

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, May 20, 2008 at 5:30 p.m. in the Logan Municipal Council Chambers, 255 North Main, Logan, Utah, Chairman Tami W. Pyfer conducting.

Council members present: Tami W. Pyfer, Laraine Swenson, Herm Olsen, Stephen C. Thompson and Jay A. Monson. Administration present: Mayor Randy Watts, City Attorney Kymber Housley and Recorder Lois Price.

OPENING CEREMONY. Mayor Randy Watts gave a thought about patriotism, offered a prayer, and led the audience in the Pledge of Allegiance.

Chairman Pyfer welcomed those present. There were about thirty citizens in the audience at the beginning of the meeting.

REVEREND RUTH ELLER. Chairman Pyfer read a letter from Dean Quayle of Cache Community Connections recognizing the good work and service of Reverend Ruth Eller of St. John's Episcopal Church. Rev. Eller recently announced her retirement plans to leave Logan. One of the original founders of the Cache Community Foundation, Rev. Eller has been actively involved in our community. The Council also wished her well in her retirement.

Meeting Minutes. There were no meeting minutes for approval.

Meeting Agenda. The agenda was approved as posted. Chairman Pyfer announced public comment would be accepted later in the meeting on budget adjustments, a Land Development Code amendment on electronic signs, a zone change and business license fees.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL. There were no comments from the audience.

MAYOR/STAFF REPORTS.

USU "Common Literature Experience." Noelle Call, Director of Retention and First Year Experience at Utah State University, invited the Mayor, Council and community to participate in reading "A Long Way Gone—Memoirs of a Boy Soldier," by Ishmael Beah and distributed copies of the book. She said this was the fifth year of USU's successful program that brought campus and community together for a common literature experience. She said the author would speak in the Kent Concert Hall on Saturday, August 23.

911 COMMUNICATIONS. Jalaine Hawkes gave a brief report on the 911 Communications Center. She said all 911 calls placed within the county were answered at the center located at 290 North 100 West. The center also provided countywide dispatch services for all law enforcement, fire departments and emergency medical units. In 2007 the 911 center processed 214,740 emergency and non-emergency phone calls.

There were 46,060 incident reports created for various agencies. Average phone calls per day were 588. The center has 22 employees working 8-hour rotating shifts, with three to six dispatchers on duty. Ms. Hawkes told the Council she was making this presentation to all cities and towns in the county.

BOARD APPOINTMENT. Mayor Randy Watts requested ratification of the appointment of Sue Sorenson to the Forestry Board.

ACTION. Motion by Councilmember Monson, seconded by Councilmember Swenson to ratify the appointment of Sue Sorenson to the Forestry Board. Motion carried unanimously.

UAMPS BOARD APPOINTMENT. Mayor Randy Watts requested ratification of the appointment of Light and Power Director Jeff White as Logan's representative on the Utah Association of Municipal Power Systems Board of Directors to replace former Light and Power Director Jay Larsen.

ACTION. Motion by Councilmember Thompson, seconded by Councilmember Olsen to ratify the appointment of Jeff White to the UAMPS Board of Directors. Motion carried unanimously.

COUNCIL BUSINESS:

Meeting Schedule. Councilmember Pyfer announced that regular council meetings were held the first and third Tuesdays of the month at 5:30 p.m. The next regular meeting is June 3, 2008.

BUDGET WORKSHOP. Chairman Pyfer announced a budget workshop would be held Wednesday, May 21, 2008 at the Justice Building Meeting Room, 290 North 100 West, from 6-9 p.m. Councilmember Monson asked to be excused.

Countywide Library System: Consideration of a resolution of support for a countywide library system. – 08-30.

Councilmember Monson explained the request for the resolution of support came from meetings with other cities about the countywide library system proposal. The question was always asked whether Logan supported the concept.

Councilmember Thompson said he supported a countywide system in concept, although he didn't know any of the details.

Councilmember Olsen asked if any other cities had adopted resolutions of support. Councilmember Monson said he did not know since the study committee presented information, and elected officials were told to contact the Cache County Council with feedback. Councilmember Monson said the library study committee recognized the impact of a tax increase for a countywide system, no matter how small. There had been discussion about the County Council putting the question to the voters in November, but Councilmember Pyfer understood this would not happen.

Mayor Watts supported a countywide library proposal but did not want to slow the city's efforts to construct a new library building. He spoke about moving ahead with a city bond election for the building.

ACTION. Motion by Councilmember Olsen, seconded by Councilmember Monson to approve Res. 08-30, Resolution of Support for Countywide Library System.

Councilmember Swenson said she could support the resolution with the removal of paragraph 5 regarding financing. She said as worded it suggested we would still be funding library service in one way or another through our general fund. She did not want countywide service to cost Logan citizens more than what we are currently paying, unless it was a countywide uniform cost. She said there were unanswered questions about building ownership and maintenance that could be problematic. She was uncomfortable with the possibility of bonding for a new city library building and then assessing a new tax.

Councilmember Swenson asked if her "friendly amendment" to remove paragraph five was accepted by Councilmembers Olsen and Monson.

Councilmember Monson strongly supported a countywide system.

Councilmember Thompson said he had concerns but there would be opportunities to work through them as discussion continued in the future.

Attorney Housley said the current library tax would be in effect until repealed by the Council and the resolution language was not critical.

Both Olsen and Monson accepted Councilmember Swenson's amendment to remove the following paragraph:

~~Whereas, if all current libraries were part of the same system with a county tax levy funding all operating costs to cities, money now being used to finance their library services would be available to those cities to pay off library building debts, or to cut city taxes currently being into their library fund;~~

VOTE ON THE AMENDED MOTION TO ADOPT was called for and carried unanimously.

PUBLIC HEARING: Budget Adjustments F/Y 2007-08 appropriating: \$2,750,000 budget contingency reserve transfer; \$10,000 for new LSTA grant; \$40,000 for Spillman software modules; \$2,500,000 Federal Public Safety Radio Grant; \$10,000 for an increase to the Youth Alcohol Grant – 08-26.

Finance Director Richard Anderson reviewed the adjustments to the budget. He explained the \$2,750,000 contingency reserve transfer was in anticipation of year-end and would be set aside for capital projects.

Councilmember Thompson asked about the radio grant. He wondered if there would be a cost to the city to replace equipment due to the change from the VHF system.

Public Works Director Mark Nielsen said radios would be replaced as needed to accommodate the new technology. He said non-public works areas would not use the new system.

911 Communications Center Manager Randy Auman explained the grant covered such things as infrastructure, towers, tower site, and radios, along with a monthly fee for four years at \$30,000 per year.

Fire Chief Mark Meaker spoke in support of the new system that would give essential communications coverage for public safety.

Chairman Pyfer opened the meeting to public comment.

Robert Horning said the FCC had rebanded the entire spectrum and eventually the country would have to reband frequencies.

The public hearing was closed.

ACTION. Motion by Councilmember Thompson, seconded by Councilmember Monson to approve Res. 08-26, Budget Adjustment, as presented. Motion carried unanimously.

PUBLIC HEARING – Logan Development Code 07.40, “Signs.” City of Logan, applicant proposes a text amendment to the Land Development Code, Chapter 17.40, Signs, adding 17.40.130 Electronic Message Centers/Reader Boards et. seq. – 08-32.

Planner Tavis Austin explained that the only modification to the text presented previously was that electronic signage was not permitted in the Commercial Neighborhood (CN) zone. This change was requested by Council at the May 13 meeting.

Mr. Austin said the Young Electric Sign Company (YESCO) had requested a thirty-day delay in adopting the code change. They wanted to work with staff on the brightness ratio. Staff supported the request.

Councilmember Pyfer asked if the Council wanted to proceed with the public hearing.

Councilmember Monson said the ordinance went “way beyond what the Council wanted” which was dealing with the brightness of electronic signs.

Mr. Austin explained that the new sign regulations, excluding sign area limitations, would be triggered on existing signs if 10% building expansion or renovation occurred. (Interior remodeling or renovation excluded.)

Councilmember Thompson supported a continuance and hoped the Council would consider the unintended consequences of this “broad stroke.”

Councilmember Pyfer said extending the moratorium would be considered as an action item at the June 3 meeting.

Mr. Austin addressed the grandfathering of legally established signs. He said operational characteristics of the ordinance would apply if the sign was modified. Reduction of overall square footage area to meet the new law would not be required.

Councilmember Thompson predicted an enforcement nightmare. Attorney Housley explained that staff dealt with these issues any time an ordinance was amended. Legally existing signs would be dealt with on a case-by-case basis. Attorney Housley recognized there would be gray areas but said it was not the intent of the administration to retroactively enforce the ordinance.

Chairman Pyfer opened the meeting to a public hearing.

Chris Larsen, Al’s Sporting Goods, said he had just spent \$50,000 on an electronic sign. He planned to expand his building in the future but did not want modify the sign. He said he didn’t see what the issue was, other than the brightness level of a sign on 1200 South that had caused an unexpected reaction. Mr. Larsen agreed with toning down the brightness of electronic signs but said creativity should not be removed. He asked that the Council look at the signs in the city to determine if there was a problem.

Rod Wardle, Vice President of YESCO Electronics, agreed that the brightness of the 1200 South sign needed to be addressed, but he was concerned about the 10% building expansion requiring compliance to the new code. He felt there should be more discussion on the restrictive display modes that were outlined, as well as the square footage size limitation. As an electronic display manufacturer, he offered assistance in working with staff to propose code changes that would make electronic message centers business friendly.

Blake Grover, YESCO Engineer, also offered his assistance in making improvements to the proposed code. He disagreed with the display mode limitations but agreed with setting standards to control brightness. He said the Council could restrict business income that would cause layoffs if the ordinance was overbearing.

Wally Bloss, Executive Director of the Eccles Theatre, asked if placing an additional cell tower on the roof of the building would trigger the sign compliance review. He said non-profit organizations were allowed free event advertising on the Eccles sign. He said this kind of advertising would be prohibited if compliance to the new code was triggered. He was concerned with some of the prohibited display modes. He said the animated American flag used on holidays would be prohibited under the new code.

Robert Horning said he had worked for Integrated Systems Engineering, a electronic sign manufacturer that was no longer in business. He said the city should embrace electronic signs rather than restrict them. He said the Eccles Theatre sign was one of the first full color electronic signs on a building in the United States. He asked if software upgrades would trigger code compliance. He said the ordinance language was archaic, “about twenty years behind the times.” He asked if engineering testing of electronic signage was covered in the ordinance. Mr. Horning also asked if electronic signage at sports or special events was properly addressed. He thought there were deficiencies in the proposed ordinance and that extension of the moratorium was a good idea.

Chairman Pyfer closed the public hearing. She announced an ordinance extending the moratorium would be on the June 3 agenda. YESCO and other business owners were invited to submit comments in writing to city staff.

Councilmember Swenson suggested public service announcements should be exempted and grandfathering criteria reviewed. She suggested the possibility of phasing out older electronic signs after the initial investment was recouped.

Councilmember Thompson said the new ordinance was a good way to eliminate what was perceived as a problem, but it was not business friendly. “There are other ways to regulate these types of signs other than this brush stroke method,” he said.

Councilmember Monson hoped revisions to the new law would be big ones. He said he would not vote for the ordinance as drafted. He did not see anything wrong with electronic signs other than brightness. “Why fix things that are not broken?” he asked.

Mr. Austin explained the ordinance as written was what staff thought the Council wanted, but it could be changed. “The concern is where to draw the line. . . .We have minimal regulations for these types of signs now,” he said.

Councilmember Thompson said Logan was not going to get any “Las Vegas type” signs on the entrances to the city. He said the sign ordinance in general was not business friendly.

Chairman Pyfer invited Councilmembers to provide input and specific suggestions to staff for consideration at the June 3 meeting.

PUBLIC HEARING: ZONE CHANGE – Craig Champlin/C.H. Champlin, LLC authorized agent/owner requests a zone change from Single-Family Residential (SFR) zone to the Single-Family Residential Planned Development Combining District (SFR-PD) zone on 14 acres at approx. 200-400 W 1600 N; TIN #04-082-0006; -0004 - 08-29

Attorney Housley had been asked whether the city could put restrictions on a particular zone, such as restricting age of residents to 55 and older. He said the Housing for Older Persons Act allowed private individuals, with restrictions, to set limits based on

age, but case law was unclear whether cities could impose age restrictions on zones. No one had gone to the Supreme Court with the issue.

Attorney Housley said the rezone could be denied for other reasons, such as not meeting the intent of the planned development overlay.

Chairman Pyfer said one concern was adequate parking if the development was open to other than seniors in the future.

Attorney Housley said the question to be answered was whether the project met the intent of planned development overlay ordinance.

Councilmember Olsen saw the situation as a “real dilemma.” On one hand, the city wanted to encourage a development that catered to seniors who desired no open space and small yards. Yet if at some point the management group chose to open up sales to other than seniors, the city would be “stuck with the consequence of people moving into an area for which it was not designed.” Olsen suggested approval should be dependent on something other than the homeowner’s covenants and restrictions.

Councilmember Monson said it had been shown there is not enough retirement housing in the valley to accommodate an aging population. It had been demonstrated to his satisfaction that Logan was a place where people wanted to live after retirement. He did not see a change from senior housing as a problem the city should anticipate happening.

Councilmember Swenson said the developer could construct a regular subdivision of 84 units with no required open space on his 14 acres. She said in order to approve the rezone; the Council should affirmatively answer the question that the proposal met the intent of the planned development overlay. She said in order to make that determination the Council needed to understand what a planned development overlay is. She asked Mr. Austin to explain this. “The question is not whether we need more retirement housing,” Swenson said.

Chairman Pyfer opened the public hearing.

Craig Champlin, proponent, explained he had been constructing retirement housing projects in the valley for twenty years. He targeted people with home equity who wanted to downsize, were in the middle income range, and on a fixed income. They liked having some autonomy but were not interested in yard care or snow removal. There were no amenities offered in these subdivisions because owners did not want to pay the cost. They also did not want large maintenance fees. He said this development included required open space which could be adapted to accommodate walking. Mr. Champlin did not believe large homes would be built there considering the location of the property. He addressed the parking issue by saying five feet was added to the driveway width to provide one extra stall. The road was private. Mr. Champlin said if the subdivision catered to the needs of retired persons, occupancy would stay that way.

Councilmember Olsen appreciated Mr. Champlin's comments but pointed out that he would not have permanent control. He asked about recording a title restriction as to resident age that would run with the land.

Attorney Housley suggested the CC&R's (Codes, Covenants & Restrictions) could require 80% approval of property owners in order to make a significant amendment.

Mr. Champlin recognized the cost of maintaining the private road would be expensive over time. He said the key was to charge people to cover the eventual cost of infrastructure repair. He had not done this in the past but said in the future he would charge a small fee and include this information in the CC&R's.

Gary Joy said the size of the development bothered him. He spoke about a small culdesac in his neighborhood designed as a 55 and older development. He said the homes did not sell to seniors as planned and now parking was a problem. He said Champlin's development was not inviting to visitors.

Chairman Pyfer closed the public hearing.

Councilmember Swenson was concerned about people who purchased homes paying for future private infrastructure replacement. She said in the past there had been lack of disclosure by developers on infrastructure replacement costs to be borne by owners in the future. She said there were many miles of private roads and infrastructure that were substandard. She felt this would be a big problem in the future.

Mr. Austin said the planned development overlay was a density tool with a higher design standard than a typical subdivision. He said the Champlin project met ordinance requirements, but the question was "Does this development have elements that are of a higher standard than a typical subdivision?"

Councilmember Swenson asked what design elements would create a higher standard.

Mr. Austin responded: Interconnected open space areas; grid system; other design elements and amenities, such as parkway and/or trail system that welcomed pedestrians.

Councilmember Olsen asked if staff approval was given because it was a senior project. Mr. Austin said the ability to use the land and to create lots that added stability to the neighborhood were two considerations.

Councilmember Thompson did not feel the market would bear a regular single family subdivision in this part of the city.

Councilmember Swenson said that if single family residences were constructed on this property, they would sell.

Chairman Pyfer called for a motion.

ACTION. Motion by Councilmember Monson, seconded by Councilmember Thompson to accepting findings in the Community Development staff report and approve Ord. 08-29, Craig Champlin SFR-PD Rezone, as presented.

Councilmember Olsen said he could support the rezone without components that would make it a higher design standard if the CC&R's included an age restriction as to seniors and also that a supermajority of homeowners was required for any amendment to change occupancy from the senior status. Attorney Housley said conditional zoning was prohibited, although a "strongly worded recommendation" could be offered.

Councilmember Olsen offered a "friendly amendment" to postpone the vote until the next meeting to review the CC&R's.

Craig Champlin said he would "give his word" that the CC&R's would be amended but hoped for a vote on the rezone tonight.

There was discussion on how the vote should proceed. Councilmember Olsen asked if his "friendly amendment" to postpone action was considered. Chairman Pyfer said she was comfortable voting tonight because of past experiences with Mr. Champlin's developments and his word that he would amend the CC&R's. It appeared that there were three votes in favor, and it was decided to proceed with the vote.

VOTE ON THE MOTION. Motion carried 3-1. Pyfer, Thompson, Monson voted yes; Swenson voted no; Olsen abstained.

PUBLIC HEARING. BUSINESS LICENSE FEES: Consideration of a resolution to streamline and simplify business license fee structure – 08-28.

Chairman Pyfer opened the meeting to a public hearing on the proposal to adopt simplified business license fees as follows:

Code	LICENSE CATEGORIES	Application Fee	Renewal Fee
ALC	Alcohol License/Consent: Includes consent and business license	\$300	\$250
C-1	Commercial - Level 1 (Under 10,000 sq ft)	\$150	\$100
C-2	Commercial - Level 2 (10,000+)	\$250	\$200
M-1	Minor - (Home Occupation, Independent, no location, Seasonal)	\$75	\$50
E-1	Special Event	\$75	n/a

There was no public comment, and the hearing was closed.

ACTION. Motion by Councilmember Swenson, seconded by Councilmember Monson to approve Res. 08-28, Business License Fees, as presented. Motion carried unanimously.

Land Development Code 17.17.020 Economic Development Districts. Steven J. Thunell, applicant proposes a text amendment to the Logan Land Development Code,

Table 17.17.020: *Primary Uses Allowed in Economic Development Districts.* The proposed change would permit: (1) Contractor's offices with attached warehouse space for storage of equipment and supplies; (2) Contractor supply store with indoor storage; and (3) Retail outlet for sales of items that may need limited assembly in attached enclosed warehouse space, within the Commercial Entry (CE) zoning district.

Planner Tavis Austin reviewed the proposal for a text amendment to the Land Development Code to conditionally permit contractor's uses as outlined, in the Commercial Entry (CE) zone. The area currently zoned CE is within the Gateway land use designation. The Planning Commission did not recommend the code change, agreeing with staff that the uses were counter to the intent of the Gateway land use designation.

Mr. Austin explained the proponent's owned or controlled a piece of property that was not very marketable, and there was a proposed buyer who would like one of the options that would be made available by the text amendment. Neither staff nor the Planning Commission supported the scenario to change uses because property was not selling. Staff's opinion was that there were land uses available to the proponent.

Councilmember Swenson said there had been extensive discussions about conditions for Gateway properties to promote an attractive entrance to the city.

Public hearing on the Land Development Code change was set for June 3.

Budget Adjustments F/Y 2007-08 appropriating: \$54,000 for Fire Dept Grant; \$44,638 reimbursement for snow removal at airport; \$11,000 for library architectural fees; \$12,000 for payment from CCEMS for ambulance fuel costs – 08-31.

Finance Director Richard Anderson reviewed proposed changes to the budget. He said the \$54,000 for the Fire Department grant would be removed for consideration until next fiscal year.

\$11,000 proposed for architectural fees would provide a structural, heating and electrical evaluation of the current City Hall/Library to help determine whether it would be cost effective to remodel and expand the building for library use. Mayor Watts said this would help the citizens in making a decision as to whether money should be invested for remodeling and renovation. His view was that there was no historical value in the building.

Public hearing on the budget changes was set for the June 3, 2008 meeting.

There being no further business to come before the Council, meeting adjourned at 8:05 p.m.

Lois Price, City Recorder

Minutes of the meeting of the Logan Redevelopment Agency convened in regular session on Tuesday, May 20, 2008 at 8:05 p.m. in the Logan Municipal Council Chambers, 255 North Main, Logan, Utah, and Chairman Tami W. Pyfer conducting.

Redevelopment Agency members present: Tami W. Pyfer, Laraine Swenson, Herm Olsen, Stephen C. Thompson, Jay Monson, Mayor Randy Watts, City Attorney Kymber Housley, Recorder Lois Price, and Economic Development Director Kirk Jensen, Finance Director Richard Anderson, Public Works Director Mark Nielsen, Street Manager, Jed Al-Imari.

WORKSHOP ITEM:

Brad Bearnson: Resolution approving assistance to Brad Bearnson for his redevelopment project at 60 West 100 North in the Downtown Redevelopment Area.

Economic Development Director Kirk Jensen presented an overview of the Downtown RDA project, which included providing assistance for renovation of the existing Cinema 3 building into restaurant/office space.

Mr. Jensen said the Economic Development Committee and staff recommended that the Agency be responsible for the costs of razing the east half of the existing building, removal of debris to the landfill, and creating a walkway, driveway, parking, and improvements within that space to a maximum of \$120,000. This amount would be covered by tax increment generated by the project. Mr. Jensen explained owners of the Al's Trophies building to the east controlled the south end of the alley, and this issue would need to be resolved.

If eligibility requirements were met, the following bonuses were available: Agency to pay Bearnson \$15,000 if the renovated project was LEED (Leadership in Energy & Environmental Design) certified; Agency to pay Bearnson 100% of affordable housing monies generated by project, if an affordable housing unit, as one of the minimum of four housing units, is incorporated as part of a third story housing development.

Mr. Jensen said the project was a good historic downtown revitalization project, would encourage new development, contribute to the tax base, create new jobs, rehab an existing building and provide greater access to the downtown center. He said the committee felt this was a great project.

The resolution will be considered as an action item on the June 3 RDA agenda.

There being no further business to come before the Logan Redevelopment Agency, meeting adjourned at 8:35 p.m.

Lois Price, City Recorder