

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, May 18, 2010 at 5:30 p.m. in the Logan Municipal Council Chambers, 290 North 100 West, Logan, Utah. Chairman Jay A. Monson conducting.

Council members present: Chairman Jay A. Monson, Vice Chairman Herm Olsen, Holly H. Daines and Dean W. Quayle. By Phone: Councilmember Laraine Swenson. Administration present: Mayor Randy Watts, City Attorney Kymber Housley and City Recorder Teresa Harris.

### **OPENING CEREMONY.**

Jeremy Threlfall gave the opening thought/song and led the audience in the pledge of allegiance.

Chairman Monson welcomed those present. There were approximately 125 citizens in the audience at the beginning of the meeting. Overflow seating approximately 75 citizens.

**Meeting Minutes.** Minutes of the Council meeting from May 4, 2010 were reviewed and approved.

**Meeting Agenda.** The meeting agenda was approved. Chairman Monson announced at tonight's meeting there would be four public hearings.

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

No comments for the Mayor or Council.

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

#### **Youth City Council Update.**

Youth City Council Members Jessica Blakeley and Ms. Romney addressed the Council and said their most recent service project was helping with an Easter egg hunt for children in the community. They also attended the Youth City Council Conference and held a scavenger hunt at Utah State University with other Youth City Council groups.

#### **Utah State University, *Common Literature Selection* – Noelle Call.**

Noelle Call from Utah State University addressed the Council and announced the 2010 Literature Selection for USU titled, *Outcasts United*. First year USU students are required to read the selection and write a report on the book. Ms. Call gave a brief summary of the book.

#### **Board Appointment – Mayor Watts.**

Mayor Watts asked for ratification of Blaine Murray to serve on the Neighborhood Council representing the Ellis District.

**ACTION.** Motion by Councilmember Olsen seconded by Councilmember Daines to ratify the Neighborhood Council board appointment as presented. Motion by roll call vote:

Laraine Swenson, voted yes  
Holly H. Daines, voted yes  
Dean W. Quayle, voted yes  
Herm Olsen, voted yes  
Jay A. Monson, voted yes

Mayor Watts talked about the recent State of Utah Public Safety Summit that was held this week in Ogden. Several representatives from Logan City attended the summit and made a presentation on the landslide. He stressed the importance of elected officials to attend safety and preparedness training.

**Update: Landlord Licensing – Jay Nielson.**

Community Development Director Jay Nielson gave an update on Landlord Licensing. They are currently taking applications for landlord licensing training and 12 have applied at this time. They will continue taking applications through the implementation date of July 1, 2010. Training will begin this week. Information regarding landlord licensing can be found on the Logan City website.

**COUNCIL BUSINESS.**

**Meeting Schedule.** Chairman Monson 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, June 1, 2010.

Chairman Monson announced that a budget workshop will be held on Tuesday, May 25, 2010 beginning at 5:30 p.m. in the Council Chamber. The public is invited to attend.

**Board Appointments and Bylaws for the Renewable Energy and Conservation Advisory Board – Laraine Swenson.**

Councilmember Swenson introduced Emily Malik from the Environmental Department and Renewable Energy and Conservation Board. Ms. Malik asked the Council for approval of Jim Goodwin, Loren R. Anderson and Byard D. Wood to serve on the Renewable and Conservation Advisory Board. She also asked for approval of the bylaws.

**ACTION.** Motion by Councilmember Daines seconded by Councilmember Quayle to approve the board appointments to the Renewable Energy and Conservation Advisory Board and the Bylaws as presented. Motion by roll call vote:

Laraine Swenson, voted yes  
Holly H. Daines, voted yes  
Dean W. Quayle, voted yes  
Herm Olsen, voted yes  
Jay A. Monson, voted yes

## **ACTION ITEMS.**

### **Consideration of a resolution to adjust service fees at the Logan City Police Department – 10-20.**

A public hearing for Res. 10-20 was held on May 4, 2010.

**ACTION.** Motion by Councilmember Quayle seconded by Councilmember Swenson to approve Res. 10-20 as presented. Motion by roll call vote:

Laraine Swenson, voted yes  
Holly H. Daines, voted yes  
Dean W. Quayle, voted yes  
Herm Olsen, voted yes  
Jay A. Monson, voted yes

### **PUBLIC HEARING: Budget Adjustment FY 2009-10 appropriating: \$17,029 for Fire Department donation; \$25,812 for reimbursement by Blackhawk subdivision; \$14,578 for the Library CLEF Grant – 10-27.**

Chairman Monson opened the meeting to a public hearing.

Chairman Monson closed the public hearing.

**ACTION.** Motion by Councilmember Swenson seconded by Councilmember Quayle to approve Res. 10-27 as presented. Motion by roll call vote:

Laraine Swenson, voted yes  
Holly H. Daines, voted yes  
Dean W. Quayle, voted yes  
Herm Olsen, voted yes  
Jay A. Monson, voted yes

### **PUBLIC HEARING: Consideration of a proposed ordinance vacating 700 North at Utah State University – 10-33.**

Public Works Director Mark Nielsen stated a legal description needs to be added to the proposed vacation ordinance before the Council can adopt. Mr. Nielsen talked with USU and they are willing to amend the agreement and if in the future they would be willing to talk again with Logan City regarding the road.

Councilmember Swenson requested a summary from Mr. Nielsen of the costs of service for Logan City over time with this road. She would also like wording included in the resolution to delineate that the service was minor and not major improvements. She is supportive of the vacation but not of major improvements and ongoing costs.

Councilmember Olsen is concerned that if we abandon the road we will lose control of what happens with the road in the future. He asked Mr. Housley if he could look at an alternative to abandonment and if we can donate rather than vacate the property to USU and maintain a reversionary right in the event they close the road in the future.

Mr. Housley responded he has looked at this issue and said we either vacate or not vacate. The vacation allows an easement for utilities. He suggested having a separate agreement that in the event they want to do something less than a through street that Logan City and UUS would discuss at that time. USU has developed their campus and pedestrian patterns. The idea is they should manage and design these areas so they are safe for pedestrians.

Chairman Monson said he is in favor of this vacation for the future of USU and what they want to accomplish long term.

Councilmember Swenson asked if there could be a separate vote on the service contract if the vacation is approved.

Chairman Monson opened the meeting to a public hearing.

Councilmember Olsen read a statement from citizen Gary Joy who said he is against the vacation on 700 North.

Chairman Monson closed the public hearing.

This will be an Action Item at the next Council meeting to be held on June 15, 2010.

**PUBLIC HEARING: Consideration of a proposed ordinance regarding employment discrimination based on sexual orientation or gender identity – 10-25.**

**PUBLIC HEARING: Consideration of a proposed ordinance regarding housing discrimination based on sexual orientation or gender identity – 10-26.**

Chairman Monson opened the meeting to a public hearing and explained the procedure of how the hearing will be conducted. The hearing will be for a total time of one hour with comments being timed at two minutes each.

For – Brooke Robertshaw, Logan. She thanked the Council for holding the hearing and supports the adoption of this ordinance.

Against – Tyler Riggs, Logan. He supports ending discrimination he is opposed to the proposed ordinance and does not feel that discrimination is a problem in our community. He feels this is an issue of private property rights and is not something the City Council should address.

For – Gail Hansen Logan. She has been a landlord and her concern with renters is can they pay the rent and maintain the property. She was never concerned about the person's sexual orientation. She asked the Council to pass the ordinance.

Against – Brannon King, Logan. He feels the nation is obsessed with the entitlement concept and entitlement should be earned. He feels this is a moral issue and the Council should not take this responsibly upon themselves.

For – Isaac Higham, Logan. He said there is animosity in the community towards the gay and lesbian community. He said this ordinance provides equal protection for the citizens of Logan and he asked the Council to adopt the ordinance.

Against – Michelle King, Logan. She feels there is a lack of compassion on the part of individuals and suggested that everyone appeal to the compassionate side of people. She feels adopting this ordinance will cause employers and landlords to feel resentful and be antagonistic. There should be more compassion and less control.

For – Reverend Susan Springer, Logan Episcopal Church. She represents several parishioners from her church and certain students at USU. She feels that a protective ordinance is good for the community and feels there is discrimination of persons of alternate sexuality. She feels there is currently a heterosexual privilege and we should learn from history of the prejudices that have existed and now exist today.

Against – Dixie Crook, Logan. She is a landlord in Logan City and said if she wants to rent to a gay or lesbian person that is her choice and not the government. Citizens should be compassionate and humane.

For – Steve Camicia, Logan. He said that he is a gay man living in Logan and he is a witness and a victim of discrimination that he has personally experienced in Logan. He asked the Council to pass the ordinance.

Against – James Gibson, Logan. He is a business owner and lives in Logan. He does not feel the City Council should have the right to say who he can and cannot rent to within the City. He feels it should be a civil matter if someone is discriminated against and not a government issue.

For – Isaac Dane Furniss, Logan. He is worried every day that he will be evicted or fired because of his gender differences. He loves Logan but he is afraid to come out and state the truth about himself. He feels it's a right for him to be who he is and not be discriminated against and people should not discriminate because of choice.

Against – Evan Powell, Providence. He does not discriminate and he is very pro constitutional. He feels it's unconstitutional for the Council to propose this ordinance.

For – Stephanie Delaney, Millville. She said discrimination affects families and people should not judge one another.

Against – Joshua Frazier, Nibley. He is opposed to this ordinance and feels it is a lack of compassion and not laws that should be considered and it's wrong for government to interfere. He does not agree with the government legislating moral decisions.

For – Ken Heare, Logan. He thanked the Council for addressing this issue and their response to his letters and emails. He feels that people should be responsible for their actions and there should be an ordinance for people gay or straight to protect them from discrimination in housing and employment. The adoption of the ordinance will make people feel they matter in the community.

Against – Phyllis McDowell, Logan. She respects her fellowmen. She does not want the City Council to tell her who she can have in her home and who she can't. She does not believe the Council should decide this issue and it should be an issue on a ballot for the people to decide.

For – Maure Smith, Logan. She is the program director for the Gay and Lesbian Alliance at USU. She stated that discrimination is happening here in Logan with housing and employment. She said that USU is a caring campus and feels this ordinance is extremely important to USU students. She thanked the Council for hearing the concerns of many that have a different sexual orientation.

For – Jonathan Tanioli, Logan. He feels there is a problem with housing discrimination in Logan. He takes care of his property and pays his rent and landlords should base their concerns on renters who can do this rather than sexual preference.

For - Jo Leary, Logan. She says this ordinance provides safety for people and she would love to live in a City where we don't get angry and sue each other and have respect for one another.

For - Casey Rock, Logan. He feels we don't need a law to tell us what we should do. We should love each other and treat each other fairly but unfortunately this is not the case and he supports the ordinance.

For - Bryce Draper, Logan. He feels that discrimination is a problem in Logan and this ordinance sends a powerful message to the community. Passing this ordinance will make everyone feel safe and protected and we should be proactive in Logan City. The law can stop discrimination.

For – Beth Walden, Logan. She is the lay minister at the Cache Valley Universalists Church. She said that most religions have principles of love and compassion. She would like to live in a City that is a loving, compassionate community for all who live here no matter their differences.

For - Brian Cook, Logan. He feels that compassion has always been an issue now and in the past. He feels government should take a stand on discrimination.

For – Jon Dalton, Logan. He asked for the Council's support on this ordinance and feels that Logan City does provide a great environment for people to discover how they want to live their lives.

Against – Sandra Rodriguez, Sandy Utah. She is with the group America Forever and her group is fighting for the rights of children. She said these ordinances discriminate against Logan residents and will hurt children.

For - Steve Bower, Logan. He feels we should use whatever tools we can to teach our children not to discriminate. No one should be afraid to live in Logan.

Against – Jessica Rodriguez, Sandy Utah. She is with the group America Forever and her family has been against these types of ordinances for the past 10 years. She feels that

City's and State's that pass anti discrimination laws are forced to educate the people of the community.

For – Clifford Rosly, Salt Lake City, Utah. He says these ordinances do not create any special rights or special classes. The ordinances give the same protection to everyone and they are not too controversial and most people agree with them including the LDS Church.

Against – Abraham Rodriguez, Sandy Utah. He is with the group America Forever. He feels the ordinance does not protect race or gender and if the Council wants things to be fair that more information should be included in the ordinance.

For – Sarah Reale, Logan. She thanked the Council for taking on this very controversial issue and she feels passing this ordinance will take Logan to another level.

Against – Jonas Rodriguez, Sandy Utah. He is with the group America Forever and is opposed to the passing of the ordinance.

For – James Humphreys, Ogden. He said it is the Utah Governor's feeling that local City's should take the time to review this ordinance. He asked the Council to adopt the ordinance and give support to everyone.

For – Kristen Olsen, Logan. She read a statement from her husband Marshall Thompson supporting the proposed ordinance and deal with the basic justice for Logan City. These ordinances will not restrict religious freedom.

Chairman Monson closed the public hearing.

Councilmember Daines clarified that if a person is living in a unit and there are four or less units they can decide who lives in that particular unit and the personal living space should be respected. Also, a smaller business with less than 15 employees is excluded. The Logan City Council is following Salt Lake City and other cities in proposing this ordinance and we have the legal foundation to stand on with this issue. She hopes the State of Utah will address this issue but in the mean time she encouraged everyone to contact our State Representative and let their voices be heard. She received several comments for and against. She feels we need to listen to people and most of the comments she received were in favor of the ordinance. She would appreciate citizens contacting her on future issues and voicing their concerns.

Councilmember Quayle said he applauds everyone for their comments tonight. He said the comments he has received were not specific to employment or housing but rather person to person discrimination issues and he doesn't want anything like this to be part of our community. He feels we need to change people's attitudes and doesn't feel these ordinances will change anything and people need to change the way they treat other. He feels the ordinances were drafted very quickly; people haven't received the opportunity to completely read the ordinance and understand what they say. He feels that landlords need to take the time to review this ordinance and the change needs to come in the attitude of people.

Councilmember Swenson said during her years as a council member she has received more comments on this issue than any other. City's need to understand this is not a blanket solution and there are exemptions in the ordinance. She feels it does make a statement and she appreciates the input she has received.

Chairman Monson feels the State of Utah should address this issue. He also feels the statement from the LDS Church has been misinterpreted. He called the LDS Church Offices and spoke with an official in the Public Affairs Department. He confirmed that the LDS Church supports the non discrimination ordinances and this applies to the entire world and not just Salt Lake City. He agrees this ordinance is not the answer for everything but it's a step in the right direction and it's about equality and fairness. He received over 250 emails in favor of the ordinance and 10 against and he is in favor of passing this ordinance.

Councilmember Olsen stated that he too has never received this much input on an issue. He received over 143 comments in favor of the ordinance and 8 against. He said that he has wrestled with this issue but feels it is deeply rooted in who we are. He feels appreciation for the legitimate reasons for this issue and feels this is the right thing to do. We need to understand this will not create utopia, but it's a beginning and it's time we take the steps necessary, make a statement and put some of the pain behind us. He has talked with a Salt Lake City Attorney who said he hasn't received a lot of comments or concerns from any groups on the adoption of this ordinance. This does not elevate any one group but will extend equal protection to the law for the rights of housing and employment and help us be a kinder and better people.

Councilmember Quayle would like to add a provision in the ordinances that a cost should be incurred by those who file false or unfounded claims. He also feels regarding the fines that wrong is wrong and there should not be a difference in the amount of fines depending on the amount of property owned or the number of people that one might employ. He will abstain from voting on the proposed ordinances.

Mr. Housley said as issues come up with these ordinances and if there are additions that can be made the ordinance can come before the Council and amendments can be made.

**ACTION.** Motion by Councilmember Olsen seconded by Councilmember Swenson to adopt Ord. 10-25 and Ord. 10-26 as presented. Motion by roll call vote:

Laraine Swenson, voted yes  
Holly H. Daines, voted yes  
Dean W. Quayle, voted abstained  
Herm Olsen, voted yes  
Jay A. Monson, voted yes

Councilmember Swenson no longer joining the meeting by phone.

#### **WORKSHOP ITEM.**

**Budget Adjustment FY 2009-10 appropriating - \$2,845 for Police Department Equipment; \$5,525 for reimbursement of the bulletproof vest grant – 10-32 – Richard Anderson.**

This will be an Action Item at the next Council meeting to be held on June 1, 2010.

**OTHER CONSIDERATIONS.**

No additional Considerations for the Council.

**RECESS TO MEETING OF LOGAN REDEVELOPEMNT AGENCY.**

**WORKSHOP ITEMS.**

**Consideration of a proposed resolution approving agency assistance to the Falls at Riverwoods, LLC for its development project in the South Main Redevelopment Area – 10-30 RDA – Kirk Jensen.**

Economic Development Director Kirk Jensen gave a summary of the proposed project. All of the property is in Logan City.

The Falls at Riverwoods, LLC's development of an \$18.8 million, 214-unit apartment community located at approximately 600 South 100 East in the South Main Redevelopment Project Area (RDA), contributes significantly to the achievement of the City's economic goals, including: a direct return to the city in the form of new property taxes generated by the project; an indirect return to the city in the form of incremental sales tax revenue driven by consumer purchases of the additional households located at the project site; the creation of six new employment opportunities; a quality addition to the city's housing stock by this highly-amenitized apartment complex, that includes a trail with public access; the addition of exemplary facilities with attractive landscaping which will contribute to the revitalization and enhancement of the South Main gateway and serve as a catalyst in attracting and promoting new business development along the South Main corridor. The project is estimated to produce new property tax increment in the RDA of \$710,495. The Economic Development Committee has reviewed the proposed investment and recommends its approval.

The Redevelopment Agency of the City of Logan does hereby consider the following incentive package:

The Falls at Riverwoods, LLC will receive 50% of the available property tax increment generated by the project annually during the life of the RDA, not to exceed \$355,000, excepting that if The Falls at Riverwoods, LLC chooses to incorporate a ground-source heating system into the project, then it will receive 60% of the available property tax increment generated by the project annually during the life of the RDA, not to exceed \$426,000.

Additionally, the liability for 100 East sewer and water infrastructure associated with the land upon which this project will be constructed, and which will be triggered upon The Falls at Riverwoods, LLC's land development, will be paid by the Redevelopment Agency. This liability is estimated at \$150,000.

This incentive package is conditioned upon The Falls at Riverwoods, LLC incorporating into the project the following elements:

A trail system with public access and connection to the existing Riverwoods trail. Enhancements around the canal and its maintenance as a water feature, landscaping to include screening of the parking areas, pitched carports, waterfall feature and other amenities as shown on the site plan, architectural treatments meeting or exceeding the quality of Wasatch Property Management's (entity of the primary principals) Florentine Villas apartment community located in Midvale, Utah.

All construction plans are to be approved by the City of Logan Planning Commission.

Additionally, the Redevelopment Agency encourages The Falls at Riverwoods, LLC to utilize local contractors and vendors whenever possible.

Councilmember Olsen reminded everyone that all taxes from this area go to the Cache County School District. He asked if the developer could look at the possibility of renewable energy and then possibly consider an increased tax consideration for the implementation of solar paneling and things that will be proactive on energy conservations.

Mr. Jensen said he will look at the renewable energy options for this project.

Project Manager Dell Loy Hansen addressed the Council and stated that energy conservation is something they will consider when building this project.

Councilmember Daines said the economic development committee met and voted unanimously to approve assistance to the Falls at Riverwoods project.

This will be an Action Item at the next Council meeting to be held on June 1, 2010.

**Consideration of a proposed resolution approving agency assistance to Lundahl Family Associates, LLC for its redevelopment project in the Downtown Redevelopment Area – 10-31 RDA – Kirk Jensen.**

Economic Development Director Kirk Jensen gave a summary of the proposed project. Lundahl Family Associates, LLC's development of a Chuck-A-Rama restaurant at 150 South Main in the Downtown Redevelopment Project Area (RDA), contributes significantly to the achievement of the City's economic goals, including: the redevelopment of buildings identified as 'deteriorated' in the 2002 Downtown Blight Analysis; the revitalization of a highly visible Downtown site by the construction of a new facility with quality architectural features that will enhance the appearance of Downtown Logan; the addition of a new restaurant that will act as a catalyst in attracting and promoting new business development in the Downtown area; the contribution to the City's fiscal growth through incremental property and sales taxes; and the creation of new jobs. The project is estimated to produce new property tax increment in the RDA of \$155,429; and the Economic Development Committee has reviewed the proposed investment and recommends its approval. It is proposed that Lundahl Family Associates, LLC will receive 65% of the available property tax increment generated by the project annually during the life of the RDA, not to exceed \$101,029.

All construction plans are to be approved by the City of Logan Planning Commission. Additionally, the Redevelopment Agency encourages Lundahl Family Associates, LLC, and/or Chuck-A-Rama to utilize local contractors and vendors whenever possible. Recommendation by the committee is the Lundahl Family will receive 65% of the available tax increment with a cap of \$101,029.

Councilmember Quayle asked about access on and off Main Street and shared access.

Todd Lundhal responded that access is still being determined and they are working with the law firm building that is located to the North of the proposed project.

Councilmember Olsen said the road on 100 East would need to be widened. He suggested that access to the proposed Chuck-a-Rama building should come from 100 East to alleviate Main Street traffic.

Todd Lundhal stated they also own three homes on 100 East and their future long term goal is to create access from 100 East.

Councilmember Daines said the economic development committee met and voted unanimously to approve assistance to Lundahl Family Associates.

The Council also asked that energy efficiency be considered in the building of this project.

This will be an Action Item at the next Council meeting to be held on June 1, 2010.

There being no further business to come before the Council, meeting adjourned at 8:30 p.m.

Teresa Harris, City Recorder