

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, September 1, 2009 at 5:30 p.m. in the Logan Municipal Council Chambers, 290 North 100 West, Logan, Utah. Chairman Laraine Swenson conducting.

Council members present: Chairman Laraine Swenson, Tami W. Pyfer, Jay Monson, Dean W. Quayle and Herm Olsen. Administration present: Mayor Randy Watts, City Attorney Kymber Housley and City Recorder Teresa Harris.

### **OPENING CEREMONY.**

Lisa Peterson from the Cache Valley Transit District led the audience in the Pledge of Allegiance.

Chairman Swenson welcomed those present. There were approximately 32 citizens in the audience at the beginning of the meeting.

**Meeting Minutes.** Minutes of the Council meeting from August 18, 2009 were reviewed and approved with minor changes.

**Meeting Agenda.** The meeting agenda was approved. Chairman Swenson announced at tonight's meeting there would be three public hearings including a budget adjustment, Consideration of a proposed request to rezone to CE (Commercial Entry) property at 1995 South Hwy 89/91 in the Manufactured Home Zone, Consideration of a proposed request amending the Land Development Code's sign section to allow advertising on CVTD bus shelters, benches, and route maps within the bus shelters.

### **QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL.**

No questions or comments from audience.

Chairman Swenson welcomed Scout Troop #390 who attended tonight's council meeting.

### **MAYOR/ STAFF REPORTS.**

#### **Center Street Traffic Issues – Mark Nielsen.**

Public Works Director Mark Nielsen addressed the Council and gave an update on Center Street.

The City of Logan Engineering Department completed traffic monitoring on Center Street. Mr. Nielsen explained the existing functional classification of Center Street as a local road and the proposed functional classification in the draft transportation master plan that shows Center Street as a minor arterial road.

Mr. Nielsen explained the following:

**Traffic Volumes:**

2005 - Center & 400 West	3,355 Vehicles per day
Center & 200 West	Information Not Available
2009 – Center & 400 West	3,217 Vehicles per day
Center & 200 West	4,320 Vehicles per day

The conclusion for the current traffic volumes have not increased over the past four years.

Mr. Nielsen reviewed a list of seven warrants for stop signs on Center Street. The conclusion is that none of the possible seven warrants for stop signs were met.

The other consideration was speed on Center Street. The speed limit is 25 mph and most of the traffic now is going 25-35 mph. Most of the traffic is right at the speed limit and some is slightly over. There are always vehicles in the 40-50 mph range and this occurs everywhere that counts are done.

The safe routing plan for school crossings should be reviewed and revised as necessary with the school district. The road at 300 and 400 West meet the requirements for a crossing guard but not a stop sign.

Other issues are site distances because Center Street is a tree lined street and there are problems with site distances because of the trees along this road and on the corners. Mr. Nielsen doesn't propose that any trees should be cut down.

Mr. Nielsen stated that in looking at the transition standards on Center Street there is nothing he would recommend changing. There is no data to support any changes being made regarding any of the stop signs.

Regarding the yellow center line, Mr. Nielsen said the lines have been there for at least six years and he doesn't see any reason not to remove the lines and this can be done. The painting of the crosswalks for school crossing is another thing that can be done. Local residential streets usually do not have yellow striping down the middle but there are times when striping needs to be done.

Councilmember Pyfer asked about a median being installed down Center Street.

Mr. Nielsen responded that studies show that medians increase traffic volume but it also calms traffic. The turning conflicts are removed and traffic flow will increase.

Mayor Watts stated that medians also bring about pedestrians that will stand in the median waiting to cross the street.

Chairman Swenson asked about historical lighting on Center Street.

Mr. Nielsen responded that historical lighting would be installed by a developer and upgrade the light fixtures.

Center Street resident Thad Box addressed the Council and said he feels that traffic has increased and the most disturbing thing is the plan states that Center Street is a minor arterial road. He is most concerned about the safety of children on this road and feels Center Street is an asset to the community and hopes the Council votes for a viable and safe historic district.

Mr. Nielsen stated the transportation master plan is being reviewed at this time and he will bring it to the Council for their review and comments.

Center Street resident Pat Lambert addressed the Council and stated that regarding the speed limits she feels that everyone is speeding on this road and she would like to see the comparative data with other roads that have stop signs.

Mr. Nielsen responded that stop signs are not a speed control device, enforcement is what is needed. He would be willing to provide additional data to show other areas in Logan where there are stop signs and traffic counts.

Center Street resident Jim Goodwin said he appreciates the rule of truck's not being allowed to travel on Center Street. He does observe more truck traffic and vehicles speeding in the evening hours. He feels the road is getting more dangerous and more and more people are speeding on Center Street. He feels the stop signs will slow people down and sooner than later a stop sign will be needed.

Councilmember Pyfer asked Mr. Nielsen to clarify the reason for changing a stop sign.

Mr. Nielsen said there are warrants for four way stops and two ways stops are an engineering judgment. The standard in the transportation industry is the stop signs go on the minor streets and Center Street is considered a major street.

Councilmember Pyfer referred to the boulevard and the changes that were made in this area. She asked is there a way to install a temporary stop sign at 400 West.

City Attorney Kymber Housley stated this is not a decision to be made by the Council but the Mayor can direct the City Engineer to make changes. The council's authority is the transportation plan and the long term policy for Center Street and after that it's an administration decision.

City Engineer Bill Young stated that in referring to the boulevard, a traffic flow was changed without stop signs. When doing temporary changing of stop signs, people become accustomed to the stop signs and it's hard to go back and forth. Once a decision is made to put in stop sign it should remain in place.

Mr. Housley stated as a matter of policy, decisions should be made on good engineering data and not make decisions based on politics.

Chairman Swenson feels the historic district is unique and should receive special consideration from the Council and the City. She suggested further discussion on Center Street at a future council meeting.

## **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, September 15, 2009.

Councilmember Quayle announced there will be a memorial/commemoration service in observance of the events of 9-11. The service will be held on Friday, September 11, 2009 beginning at 7:00 p.m. at the Logan Tabernacle. The highlight will be Craig Jessop's American Festival Chorus. The public is invited to attend this free event.

Chairman Pyfer stated that she and Councilmember Quayle recently attended a presentation made by Paul Smith regarding the Good Landlord Program. She asked if it would be possible to have Mr. Smith make a presentation to the Council.

Chairman Swenson responded she would like the presentation to be made at the recommendation of the landlord committee that is studying the issues. Community Development Director Jay Nielson is organizing this committee.

Mr. Nielson stated that he is preparing a letter to invite people to serve on the committee which the Mayor will sign and it will be sent out.

## **ACTION ITEMS:**

**PUBLIC HEARING – Budget Adjustment FY 2009-10 appropriating: \$81,000 for the land development code; \$106,326 for the Radio grant; \$38,944 for the JAG grant; \$50,000 for the 2007 CDBG grant; \$176,293 for the 2008 CDBG grant; \$354,144 for the 2009 CDBG grant; \$4,785 for the Youth Alcohol grant; \$3,000 for the Historical Markers grant; \$17,932 for the LSTA library grant; \$800 for the Professional Development grant; \$4,250 for the State Emergency Management Performance grant; \$75,244 for the SAFG grant; \$51,777 for the State Alcohol Enforcement grant – 09-67.**

Chairman Swenson opened the meeting to a public hearing.

Chairman Swenson closed the public hearing.

**ACTION.** Motion by Councilmember Monson seconded by Councilmember Pyfer to approve Res. 09-67 as presented. Motion carried unanimously.

**PUBLIC HEARING – Consideration of a proposed request to rezone to CE (Commercial Entry) property at 1995 South Hwy 89/91 in the Manufactured Home Zone – 09-64.**

Chairman Swenson opened the meeting to a public hearing.

Citizen Jarvis Johnson addressed the Council in support of the proposed rezone and spoke in behalf of the Waite's who own the property. He stated that after 50 years of the Waite's living at this location, they want to downsize and move. The owners are looking

at what is most beneficial for them and they see this area as commercial which is in the master plan. The concern is the accesses being removed or changed which would make this property worthless to sell for commercial property with no access to the highway. If the access is closed there would be a difference of six tenths of a mile traveling to this area from another location. He understands the safety concern in this area but doesn't feel the access points should be eliminated.

Chairman Swenson closed the public hearing.

Community Development Planner Kristen Clifford stated staff has met with the Utah Department of Transportation (UDOT) and they have confirmed that the access would be eliminated. She feels this area is appropriate to be zoned a commercial entry and the zone is being approved not knowing what development would be coming to this location. If the zone is changed it will be determined by the City Engineer as to where the access will be located. Access will come off of 1100 West and is currently zoned manufactured at this time.

Councilmember Olsen asked if the proposed use were to be consistent with its present use would the access route be eliminated anyway.

Ms. Clifford said if it stays single family use then the access will remain. But the fact that a new commercial project would come in is when UDOT has the prevue to remove the access.

Councilmember Pyfer said she can't see that anyone would want to purchase this property as residential because of the access to the highway. She supports the rezone based on where the transportation plan is going.

Councilmember Monson said this proposal does nothing to protect the corridor. He does not want to see a business in this location.

Councilmember Olsen asked can the proposed resolution be approved with a stipulation that there be no access onto the highway.

Mayor Watts said the access situation has been going on for a long time and he gave examples of projects where UDOT has not allowed access. Real estate people should express to potential buyers that access could be taken away at any time.

Chairman Swenson said the focus at tonight's meeting is to take action on the proposed rezone and not the access. We are in the process of completing the master plan and the Council can table the rezone until the master plan is completed or take action on the rezone at this time.

Councilmember Pyfer stated that she doesn't want to punish the people that have lived in this area for 50 years and need to move somewhere else. She supports the rezone.

Councilmember Monson said if there are options of the State purchasing the property and preserving the land he would be supportive. He feels there are other avenues to keep the property open and feels the master plan needs to be changed.

Chairman Swenson stated there is a difference between commercial and commercial entry. Commercial entry is more restrictive and we should look at the ordinance and the master plan and see what kind of development is approved if any for this corridor.

Councilmember Olsen made a motion to amend the motion to include criteria and instruction to UDOT that the rezone be approved contingent that no access onto US Highway 89/91 be allowed.

**ACTION.** Motion by Councilmember Pyfer seconded by Councilmember Quayle to approve Res. 09-64 as presented. Motion carried 3-2 (Olsen and Monson opposed).

Councilmember Olsen will prepare a letter to UDOT requesting an amendment regarding access on to US Highway 89/91.

**PUBLIC HEARING – Consideration of a proposed request amending the Land Development Code’s sign section to allow advertising on CVTD bus shelters, benches, and route maps within the bus shelters – 09-65.**

Community Development Planner Glen Goins clarified the planning commission recommend not allowing advertising on benches but this is still under consideration from the Council.

Chairman Swenson opened the meeting to a public hearing.

Citizen Gary Joy addressed the council and said he would not like to see commercial advertisement spread throughout Logan. He feels the advertisement will be a distraction to drivers and an aesthetic distraction. He is not against having advertisement on the route maps but is against having advertisement on benches and bus shelters.

Citizen Tony Wegener addressed the council and stated his opposition to the proposed advertisement on bus shelters, benches and route maps. He would not like to see the sign ordinance changed and feels that everyone in the City should obey this ordinance.

Chairman Swenson said money from the advertisements would go back to the CVTD. Councilmember Olsen asked for clarification that the advertisement would only be allowed in the commercial or industrial zones on bus stops and not in residential areas if approved.

Mr. Goins responded this would not apply to residential zones.

Chairman Swenson closed the public hearing.

Councilmember Quayle said advertising is a great facilitator and he is very proud of the transit district. If the Council can help the CVTD in receiving more money to go towards outreach programs, he feels this would be very helpful, especially because it will not be done in residential or historical areas.

Chairman Swenson and Councilmember Monson are opposed and they do not want to see more signs/billboards around Logan City.

Councilmember Pyfer said this is a significant amount of money for a fare free system and by not allowing this in a residential area alleviates her concerns.

Councilmember Olsen wants to support the CVTD but he is troubled about the issue of advertising and wants to talk with more with people before he supports the request.

**ACTION.** Motion by Councilmember Monson seconded by Councilmember Swenson to deny Res. 09-65 as presented. Motion carried 3-2 (Pyfer and Quayle opposed denial).

**Municipal Primary Election – Consideration of a resolution approving polling places and election judges for September 15, 2009 Municipal Primary Election – 09-69.**

**ACTION.** Motion by Councilmember Pyfer seconded by Councilmember Monson to approve Res. 09-69 as presented. Motion carried unanimously.

**WORKSHOP ITEMS:**

**Consideration of a proposed resolution approving the 2008-09 Consolidated Annual Performance and Evaluation Reporting (CAPER) for the Community Development Block Grant (CDBG) Program and approving it for submission to HUD – 09-68 – Gay Jamieson.**

CDBG Coordinator Gay Jamieson addressed the Council regarding the Consolidated Annual Performance and Evaluation Report for the Community Development Block Grant.

This will be an Action Item at the September 15, 2009 council meeting.

**Budget Adjustment FY 2009-10 appropriating: \$20,000 Downtown Transportation Plan; \$5,953 for additional CDBG money; \$158,804 for Recovery ACT CDBG money; \$13,000 for swim lessons at the Aquatic Center, \$209,732 for UCAN radio tower grant; \$21,500 for the transfer of a utility vehicle – 09-72 – Richard Anderson.**

Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustment.

This will be an Action Item at the September 15, 2009 council meeting.

**Consideration of a proposed request amending a rezone to Logan City's Zoning Map for a 18.92 acre parcel from Single Family Traditional (SFT) and Agricultural (AG) to Single Family Residential – Planned Development (SFR-PD) – 09-70 – Glen Goins.**

Community Development Planner Glen Goins addressed the Council regarding the proposed amended rezone. This project was brought before the planning commission in

conjunction with the subdivision review and they did make a recommendation on the rezone and amendment. The general plan shows a combination of green space and residential which this plans designates. The planning commission recommends approval, not unanimously, that it be approved as proposed.

Councilmember Pyfer said her concern is the 200 South park strip area and can this area be maintained via the PUD designation.

Mr. Goins stated the usability of the space was addressed and the commission also voiced their concern. This would be required to be addressed by the homeowners association. This will be a 98 planned unit area. There will be two accesses on the north and south of the residential area. The north and south road will be public and the interior road will be private. The area is sufficient size so the water will be a public system.

Chairman Swenson said the master plan addresses a grid system and asked why this type of development would be allowed at this time. She also asked about the 20 ft setback and does the code require this to be done.

Mr. Goins responded the grid system is the preferred choice but the only condition required has been addressed by the developer which is to allow open space. Regarding the setback, there was discussion of how much room is needed and the planning commission addressed this and it will be a neighborhood of front porches and not garages.

Community Development Director Jay Nielsen said one of the concerns from a planning commissioner was that the landscaping on 200 South be completely finished before the first unit was installed and the rest of the planning committee felt this was an extreme request. Regarding the setback, the way this was approved is there will be a fence on the backside of the units that are facing 200 South and 12 ft of landscaped area, then the sidewalk, park strip with street trees, and curb and gutter. This will all be maintained by the homeowners association. This will be interior streets with public utilities.

Mr. Housley stated the utilities themselves should be owned by Logan City and the roads will be privately owned.

Chairman Swenson voiced her concern that the homeowners won't be prepared for road maintenance.

Mr. Housley stated there is a funding mechanism in place by the homeowners association to cover road maintenance and the homeowners association is required to continue funding for future repairs.

Mr. Goins stated the addressed homes that are built on the public street will have garbage pickup provided by Logan City and the internal homes would be private garbage collection on some roads.

This will be an Action Item at the September 15, 2009 council meeting.

**OTHER CONSIDERATIONS:**

Councilmember Pyfer asked Mr. Housley about Logan City's radio station.

Mr. Housley responded that Logan City no longer has a license for the radio station and if someone is interested they should contact the FCC.

**ADJOURN TO MEETING OF LOGAN REDEVELOPMENT AGENCY.**

**WORKSHOP ITEM:**

**Consideration or a resolution approving agency assistance in the 832 South Park Avenue Habitat for Humanity Affordable Housing Project – 09-71 – Kirk Jensen**

Economic Development Director Kirk Jensen addressed the Council and stated that he is here in behalf of Habitat for Humanity to request a grant to cover building permit and impact fees associated with their project located at 832 South Park Avenue. The total amount is not to exceed \$4,847.00. The affordable housing committee has reviewed this and recommends approval. This would be for one home.

This will be an Action Item at the September 15, 2009 council meeting.

**ADJOURN.**

There being no further business to come before the Council, meeting adjourned at 7:05 p.m.

Teresa Harris, City Recorder