

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, January 20, 2009 at 5:30 p.m. in the Logan Municipal Council Chambers, 255 North Main, Logan, Utah, Chairman Laraine Swenson conducting.

Council members present: Tami W. Pyfer, Laraine Swenson, Stephen C. Thompson, Jay Monson (by phone) and Herm Olsen. Administration present: Senior Attorney Lee Edwards and Deputy City Recorder Sylvia Tibbitts. Excused: Mayor Randy Watts, City Attorney Kymber Housley and City Recorder Teresa Harris.

OPENING CEREMONY. Citizen Darla Yeates offered the opening prayer. City Treasurer Tyson Griffin led the audience in the Pledge of Allegiance.

Chairman Swenson welcomed those present. There were 15 citizens in the audience at the beginning of the meeting.

Meeting Minutes. Minutes of the Council meeting from January 6, 2009 were reviewed. Councilmember Pyfer had a question on line 73 where Karen Lambert had spoken. She didn't believe Karen Lambert had said that they agreed to do a clarification to present all of the information. She felt she had said they would work with the council and present the full transcript. Councilmember Swenson explained that at the time she made the announcement, Karen had agreed to a clarification. Councilmember Pyfer added that she believed Chairman Swenson had said this rather than Karen. Chairman Swenson replied that she was the one who said the newspaper would work with the council. There needs to be a change on line 73 from Karen to Chairman Swenson having said the newspaper would work with the council. Councilmember Olsen moved to approve the minutes, seconded by Councilmember Thompson. Roll call vote as follows:

Councilmember Thompson, voted yes
Councilmember Monson, voted yes
Chairman Swenson, voted yes
Councilmember Olsen, voted yes
Councilmember Pyfer, voted yes

Meeting Agenda. The meeting agenda was approved. Chairman Swenson announced at tonight's meeting there would be three public hearings regarding a budget adjustment, consideration of a resolution approving a Saturday Opening/Closing Fee for the Logan City Cemetery and consideration of a resolution approving a change to the Recreation Locker Fee.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL.

Citizen Susan Watson addressed the council expressing that she believes in having prayer and our pledge of allegiance because that is what our country is founded upon. If any are offended, she has purchased and will offer earplugs for those offended while these events take place or perhaps they could stay out of the Council Chambers for a few minutes as a plausible solution.

Chairman Swenson asked if Ms. Watson would like to volunteer herself. Ms. Watson replied that she has already volunteered. Chairman Swenson explained they can't mandate an opening prayer, however she commended Ms. Watson's volunteering and welcomed her return to participate.

MAYOR/ STAFF REPORTS.

JAMES GEIER - NEIGHBORHOOD IMPROVEMENT UPDATE:

Neighborhood Improvement Coordinator Jim Geier gave an update of the development of the Neighborhood Improvement Program. With the aid of a slide presentation, Mr. Geier reported that a neighborhood is establishing a community standard, followed by improvement to better it. Influences affecting neighborhoods are broad and viewed differently by most with varying impacts on neighborhoods. He explained the administrative process begins on a complaint basis unless there is a compelling interest such as safety issues. They try to gain compliance on a cooperative level first and foremost. If need be, they are prepared to go remedy problems with civil and/or criminal actions. The division received 382 complaints this past year.

Mr. Geier explained his department is involved in other improvement efforts such as CDBG Sidewalk Placement in 2007 and Park Strip Restoration Efforts among others. He then presented before and after photos of homes where administrative efforts have taken place. He explained there is still a lot of work that needs to be done. He illustrated this point with photographs as well and noted that secondary properties are often missed. Refuse collection, permits and signs violations were illustrated.

With regard to restoring family trust, Mr. Geier said 56% of properties involved in violations are non-single family owned, twice that of the State average. Single family residential zones have 25% rental properties in them. He said the good side of this is that owner-occupied properties have increased consistently since 2002.

Issues involved with rental properties usually are set-back parking. Landlord/Tenant issues are also a problem with rental housing units falling into disrepair.

Mr. Geier's recommended that the City continue to amplify its activity in neighborhoods to address blatant refuse issues city-wide, enforcing of park strip violations in SFR in 2009, endorsing occupancy restrictions on all non-grandfathered properties in SFR zones, and regulating rentals via licensing. He expressed his appreciation to the council for their support in bettering the neighborhoods and looks forward to continued success.

Chairman Swenson asked the council if there was anything they would like to discuss or should the matter be put onto a future agenda.

Councilmember Thompson acknowledged improvements, but expressed that the sign issue was changed with the Neighborhood Improvement Division going after sign violations of their own volition. He inquired as to the policy change and why the council had not been informed of the change.

Mr. Geier replied that it was his understanding they were doing as the council approved.

Councilmember Pyfer said it was represented to her that signs were the exception.

Community Development Director Jay Nielson advised that they only go after sign violations on a non compliant basis. He recommended they continue doing it this way. He added that if the council wanted to go on a complaint basis, it would be a dramatic change in direction for the department.

Chairman Swenson asked Senior Attorney Lee Edwards if on the agenda the council should notice a change of policy to a non-complaint basis.

Mr. Edwards advised that the current policy could be done as a policy change except the policy would require a change in the law, that being regulating rentals via licensing. Since that would be a legislative change, it would require a proposed ordinance and with proper notice and a hearing. The others are policy changes on enforcement of existing laws and require no change at all.

Chairman Swenson said the matter would be discussed again in a future meeting.

Councilmember Thompson said he would like to take look at the costs involved with the present enforcement including how the costs have changed over the last 6-8 years.

Chairman Swenson said that the matter would be placed on a future agenda and the items discussed.

Mr. Geier added that refuse matter is a community standard of what citizens are willing to tolerate. The quality of life issue is working from the standpoint of pacifying those who complain, but the issues are also socio-economical and cultural. He added that headway has been made, but we're assisting to those who complain rather those who have tolerated the messes, many for decades. Mr. Geier is convinced they can address many of those blatant issues in a reasonable fashion and get resolution.

Chairman Swenson asked the council if they would like to address the issue tonight or move it to a future meeting.

Councilmember Pyfer requested additional time to get more information.

Councilmember Thompson asked that an inventory of unhealthy situations that we have in the City be provide at the next council meeting.

MAYOR - BOARD APPOINTMENTS:

Chairman Swenson asked for a motion to accept the Mayor's recommendation of Wendi Hassan and Gina Wickwar each to a 3 year term on the Logan Library Board. Motion by Councilmember Pyfer to approve the appointments, seconded by Councilmember Thompson. Roll call vote as follows:

Councilmember Thompson, voted yes
Councilmember Monson, voted yes
Chairman Swenson, voted yes
Councilmember Olsen, voted yes
Councilmember Pyfer, voted yes

COUNCIL BUSINESS.

Meeting Schedule. Chairman Swenson announced that regular council meetings would be held the first and third Tuesdays of the month at 5:30 p.m. The next regular council meeting is Tuesday, February 3, 2009.

CHAIRMAN LARAIN SWENSON: Chairman Swenson announced the kick-off meeting for Envision Cache Valley will be held on February 26, 2009 at 7:00 p.m. in the Logan Tabernacle. The first opportunity for Logan residents to participate in a workshop in Logan will be March 5, 2009. Chairman Swenson invited all citizens to participate.

COUNCILMEMBER TAMI PYFER: Councilmember Pyfer updated the council as to dates and times of the Utah League of Cities and Towns legislative events.

CHAIRMAN LARAIN SWENSON: Announced at the February 3, 2009 council meeting there will be a discussion on council budget priorities.

ACTION ITEMS:

PUBLIC HEARING: Budget adjustment FY 2009-10 appropriating: \$87,011 for Alcohol Enforcement Money – 09-09

Chairman Swenson opened the meeting to a public hearing on a consideration of a proposed Budget adjustment FY 2009-10 appropriating: \$87,011 for Alcohol Enforcement Money. As there were no comments the hearing was closed.

ACTION. Motion by Councilmember Pyfer, seconded by Councilmember Olsen to approve Res. 09-09, as presented. Roll call vote as follows:

Councilmember Thompson, voted yes
Councilmember Monson, voted yes
Chairman Swenson, voted yes
Councilmember Olsen, voted yes
Councilmember Pyfer, voted yes

PUBLIC HEARING: Consideration of a resolution approving a Saturday Opening/Closing Fee for the Logan City Cemetery - 09-13

Parks & Recreation Director Russ Akina said the reference for the \$75 is that currently there is a weekly fee and a Saturday fee does exist, the difference of which is \$75. There is a resident and a non-resident opening and closing fee. Currently for a resident the cost is \$325 for an opening and closing fee during the week. There is a Saturday fee of \$400

for an opening and closing that is now in place. Mr. Akina said the \$75 is already in place and what is being proposed is an increase of \$125 in addition to the current Saturday opening and closing fee that is in place now.

Councilmember Olsen stated that if the council adopts the proposed rate increase, it will be the second highest rate in the State of Utah, below just Salt Lake City.

Mr. Akina replied the \$125 increase would put us below or at about what the other cemeteries are charging.

Councilmember Olsen asked with the increased rate on a residential opening being at \$525 and a non-resident of \$710, it appears to be higher than any other municipality except Salt Lake City.

Councilmember Pyfer added that Bountiful and Murray City's rates are higher.

Councilmember Olsen asked if the proposed increase will offset the cost incurred.

Cemetery Sexton Seth Sparks reported that the actual fee of burials is significantly higher than the costs. The time spent on burying an individual does not reflect the costs because more work is done at the cemetery than just burying someone. The cost of \$826 is incurred per day for maintaining the cemetery.

Finance Director Richard Anderson reported the annual operation cost of the cemetery is about \$214,000. The City brings in operationally about \$130,000 of which \$50,000 is put into a perpetual fund to gain interest. Overall fees are only covering half and this increase will not significantly add to the revenue of the cemetery overall.

Councilmember Olsen requested confirmation that we are not bringing in revenue for the cemetery.

Mr. Anderson answered to the affirmative. He added this new rate increase will help toward making the Logan cemetery self-sustaining and having it perpetually cared for.

Mr. Sparks said currently there are 9,000 spaces left to sell and 35,000 have been sold. As far as occupancy goes, the cemetery is 50%.

Chairman Swenson opened the meeting to a public hearing on a consideration of a resolution approving a Saturday Opening/Closing Fee for the Logan City Cemetery. As there were no comments the hearing was closed.

Councilmember Pyfer said she is uncomfortable with the proposed fee increase and she would like additional time to think about it.

Councilmember Olsen feels this is a significant increase noting the other side of the coin is that we're subsidizing the service. The increase results in a lower subsidy. With the proposed fee increase the user pays more of the cost that is inadequate to cover the true cost.

Councilmember Thompson asked Mr. Sparks how much revenue this would raise with the increased fees.

Mr. Sparks reported that last year there were 70 burials on Saturday. With the \$75 increase, the amount would total \$8,700.

Councilmember Monson requested this proposed fee increase be postponed.

Chairman Swenson said it will be on the agenda as an action item at the February 3, 2009 council meeting but not as a public hearing.

PUBLIC HEARING: Consideration of a proposed resolution approving a change to the Recreation Center Locker Fee – 09-15

Parks and Recreation Director Russ Akina reported that the proposal is to change an accounting policy at the Recreation Center. In the past, if a patron wanted a locker key, a deposit on a key was required should that patron lose the key. From a management standpoint, a lost locker fee would be more appropriate and the proposal is to change that policy.

Chairman Swenson opened the meeting to a public hearing on a consideration of a proposed resolution approving a change to the Recreation Center Locker Fee. As there were no comments the hearing was closed.

ACTION. Motion by Chairman Olsen, seconded by Councilmember Thompson to approve Res. 09-15, as presented. Roll call vote as follows:

Councilmember Thompson, voted yes
Councilmember Monson, voted yes
Chairman Swenson, voted yes
Councilmember Olsen, voted yes
Councilmember Pyfer, vote yes

Councilmember Stephen Thompson was excused from the meeting.

WORKSHOP ITEMS:

Russ Holley: Consideration of an ordinance adopting a zone change for the Independence Place/CAPSA Transitional Housing Project. Joseph Beck/Jill Anderson (CAPSA Director), requests an 11-lot subdivision with 10 new s.f. homes and a zone change from Single-Family Residential zone to Single-Family Residential Planned Development zone at 308 West 1000 North – 09-16

Community Development Planner Russ Holly explained that on January 8, 2009 the Planning Commission met and voted 6-1 in design review the 10-lot subdivision of the subject property. Currently, the property is one lot with one building to the north half of the lot. The subdivision design review takes place in the lower portion of the current

single lot where the Planning Commission approved the 10-lot subdivision. The goal is to change the zoning in lots 2-10 with the addition of 9 new single family homes.

Councilmember Olsen asked if CAPSA owns the property and if they are the developer of the property would it be residential for CAPSA purposes.

Mr. Holley answered to the affirmative indicating the homes will have relationship to CAPSA such as Options for Independence.

Chairman Swenson asked about the single room housing listed in the housing innovations fund.

Mr. Holley replied it was not specifically discussed in their last meeting.

Chairman Swenson questioned that they provide preservation and creation of alternative forms of affordable housing including but not limited to single room occupancy, limited equity cooperative housing, transitional housing for homeless, battered women shelters, and mutual housing.

Mr. Holley replied that he assumed the single room is going to occur in the CAPSA house and the usage would be single family homes. Occupants would start out in the CAPSA house and transition to the other areas.

Councilmember Pyfer asked if they would use mutual housing in the single family homes where one home will be shared by more than one family.

Mr. Holley replied that he didn't think so, but was not sure.

Chairman Swenson said the delineation sheet did not specify what goes into the homes.

Mr. Holley went on to say that the developer of the property just west of this property had originally planned on doing a boundary line adjustment into the Spring Street PUD. Three-fourths of this area in question is already zoned single family residential planned development overlay. The consideration tonight is the other top third of this to extend the PUD zoning up to include the 9-lot subdivision. Even though there are 2 PUD projects, they share the same zoning.

Chairman Swenson asked if this did not go forward, what would become of the zoning.

Mr. Holley replied that it would go back to single family zoning without the PUD. Chairman Swenson asked for clarification whether the zoning request is for the entire parcel.

Mr. Holley said the request is for lots 2-10.

Chairman Swenson commented on issues that some of the neighbors had brought to her. Their main concern is water and in the information given her, it said the location of the storm drainage pipe may be under proposed homes.

Mr. Holley explained that with lot 6, the storm pipe would run right along the edge of the homes on that lot. The Planning Commission put a condition on this lot to adjust the pipe or move the building over so it is not on top of a storm drain. None of the homes would be built over a storm drain pipe.

Councilmember Pyfer reported that the staff report recommending condition of approval said the drainage pipe may be located under the proposed homes.

Mr. Holley assured the council that one of the conditions will be that the storm drain pipe will not be located under any of the homes.

Chairman Swenson reported that she spoke to the Logan City Engineer and according to him, in order to get the pipe to drain sufficiently, there would have to be significant build up of this land to get it high enough.

Mr. Holley affirmed the same and added they are going to re-engineer an existing storm water detention area that may have an affect on this pipe. Because of the high ground water and the soils, the detention area fills up too quickly, causing a need to re-engineer, taking into account the high water table and the soils.

Chairman Swenson requested that before this becomes an action item, she would like to have input from engineering with regard to how much the soil needs to be built up, what the angle of the pipe is, where the water is going and how it is going to be addressed.

Mr. Holley said he will meet with engineering and get more details.

Councilmember Pyfer added it would be nice that before anything is built, all of the water table problems are resolved to see if it works correctly before homes are built.

Mr. Holley explained the lots are going to have to drain to the private road as far as surface drainage goes. The water will drain to a new detention pond to be created.

Councilmember Pyfer asked about the common space required for a PUD.

Mr. Holley said that one of the lots will most likely be eliminated and become common open space and the storm water retention area.

Chairman Swenson had concern that depending on how deep the storage area is, it may not be suitable for recreational purposes. Information from engineering will be needed on how deep it will be.

With regard to the alignment of the roads in the PUD, Mr. Holley stated there will be private roads tying into the public roads with a gate that will be open 24/7.

Chairman Swenson expressed her concerns where the dead end road joins the private road.

Councilmember Pyfer expressed concern for the dead-end road with regard to fire equipment access.

Mr. Holley indicated the fire department was amicable to using the center intersection for a turn-around. With regard to garbage collection, all residents will have to take their cans to a common place for pick-up. This was a request of the proponent.

Chairman Swenson reported that in the findings of the Planning Commission, it said they recommended this because it enhanced the neighborhood. She has concerns about how much this enhances and asked what this property is adjacent to.

Mr. Holley said that the homes have street appeal and streetscape that is pedestrian friendly.

Councilmember Pyfer said she loves the plans, but sees the problem the City has had on other private streets. With the water and neighborhood issues, this is a great concern to her.

Chairman Swenson added that with a single car garage and no street parking, real problems could come up.

Mr. Holley said that there will be single car garages with a possibility of parking a second car in the driveway, thus meeting the requirements of two stalls per unit. There will be no parking allowed on the streets.

Councilmember Pyfer asked if there will be a homeowners association and who will run this and how would they do so.

Mr. Holley assumed that CAPSA would be in charge and they will have to pay the 10% down for the common space improvements, which will be put aside in a separate account for future maintenance or issues. With regard to dues, he does not know if homeowner association dues will be charged to the homeowners or if CAPSA would always pay into the PUD account.

Chairman Swenson invited Mr. Holley to bring back additional information at the February 2, 2009 council meeting.

Councilmember Olsen disclosed that he may have a conflict, as he served on the CAPSA board several years ago.

This will be an Action item at the February 3, 2009 council meeting.

Richard Anderson: Budget Adjustment FY 2008-09 appropriating: -\$5,850 loss of CVTD security contract; \$27,296 for the Utah Local Government Trust, Safety Grant; \$6,833 for the bulletproof vest grant; \$9,500 for technology expenses related to the Communication Center – 09-17

City Finance Director Richard Anderson explained the budget adjustment requests.

With regard to the CVTD security funds, we are reducing the Police Department revenue account and the expense account by half of what was budgeted. This is being done because CVTD is no longer using our security services.

The second item is a grant received from the Utah Local Governments Trust to support and enhance safety procedures and hopefully reduce our insurance costs.

The third item is a federal grant for bullet proof vests for police officers, which we purchase quite often.

The last item is one-time monies for the communication center upgrading of equipment. They are going to be using that not only for the move, but for upgrading the equipment they have. Various agencies use our system and pay fees and this is a one-time fee.

This will be an Action Item at the February 3, 2009 council meeting.

OTHER CONSIDERATIONS:

Councilmember Pyfer explained that she is on the Utah Legislative Policy Committee. She spoke of a proposed bill of the GRAMA and Open Meetings Act. A recorded version of our meetings will need to be posted on a public website within 3 days of the meeting if the bill passes. Logan is already getting this out on time and complying with the requirements.

They are also looking at some changes on impact fees broadening them so we can include some of our larger fire trucks.

We have been asked to submit projects for consideration in the economic stimulus project such as large roads and infrastructure projects. State monies may not be available, however, she would like the Dugway Project listed.

Councilmember Olsen moved to adjourn to the meeting of the Redevelopment Agency, seconded by Councilmember Pyfer.

ADJOURN TO MEETING OF THE REDEVELOPMENT AGENCY.

Welcome – Laraine Swenson, Chair

AGENDA

WORKSHOP ITEM:

Kirk Jensen – Budget Adjustment FY 2008-09 appropriating: \$50,000 for the Downtown Master Plan – 09-18 RDA

Economic Development Director Kirk Jensen recommended that we fund in part \$50,000 from the Downtown RDA to help fund the total costs of the Downtown RDA Plan.

He explained the importance of downtown as a reflection of the community, perhaps the most visible indication of community pride as well as its economic and social health. It is also a visual representation of our community's heritage and it represents a huge public and private investment. It is a huge portion of our tax base and in the future represents great opportunity to enhance our tax base. Lastly, a historical commercial district is a tourist attraction if we do the things necessary to make it so.

The general master plan would provide guide for growth and development of the City, whereas, the specific plan for downtown would focus on the unique characteristics of downtown by customizing the planning and land use specific to that area.

Our General Plan Section 3.5 provides that the town center will be developed according to the visioning document of the City of Logan adopted in 2003. A specific and more detailed plan for the development of downtown Logan should be completed to more fully evaluate the needs of downtown. There is an additional reference in Section 15.

Prior studies have been effective but limited in their scope, none being comprehensive. The Downtown Master Plan would be comprehensive and would to a degree possible, incorporate all of these previous studies. It would be a good starting point of what they would do.

Some of the plan outcomes listed in the evaluation would include urban design guidelines, recommendations for land use, a plan for historic preservation and adaptive reuse, market analysis and development strategy, a transportation analysis, recommendations for development standards and possible future infrastructure. There would also be a critique of the four-point approach, which is currently used by the downtown alliance as far as how it is managed and operated. This 4-point approach was actually created by the National Main Street Center which would be the lead consultant going in. There would also be an element called the Diversification of Economic Uses and there would be an implementation of an action plan. The three primary components of the plan are 1) Diversification of Economic Uses. This would be carried out by the lead consultant which would be NTMSC (National Trust Main Street Center) for historic preservation. They would work in collaboration with two other consultants. 2) The Physical Plan with a consultant is yet to be determined, and 3) The Transportation Element which we would like to have completed by Wilbur Smith Associates who is in the process of finalizing the Logan City Surface Transportation Master Plan. Mr. Jensen gave background information on the National Trust Main Street Center indicating that we are working with an entity that is very saturated in what it is to preserve and revitalize downtowns.

The National Trust Main Street Center will focus on diversification of economic uses which consists of a downtown market definition and a business mix analysis cluster plan giving us a marketing tool to help locate businesses. They would also do market research and critique the downtown alliance. Physical planning would involve recommendations for design or where we are going to have civic and open space. There would also be a plan for historic preservation and adaptive reuse of significant historical commercial and residential properties in the downtown. There would be a transportation analysis in

collaboration with Wilbur Smith Associates. There would be a recommendation of development standards, infrastructure as well as an action plan.

Transportation would encompass all facets of transportation such as parking, pedestrian, trails, bicycle, street configuration, circulation patterns, etc.

The Master Plan projects that need to be done could be incorporated into our CIP. We can now be proactive in analyzing what infrastructure our downtown lacks so we can get it properly prioritized. It would also create an impetus for the creation of public/private partnerships with downtown stakeholders, with a potential business improvement district to help fund various projects that need to be done in downtown.

Mr. Jensen gave a brief overlay of the budget; \$50,000 is already allocated from prior CDBG money. Public Works will add \$20,000 from its professional/technical budget to fund the transportation element and Mr. Jensen is proposing that the downtown RDA would fund the balance of \$50,000 for a total cost of the Master Plan being \$120,000.

Chairman Swenson said she contacted Tom Jensen from the Downtown Alliance who indicated this plan is critical to tie the transportation issue into other components they are already working on. Any transportation issues that come up with the Transportation Master Plan have been considered as well as looking at where parking garages might best be placed, and other downtown issues where a consensus has not yet come together.

There being no further business to come before the Council, meeting adjourned at 7:02 p.m.

Sylvia Tibbitts, Deputy City Recorder