Cache County land. Mayor Cann said the Barringtons are looking at the most effective and economical way to be able to develop that parcel, and explained further.

Alan Luce further explained the situation, using a projected aerial photograph of the site to discuss this further. He said there is a sewer line and water line through this area. He discussed various options for this site, including digging a well and potentially a septic tank. He said there is something in the code that allows someone to petition the City for water service, with certain requirements, which he discussed further. He also discussed previous attempts to annex this property as well as others in the area, and potentially still annexing this in. He said at this point the primary question still is the petition for water services and what developmental standards would be required if they were to develop, and giving the Barringtons clear direction on how to move forward.

Patrick Barrington said their original request is based on North Logan City code for a non-resident requesting utility services, namely water, as sewer is not written into that code, and commented further. He explained the process he went through for this formal request. He said in the Utah state code regarding sewer, it states that if a parcel is within 300 feet of a sewer line, you must use that sewer line, and said they are within that 300 feet. He said in speaking with the county, if they are not allowed to hook up to the sewer, he would need a letter from North Logan City stating we are not part of the City and need to use a septic tank. He said if they end up being annexed into the City, his question would be if he would then have to pay to be hooked up to the City, or whether they'd be grandfathered in.

Christina Barrington said they anticipated paying impact fees for sewer and water just as a North Logan City resident would.

Kristen Anderson asked why we would not annex at this time.

Mrs. Barrington said their thought about annexing is in regards to the time that it takes. She said when they bought the property, they were assured on several fronts, she said unfortunately not in writing, that a previous City Council had approved North Logan City hook-up for this property; and said she has a letter from a previous City Council stating that, although she said it does state that it is not binding for future City Councils and said they understand that. She said they were told in various ways that they would be able to hook up, so they did not begin the annexation process, which they now know takes six months and takes a signature from the Lt. Governor, and commented further. She said they're not unwilling to annex, but they want to move forward as soon as possible.

Bruce Lee asked if in terms of the development of the property and the roads, etc., if there is any issue with them meeting the City standards, which Alan addressed, and explained the county standards, which state they have to meet the standards of the municipality as a condition of development, and commented further.

Brad Crookston said if this were annexed into North Logan City, we would require a half-road in front of the house at minimum, which he said is proportional, and North Logan City would also get funding from [the property owners] for being part of the City, and commented further. He said if we don't require the road, everyone else will have to pay for it in the future.

This was discussed further.

Mayor Cann said if the owners develop the road and give it to the City, North Logan City would owe them some money for the land they gave above and beyond what is required, which could be a way to help offset some of the costs of the road, and commented further. He recommended to the council that they waive the fees for a non-resident, and to give them the City rate, assuming they have agreed to the other developmental standards and that they've initiated the annexation process; so that if they are moving towards annexation, they will not have to end up paying extra at the non-municipal rate.

Brad said it is the City's responsibility to show the Barringtons what is proportional, not for them to determine.

Bruce discussed the time-issue they have.

Mrs. Barrington said they did not buy the land anticipating having to put in a road.

Various issues and options were discussed further, as well as how to move forward.

Alan mentioned that with the water and sewer already in, it reduces their development costs, and commented further.

The discussion continued.

Per a question from Mrs. Barrington about how to proceed, Mayor Cann recommended that the Barringtons meet with Alan, Jordan and the Mayor, and potentially bring someone in from Cache County, to further discuss this and work out the best solution.

Mayor Cann asked the council if they would be in support of paying for half of the road, as well as charging the Barringtons for resident rates for impact fees and connections, assuming that they had applied for annexation.

The discussion continued.

The City Council generally agreed with Mayor Cann's recommendations. A meeting was scheduled for the following Tuesday.

Consideration of an ordinance modifying North Logan City Code Chapter 12C-1003 Area, Width, and Yard Regulation, adjusting front setbacks in the RE-1, R-1-30, R-1-20, R-1-15, R-1-12, R-1-10, MX-G, MX-CC, PR, CC, and GC zones.

00:48:41 Discussion

Spencer Burt explained the current draft and the modifications made and the reasons behind them, for front setbacks, both residential and commercial.

The council discussed this further and Spencer addressed their various questions. They discussed measuring the setback distance in the commercial area from the back of the sidewalk/curb versus whatever is closest, due to varying property lines along Main Street. They also discussed the design element requirements. They discussed what to include in a motion.

01:07:36 Motion

Bruce Lee made a motion to adopt ordinance 19-10 as measured from back of curb or future anticipated back of curb, and approve the new setbacks.

Spencer reviewed the residential setbacks in the ordinance. Mayor Cann said in residential, he would be more inclined to measure from edge of sidewalk as opposed to edge of curb, and explained further. Alan said that could be a problem when there is sidewalk on one side of the street and curb on the other. Brad said in residential, we could use the property line and commented further. This was discussed further. *(Motion failed after more discussion and a lack of a second).*

01:12:37 Motion

Bruce Lee made a motion to adopt ordinance 19-10 with the adjustments to the setbacks in commercial areas measured by back of curb or anticipated back of curb, and residential areas measured by property line. Roger Anderson seconded the motion. A vote was called and the motion passed unanimously with Kristen Anderson, Roger Anderson, Bruce Lee, Craig Humphreys and Brad Crookston voting in favor.

Consideration of Accessory Dwelling Unit (ADU) related ordinance changes (12A-200, 12C-515, 12C-1004).

01:13:34

Mayor Cann summarized the previous discussion held on this.

Spencer Burt reviewed the various items still up for discussion, including regarding having a 1500 square foot maximum including garage space, and having a front setback no more than ten feet in front of the closet point of the house and the closet point of the building to the road. He explained the options further including potentially measuring by percentage versus square feet. He also discussed setback issues between smaller versus larger lots. He mentioned the inclusion of verbiage that the ADU should be designed so that the appearance fits into the neighborhood, and commented further, including that this could be hard to regulate.

Spencer and the City Council discussed various options relating to square footage, setbacks, the footprint of the ADU, and materials, and how to address each.

Mayor Cann asked about the ten-foot setback in relation to the home and the primary setback, which Spencer clarified. Mayor Cann said he would recommend that the ADU be even with the setback of the home.

Bruce Lee asked about the materials, which Spencer addressed, and said materials are not specifically defined, but is in as an intent for the ADU to fit with the properties of the neighborhood.

The discussion continued, including the ten-foot setback from the front of the house.

01:37:39 Motion

Brad Crookston made a motion to adopt ordinance 19-11 with the changes as discussed and removing the line that allows the ADU to be ten feet in front of the primary structure.

Spencer recommended not removing the whole like; just the verbiage that says ten feet, so that the ADU cannot be any further forward than the front of the house, i.e., remove "greater than ten

171 feet". Brad Crookston agreed.

172 Roger Anderson seconded the motion. A vote was called and the motion passed unanimously
173 with Kristen Anderson, Roger Anderson, Bruce Lee, Craig Humphreys and Brad Crookston voting
174 in favor.

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176 Mayor Cann expressed his thanks to the Planning Commission for all the work they did on this.

177
178 **City Council Work Session Items**

179 Discussion regarding an amendment to the North Logan roads Master Plan, removing 2350 East
180 from the Master Plan from approximately 2700N to 3000N. This discussion will also include a
181 consideration of the zoning in the same area.

182 **01:39:35 Discussion**

183 Alan Luce explained the situation and the impetus behind removing this road from the Master
184 Plan. He explained that this road was initially left there to get a secondary access up to the top of
185 Bonneville Trail Estates. He this and Naomi Drive are the two steepest roads in the City, and
186 explained further. He said approximately fifteen years ago there was a plan to have another
187 Phase of homes built in this area. He said however, the engineering process for putting a road in
188 this area is extremely difficult due to the terrain, which he explained further using an aerial
189 photograph of the site. He said it is cost-prohibitive for anyone to develop this area, in addition
190 to the issues of the cost of bringing water to this area, and maintaining the roads, and the
191 question arose about what would be the best option for development of this area. He said there
192 are property owners who are interested in developing this area more minimally, with potentially
193 removing this road as there will be less development. He reiterated it would save in water and
194 water costs; would save on road costs; and, the opportunity to ever develop this road is very slim
195 and very difficult. He commented further, including that a secondary access would still need to be
196 determined for this area if the road is removed, which he further explained. He said another
197 question that came up in Planning Commission is whether a different zone should be considered
198 for this area. He explained options further, particularly for the road. He discussed the question
199 about the potential for another 40-lot subdivision ever going in up here, which he explained would
200 be unlikely due to the cost. He discussed the Isoms wanting to develop their parcel in this area,
201 which is where the planned road goes through, and explained further.

202 Alan addressed questions from the council, and the council discussed various related issues.

203 Mayor Cann said if the zoning is set correctly along with removing the road, any future council
204 would consider the road when considering any development or zoning change.

205 The discussion continued, particularly in relation to zoning, and developing the road with the
206 steep terrain. They discussed having the Planning Commission review the zoning on this along
207 with holding a public hearing.

208 Casey Isom said their plan for their lot is a private drive off of Naomi Drive and said Sid
209 Crookston's plan is to not build on his lot, directly south of the Isom's, and to leave it to protect his
210 view to the east.

211 Mayor Cann expressed his concern about the steepness of Naomi Drive and having the
212 connection there, and commented further. There was discussion about potentially accessing
213 Meadowlark Lane. Mr. Isom said that is an option that has not been discussed, but that he does
214 have agreements from two property owners who will allow a private lane to go directly to their
215 property. He said he also is concerned about going off the cul-de-sac across the Steed property,
216 and whether they'd be required to improve that cul-de-sac.

217 The discussion continued. Spencer discussed different options and said it might be possible to
218 have the road come off of Meadowlark Land depending on frontage and other things, and that
219 they could discuss that further with the Isoms.

220 Mr. Isom discussed the issue they have with going through with the purchase and development of
221 the land without solid assurance that the road would be removed from the Master Plan, and
222 commented further.

223 Brad mentioned that if the road were to remain on the plan, it doesn't mean that it would be
224 placed exactly where the line shows it currently on the map.

225 The discussion continued.

Tri-city Police discussion.**01:59:23**

Mayor Damon Cann said he met with Mayors Barnes (Smithfield) and Flint (Hyde Park), Alan Luce and the City managers from each city. Mayor Cann discussed the governance structure with the council and said if the police department is housed within a city as opposed to being housed as an independent agency, insurance rates and other costs go down significantly, and commented further. He said the question was raised today about whether it is essential, in order for each city to feel like this is an agency that takes care of all three cities, that it be an independent agency, or if it is viable to have a system in place where it is a department within a city. He said he feels that if it is a contractual relationship where North Logan contracts with one of the other cities, it doesn't give him sufficient oversight into the way policing is conducted to feel confident about him overseeing his executive responsibilities as Mayor. He said he asked if there is something "in between" which he explained further, and said it appears that this could take place with a governing board, which he further explained. He said there are still budget and building issues, and is not sure whether those issues can be resolved. He commented further.

The council discussed this further and Mayor Cann addressed their questions.

Bruce Lee left at this time, 8:35 p.m.

Brad Crookston said he is concerned that the first proposal has us paying more than we're paying now, and that currently we have a somewhat of a controlling share in our police department and if we go there, we will definitely not have that. He said the question for him is whether we are doing the same thing as before in going with the county, but in a different way. He said another question is what will control the costs, because we now don't have as much control over the committee and asked what would happen if costs went up.

Mayor Cann said if we aren't going to explore doing something where there is a governing board that has the authority to oversee the way the police department is conducted and what the costs of policing are; then working out things such that we are not paying more on an ongoing basis is likely to be viable, and if not, it is not viable, and that would likely bring the discussions to a close, and commented further.

There was general discussion that if the new agency costs more, we wouldn't move forward with this. They further discussed sharing governance. Mayor Cann said the realization of North Logan City saving \$100K in this is minimal and commented further.

The council continued to discuss various items, and the pros and cons of going with a tri-city agency versus having our own agency.

Roger Anderson discussed the citizens' desire for the control of having our own agency and that we have paid more of a premium for that control. He said he feels that if we don't maintain that control, then we have "flushed" that money, and commented further. He also discussed the increases in the budget for salaries each year, which he said is the cost for public safety, and commented further.

Mayor Cann said the proposal for this is still being worked out and commented further.

Reports from city officers, boards, and committees

02:14:06 Chief Black mentioned the Police Department's need for crossing guards as well as a bailiff for the court.

02:14:35 Spencer mentioned that he would be sending information on the Moderate Income Housing Plan to the council to get their input.

02:15:07 Scott Bennett said that the checks for the council to take to Utah League of Cities Towns to pay for their hotel are available for them to pick up at the City offices. The league was discussed further, briefly.

02:16:12 Alan asked the City Council to RSVP for the City employee appreciation party by the end of the day.

Alan mentioned the free skate night on Monday, September 16th at 6:15 p.m. for all North Logan City residents, which includes free skate rental.

He mentioned the upcoming Pumpkin Days.

02:16:17 Brad Crookston asked about the splash pad schedule and potentially keeping it open longer when the weather is still warm.

Executive Session to discuss items related to real property.

02:18:05

Kristen Anderson made a motion to close the meeting and move into Executive (Closed) Session for the purpose of discussing items related to real property. Craig Humphreys seconded the motion. A vote was called and the motion passed unanimously with Kristen Anderson, Roger Anderson, Craig Humphreys and Brad Crookston voting in favor. This occurred at 8:47 p.m.

Roger Anderson recused himself for this discussion and portion of the meeting due to a potential conflict of interest.

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

Kristen Anderson made a motion to open the meeting and move out of Executive Session and return to the regular City Council meeting. Brad Crookston seconded the motion. A vote was called and the motion passed unanimously with Kristen Anderson, Craig Humphreys and Brad Crookston voting in favor. This occurred at 8:59 p.m.

Kristen Anderson made a motion to adjourn the meeting. Craig Humphreys seconded the motion. A vote was called and the motion passed unanimously with Kristen Anderson, Craig Humphreys and Brad Crookston voting in favor.

The meeting adjourned at: 8:59 p.m.

Approved by City Council:

September 18, 2019

Transcribed by Marie Wilhelm

Recorded by



Scott Bennett/City Recorder