Minutes of the North Logan City
City Council
Held on November 17, 2021
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.)

***00:00:01**
The meeting was called to order by Mayor Damon Cann at 6:33 p.m.

Council members present were: Roger Anderson, Buzzy Mullahkhel, Craig Humphreys and Brad Crookston. (Bruce Lee was excused.)

Others present were: Matthew Bishop, Diana Cannell, Alexis K. Ault, Lyman Stevens, Jeri Stevens, Barbara Middleton, Ron Auger, Linda Young, Ben Johnston, Joni Kartchner, Robert Strebel, John Stevens, Bonnie Flandro, Lydia Embry, Ulysses Black, Brad Hannig, Jordan Oldham, Scott Bennett, Alan Luce and Marie Henchman.

The Pledge of Allegiance was led by Chief Ulysses Black.
An invocation was given by Buzzy Mullahkhel.

Adoption of Agenda
00:01:01 Motion
Roger Anderson made a motion to adopt the agenda as presented. Buzzy Mullahkhel seconded the motion. A vote was called and the motion passed unanimously with Roger Anderson, Buzzy Mullahkhel, Craig Humphreys and Brad Crookston voting in favor.

Review of Action Items
00:01:48
Alan Luce reviewed the list with the council.

Recognition of Exemplary Staff Member
00:07:17
Mayor Cann recognized City Recorder, Scott Bennett for his exemplary work in his department.

New Business
Current Action Items
Annual North Logan City Financial Audit report from Allred Jackson (Diana Cannell).
00:09:14
Diana Cannell from Allred Jackson presented the Audit report for North Logan City for 2021, including stating the fact that North Logan City had no findings for this year, which she went on to explain, is a huge accomplishment.

Consideration of a proposal to rezone parcel 18-006-0004, approximately 28.6 acres at approximately 2350 East 2700 North from Residential Estate 5 acre (RE-5) to Residential Estate 1 acre (RE-1). (Nic Porter)
00:18:13
Mayor Cann introduced the item and said that the Planning Commission made a negative recommendation on this rezone request. He explained that it has not been common for the City Council to go against a negative recommendation from the Planning Commission, but that it is the council's prerogative to make their own decision, and explained further.

Alan Luce discussed the situation and explained the location, and a bit of the history of the previous proposed plans for this site and road layout, and the rezone done at that time. He explained the misunderstanding that occurred regarding the non-buildable, open space, that the developer thought could be used in the bonus density method, which is actually not the case;

which the developer discovered after the fact, and needs to be taken into consideration. Alan said developer, Nic Porter, has been working with the Planning Commission for six months or more, looking at different options, each with their own concerns and questions. Alan said that currently, if it remains RE-5 and they are unable to use the bonus density method and develop the property; Nic's request is to rezone the property back to RE-1.

Brad Crookston explained the negative recommendation the Planning Commission made on this, voting four to one; and said in the end, the commission felt like there were a lot of questions, including regarding providing water, lack of access, and the grade of the road.

Alan commented on the grade of the road for this site, and said with the latest designs it would take some new angle of the road going in there, and would take it down to 10%, and explained further.

Nic Porter said that Alan did a good job of explaining the situation. Nic explained that the City reached out to Jim Malouf to see if he'd consider up-zoning his property from RE-1 to RE-5. Nic said that at the time, it was not explained to Jim, and he did not think City staff realized, that in the code, if you're using a density determinant method, you cannot count slopes greater than 30%. Nic said that the reason Jim decided to voluntarily rezone his property, is because he could still get a handful of homes there. Nic said as he put the application together with Jim and looked into the code, they realized that was in there; and said they realized they could [only] get one home on this property. Nic said that is the purpose of this rezone, because Jim would have never agreed to rezone his property had that been articulated to him. He said the issue is that we have a situation where a landowner [Jim] voluntarily did that, but didn't have all of the tools he needed to make that decision; and said it was not malicious, but an unintended consequence. He said they're now hoping to rezone this and have worked really hard with the Planning Commission, and commented further, including on the issues he said he is aware of and are being worked on. He said it is important to recognize that Jim Malouf personally bore a big expense to put the current water tank up there, and commented further, including continuing to list the things Jim has done for the City in the Wildercrest area.

Nic explained some of the details of the project, particularly in relation to the road grade.

Mayor Cann asked for a rough concept of how the roads would be laid out, which Nic addressed. Nic said they got this road down to 8%, and that City Council can go up to 10%. He said there are seven lots, and agreed with Mayor Cann that there is a lot of topography up here, and explained additional details using a map of the location. Nic explained that they will need to rework the road that is there now.

Brad asked if that would affect the driveway of the existing home, which Nic said was not the case and explained further.

Brad asked why not do an RE-2 zone. Nic said this concept plan addressed this, and said it was essentially to keep the road grade down.

Mayor Cann expressed his thoughts and concerns about this. He said he thinks there are some "positive" items that the City Council needs to consider, including the 14% grade in relation to plowing snow in that area, and the developer being willing to correct this. He also mentioned that by developing this land, it would result in these developers paying the cost of developing a significant portion of this water line, rather than using taxpayer dollars, and commented further. He discussed the concern he has with the process this is taking, and that the developer would then not be bound to this particular concept; and, that anyone who takes possession of the property subsequently could develop anything there that would conform to an RE-1 zone, and commented further, at length.

Brad continued to express his concerns, including relating to the installation of the water tank in this area, and how it came about with a potential multi-lot concept plan that expired. He also discussed his concerns with people not understanding "that you couldn't use that hillside" and commented further.

The council continued to discuss various related items, and potential options for trying to make this work.

Per previous comments, Nic said feels that they could make this work with the RE-2 zone, which he explained further.

The discussion continued, including regarding moving forward. Mayor Cann explained to Nic that

he had the right to ask the council for an "up or down" vote if he would like; or explained that he could wait. Nic said he would "pass" on the up or down vote and let it be. Brad told Nic that he appreciated all of the work he did with the City on this.

Alan told Nic to meet with him as soon as possible, because depending on which direction he takes, they would have to notice the meeting in a particular manner.

Mayor Cann recommended noticing it as a Public Hearing either way, because they coud always cancel it, and commented further.

The council continued to discuss various, related items.

Consideration of a Concept Plan for the Smiling H Subdivision, approximately 47 acres located at approximately 700 East 2500 North (parcels 04-061-0047, 04-061-0011, 04-061-0014, 04-061-0015, 04-061-0042, 04-061-0045). The proposed subdivision includes 136 lots in the R-1-12 zone and is being proposed to be subdivided using the density determinant method. (OLO Builders).

01:01:21

Mayor Cann introduced the item and discussed some of the issues raised at the last meeting on this, particularly in relation to the number of lots that can be developed with only one access; and said a traffic study was conducted to discuss that. He explained that the other concept they discussed involved shifting a layout, which would entail losing a couple of lots and creating an additional cul-de-sac. He said the developer's preferred option is to "punch through" to 800 East, which he said would be a right-turn in only, and explained the potential issues with that in not allowing people to turn left into in. He detailed this further. He also discussed the 'safe route to school' item and the water issue.

Per Mayor Cann's request, Alan Luce addressed some of the issues raised, starting with the safe route to school issue, which he detailed, including potential lay-outs for adjacent roads. He also discussed the entrance and exit situation for this subdivision, particularly in relation to the future roundabout planned for this area.

Mayor Cann commented on various items, including some of the differences of items to consider during concept plan approval versus development plan approval, and what items should be included in a motion at this point. He explained some of his concerns with this, including with access, as well as it potentially being a right-in, right-out only access. He continued to comment on various items and concerns.

The road layout and potential entrance to the development was discussed further. Brad Crookston also asked how this type of entrance would affect plowing, which Jordan Oldham addressed.

The entrance and potential median were discussed further. That, as well as other details were addressed by developer, Matthew Bishop; particularly in relation to the layout of the lots, and how it would be planned if a cul-de-sac is done.

The discussion continued and Mr. Bishop continued to address various comments and questions.

They continued to discuss and compare various options for access.

Mayor Cann said that City Engineer, Lance Anderson's concern, particularly with the left-turn in off of 800 East, gives him a lot of pause, and commented further.

Ben Johnston, who said he is the designer of the subdivision, but not the traffic engineer, referred to the traffic report he said they just received the day before. He further explained how road grading is done and read from the report, how access would be managed with this subdivision, and that the firm said the access in turning left would not be a "limiting factor."

Mayor Cann said his recommendation to the council would be to hold off on this, as they had *just* received the traffic study that day to review, and commented further. He said this is likely the largest subdivision [North Logan] has ever had in its history, so it is very important for them to feel like they're getting it right, and commented further. He said he would also like to see the other design that keeps the cul-de-sac previously discussed, even if it results in a reduction of a couple of lots. He also discussed wanting to have some kind of an agreement [in place] that requires the temporary access to be closed in the future, and explained further.

Brad discussed the access on 800 East and said he didn't understand how that aligns across the

street and said that needs to be reviewed, and commented further.

The discussion continued. It was generally discussed that they are "close" but that there are still issues to be worked out with the access, water usage, road alignment, and the lot layout. It was agreed that the council would take more time to review this, with some of the discussed changes included in a plan, before making a decision. Mayor Cann gave some direction to the developer and the council, to be prepared for the next discussion on this.

Consider modifying the North Logan City code, Title 12 Land Use, adding 12D-207 Post Division Approval of Improper Subdivision, providing requirements and process for innocent owners to legitimize lots in improper subdivisions.

01:38:17

Mayor Cann introduced the item and explained how this works for landowners wanting to legitimize lots they have purchased, without the knowledge that their lots were parceled off without having the legal, buildable right; and are therefore unable to build on them. He explained that this modification is being done to amend that. He explained that the City Attorney's recommendation is to create this ordinance to provide a proper process for this, and detailed the modifications to the code further.

Alan Luce and Mayor Cann addressed questions from Brad Crookston.

01:54:06 Motion

Buzzy Mullahkhel made a motion to approve Ordinance 21-10. Craig Humphreys seconded the motion. A vote was called and the motion passed unanimously with Roger Anderson, Buzzy Mullahkhel, Craig Humphreys and Brad Crookston voting in favor.

Consider modifying the North Logan City code, Title 12 Land Use, adding 12D-115 Development Regulations, adding requirements for service line and water meter sizes in new subdivisions.

01:54:40

Jordan Oldham explained the modifications and the reasoning behind the necessary change in relation to mismatching service lines and water meters, and the resulting issues. Mayor Cann and Alan Luce commented and explained related items, as well.

Various, related items were discussed further.

01:58:54 Motion

Craig Humphreys made a motion to approve the modifications, as presented. Buzzy Mullahkhel second the motion. A vote was called and the motion passed unanimously with Roger Anderson, Buzzy Mullahkhel, Craig Humphreys and Brad Crookston voting in favor.

Consider modifying the North Logan City code, Title 12 Land Use, modifying 12D-115 Development Regulations, modifying the maximum street grades in new subdivisions.

01:59:20

Mayor Cann explained the modifications.

Alan Luce said this brings this in line with our Design Standards Technical Manual.

01:59:53 Motion

Roger Anderson made a motion to approve the modifications, as outlined. Craig Humphreys seconded the motion. A vote was called and the motion passed unanimously with Roger Anderson, Buzzy Mullahkhel, Craig Humphreys and Brad Crookston voting in favor.

Consider approving updates to the North Logan City Employee Handbook.

02:00:19

Mayor Cann recommended putting this on the agenda for the next meeting, in order to have more time for review.

City Council Work Session Items

Updates on Civic Center.

02:00:59

Mayor Cann gave a status on the situation, explained obtaining a firm for development, and

further discussed various, related items.

Reports from city officers, boards, and committees

02:02:08

Chief Black gave an update on the status of employees hired and staffing items, as well the latest stats from his department.

Chief Brad Hannig explained various staffing items for his department. He also discussed the vaccination services they are providing.

Alan Luce reviewed the staffing situation with various positions in the City.

Buzzy Mullahkhel said he would be out of town for the December 15th meeting, and asked the council if they could possibly move the meeting to December 8th. This was discussed further, and Mayor Cann said he would check with Bruce Lee and then they would decide.

Roger Anderson asked about the timing of the winter parking ordinance, which was further discussed. Alan explained that we will likely align our dates with Hyde Park City. Mayor Cann discussed the timing of enforcement conflicting with the need for officers to be handling other incidents, as well as road issues during inclement weather; and potential strategies for better managing this.

Various, related were discussed further, briefly.

02:12:41 Motion

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

The meeting adjourned at: 8:45 p.m.

Approved by City Council: February 2, 2022

Transcribed by Marie Henchman

Recorded by

Scott Bennett/City Recorder