

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, August 23, 2011 at 5:30 p.m. in the Logan City Municipal Council Chamber, 290 North 100 West, Logan, Utah. Chairman Herm Olsen conducting.

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

### **OPENING CEREMONY.**

Pastor Corinne Thul from the Prince of Peace Lutheran Church gave the opening prayer. The Logan City Police and Fire Honor Guard presented the flag ceremony. Councilmember Quayle announced that Pastor Thul is leaving Cache Valley and has been in Logan for six years serving as the Pastor for the Prince of Peace Lutheran Church. He thanked Pastor Thul for her dedicated service and wished her well.

Chairman Olsen welcomed those present. There were approximately 110 citizens in the audience at the beginning of the meeting.

**Meeting Minutes.** Minutes of the Council meeting from August 2, 2011 were reviewed and approved with minor changes.

**Meeting Agenda.** The meeting agenda was approved. Chairman Olsen announced at tonight's meeting there would be one public hearing.

**Meeting Schedule.** Chairman Olsen 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 6, 2011.

Chairman Olsen announced there will be a Joint Logan City and Cache County Council meeting on Tuesday, August 30, 2011 beginning at 5:30 p.m. in the Logan City Public Meeting Room. Agenda items to be discussed are the landfill and air quality.

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

No comments for the Mayor or Staff.

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

#### **Recognition: Council Chambers Remodel Project – Mayor Watts.**

Mayor Watts asked Newel and Jean Daines to come forward and he read the following:

*Newel and Jean Daines have set a great example of giving time, talent and resource to this community. This amazing council chamber is another testament to their love of community.*

*I've known the Daines Family most of my life and have appreciated their many acts of kindness. Newel was a skier and I remember many times as I served on the Ski Patrol, the "Doc" coming in and helping us with ski accidents even though it was a day off for him.*

*Newel served as the Mayor of Logan from 1982 to 1990. One of his many accomplishments during this time was the Hydro II Project at the mouth of Logan Canyon.*

*I know Newel, that's enough but again thanks to you and Jean for making this room such a usable and beautiful council chambers.*

Mayor Watts thanked Newel and Jean Daines for the beautiful new council chambers. He also thanked Christian Wilson, Melle Deptenmaier and Blake Wright from Design West. Also, Contractor Gary Olsen for the woodworking and the details of the council chamber that he worked on from the beginning of the remodel.

**Recognition: Lucille Hansen – Mayor Watts.**

Mayor Watts recognized Lucille Hansen who is stepping down as the Coordinator of the *Concert and Lecture Series at the Tabernacle*. Lucille has spent 10 years in this position.

Councilmember Quayle stated that over the past 10 years, Lucille organized 840 programs, 3,400 hours working on. Everything ran smoothly and he recognized and thanked Lucille for the many things she does for the community. The program will continue next year under a new coordinator.

Mayor Watts thanked Lucille for her dedication and all she does for the community.

**Board Appointments – Mayor Watts.**

Mayor Watts asked the Council for ratification of Gary Olsen to serve on the Historic Preservation Committee (new appointment) and Tom Graham to serve on the Historic Preservation Committee (reappointment). Both are four year terms.

**ACTION.** Motion by Councilmember Monson seconded by Councilmember Daines to approve ratification of Gary Olsen and Tom Graham as presented. Motion carried unanimously.

**Introduction of New Library Director, Robert Shupe – Mayor Watts.**

Mayor Watts introduced Robert Shupe who is the new Library Director for Logan City.

Mr. Shupe said it's an honor to be here in Logan City. He grew up in the Ogden area and spent 25 years living in Arizona. He has worked in the Library system since 1991 and he is very happy to be here and working in the Logan Library.

**Firemark Awards – Debbie Johnson and Josh Walpole, Liberty Mutual.**

Fire Chief Jeff Peterson gave a brief summary of the events of the fire rescue that occurred on June 5, 2011. Logan City Police officers responded to a residential fire and discovered there was a man inside. Logan City firefighters soon arrived and were directed to the occupant of the home and the man was rescued.

Police Chief Gary Jensen said it's important to recognize the team of Logan City as a whole. He said Logan City Police and Fire work as a team and they work well together. The team starts with the 911 system when the call goes out, police and fire respond. The individuals recognized tonight were the actual officers and firefighters that responded to this incident. He thanked everyone who was involved in this incident.

Chief Petersen introduced Debbie Johnson and Josh Walpole from Liberty Mutual. Mr. Walpole gave a history of the Firemark Award. Recognized tonight are those involved who went above and beyond and took life saving and heroic service without regard for their own personal safety.

Those recognized are the following. Fire: Driver/Operator Dave Olson, Captain Bob Goodwin and Firefighter Jason Gibbons. Police: Detective Mike Russell, Detective Nathan Argyle and Officer Dustin Elleman.

**COUNCIL BUSINESS.**

Chairman Olsen said the new council chambers is a "gem" for Logan City he thanked all those recognize tonight who make a difference in our community.

Chairman Olsen recognized Council candidates Doug Thompson and Robert Horning who were in attendance at tonight's meeting.

**ACTION ITEM.**

**PUBLIC HEARING – Budget Adjustment FY 2011-12 appropriating: \$11,200 donation for football helmets – Resolution 11-60.**

Chairman Olsen opened the meeting to a public hearing.

There was no public comment and the hearing was closed.

**ACTION.** Motion by Councilmember Swenson seconded by Councilmember Monson to approve Res. 11-60 as presented. Motion carried unanimously.

## WORKSHOP ITEMS.

**Budget Adjustment FY 2011-12 appropriating: \$6,587 design of fire station 72; \$42,590 Impact Fee Study; \$7,000 K9 training program; \$7,100 GIS Aerial photography; \$661,548 golf course club house construction; \$135,379 River Park Well project; \$63,165 SCADA upgrade for booster & storage tanks; \$274,520 Western Region Lift Station force main; \$98,827 10<sup>th</sup> West Providence pump house revision; \$74,721 West Region Lift Station; \$84,969 TMDL support: assess phosphorus loads; \$818,702 Environmental Dept rolling stock; \$8,177 storm water master plan; \$66,799 Total flood control Phase I Study; \$294,094 CDBG grant; \$34,928 After Marker Grant; \$15,675 distracted driving grant; \$125,372 ARRA Energy Efficiency block grant; \$34,928 After School Grant; \$800 RDA FY11 Grant; \$1,000 RDA Economic Summit Grant; \$480,000 County Road Tax grant 200 East from 400 North to 950 North; \$1,873,743 County Road Tax grant 200 East from 1000 North to 1250 North; \$224,144 RAPZ grants; \$9,945 RAPZ Deer Pen sidewalk grant; \$273,491 10<sup>th</sup> West Electric project – Resolution 11-61 – Richard Anderson.**

Finance Director Richard Anderson explained the proposed budget adjustments are carry forward expenditures which occurred in the prior fiscal year. Grants are reimbursements that will come in the future and do not come from fund balance. Corrections will be made to the Golf Course budget from \$661,548 to \$637,329. Also the \$98,827, 10<sup>th</sup> West Providence pump house revision has been deleted due to the invoice being received for the current year.

This will be an action item and public hearing at the September 6, 2011 council meeting.

**Budget Adjustment FY 2011-12 appropriating: \$18,500 wild-land deployment; \$1,200 educational trunks; \$300,000 design of Smithfield Lift Station; \$110,000 FY 12 JAG Grants; \$125,000 change orders for Golf Course Club House; \$4,321 providing North Logan City with Engine Boss – Resolution 11-62 – Richard Anderson.**

Mr. Anderson explained the proposed resolution and said most of the items are grants with the exception of the Smithfield Lift Station and the design expenditure of the Lift Station. The lift station is in need of replacement very soon. Within the water fund, the 10th West project continues and we are replacing the water and sewer lines and contracting with UDOT to complete this project. We have an invoice but because of when the work was completed, we will exceed our budget in the prior year water fund and at the next council meeting will come back with an adjustment of 3 million dollars. This will come from fund balance.

Councilmember Daines said she has a lot of concerns about the change orders for the clubhouse. The current amount is \$125,000 and she said in speaking with a contractor, she found that it's typical to have \$20,000 to \$25,000 in change orders and she feels this is an excessively large amount. She is asked if the contractors are doing their job if we have this many change orders and she is frustrated about this amount.

Parks & Recreation Director Russ Akina said when the project went out to bid a year ago and it was determined if we were to pool some of the requirements the City was going to put on the project to meet the energy code, etc. It was going to be better to pull out of the project and do them ourselves and not the contractor. Eventually they would need to be completed and the City would need to pay. There were change orders that were not foreseen they are now coming forward. Some of the changes are being worked out with the contractor. A soils report was done and we knew there was ground water. The soils report was done was in the summer and the project began in December. There was not an exact science with the soils report due to when the report was completed.

City Attorney Kymber Housley stated he cannot speak to any specifics regarding if there are legal issues with the contractor and change orders.

Councilmember Daines said she would like to see more information on this issue; she would like this to be separate from the other proposed budgets adjustment items and voted on separately.

Mr. Akina stated there is an opportunity to use other funding to address the project that need to be completed in the Parks Department.

Councilmember Daines said there are other projects in the parks department we could spend the money on.

Mr. Akina said they are trying to stay on schedule building the clubhouse and if not for the County RAPZ funding, he feels this is the best direction to go. He is working closely and watching the daily operation of the construction. Due to a recent accident that Golf Pro Jeff John was involved in, he could be gone for an extended amount of time. Mr. Akina said he and the golf course staff have stepped up and are watching closely that things are getting done.

Councilmember Daines said before they next meeting, she would like to hear more details about the soils report and if there is more responsibility that needs to be taken on the part of the contractor and the architect.

Councilmember Swenson said when the clubhouse proposal was brought to the Council, things were removed that would need to be purchased later. She would like to have seen those contingencies and knowing that other things had to be done, that is what she is concerned about. The Council assumed that the figure that came to them what correct and what they voted on was not the complete package. She feels the Council did not have all the information when they made the decision and everything should have been included.

Mr. Akina said the timing is that if we were going to commit there was a window and as he discovered they could not have all the information together such as the water levels during a six month span.

Councilmember Swenson is worried about the “some other way’ knowing there was a question if the payment could be made on the bond and this is a concern.

Mayor Watts stated there is a frustration level with the project and the timing of why aren't we finished yet. He is working closely with Russ on this project and making sure we stay on track with the construction. There have been things that had to be done and he understands the frustration of the Council.

Councilmember Monson said he remembers Mr. Akina stating there would be contingency money for anything that was needed.

Mr. Akina responded his intention within the golf course fund is to delay rolling stock purchases to cover any overages. Because of the spring flooding and the negative impact on revenue, that resource is no longer there. It has been a "perfect storm" at the golf course and they are looking for ways to address these issues.

Chairman Olsen asked that Mr. Housley check to see if there is any legal liability for the contractor to bear any of these costs. He feels that Councilmember Daines has legitimate concerns.

Mr. Housley will prepare this information for the September 6 Council meeting.

Councilmember Monson asked about the wild land deployment item on the agenda.

Mr. Anderson responded this is as reimbursement to the Logan City for our fire assistance to other State agencies.

This will be an action item and public hearing at the September 6, 2011 council meeting.

**Consideration of a resolution approving Reservation Fees for the Logan River Golf Course Clubhouse Tournament Room – Resolution 11-63 – Russ Akina.**

Parks & Recreation Director Russ Akina addressed the council and proposed the following reservation fees for the Logan River Golf Course Clubhouse Tournament Room.

<b><u>Tournament Room Pricing</u></b>			
<b><u>Type</u></b>	<b><u>Mon-Thur</u></b>	<b><u>Before 4:00</u></b>	<b><u>Fri-Sun</u></b>
<b><u>Before 4:00</u></b>			
5 hours +: \$500.00 Includes Grill Room Outdoor Patio Deck Tournament Room	\$500.00	\$400.00	\$600.00
4 Hours: \$400.00 Tournament Room Only	\$350.00	\$300.00	\$450.00

2 Hours:	\$200.00	\$175.00	\$250.00
\$225.00			
Tournament Room Only			
Partial Tournament Room	\$250.00	\$200.00	\$300.00
\$250.00			
4-Hour Maximum			
Miscellaneous:			
Pre-Event/Post Event			
Tournament Room Charge	\$100.00		
Room Capacity:			
Grill Room (Snack Bar)	Up to 40		
Outdoor Patio Deck	Up to 60		
Tournament Room	Up to 160		

When the clubhouse is completed they will allow the public to reserve the room and use this for various events. The proposed fee list has been presented to the Golf Course Advisory Board which they approved and is coming before the Council. He said the proposed fees are in the mid range in comparison with other clubhouse locations, these are year round fees.

Chairman Olsen asked when the clubhouse will be completed.

Mr. Akina responded they will have temporary occupancy mid September and the full occupancy is scheduled for September 30, 2011.

This will be an action item and public hearing at the September 6, 2011 council meeting.

**Review: Consolidated Annual Performance and Evaluation Report (CAPER) – James Olson.**

Community Development Block Grant Coordinator James Olson addressed the Council. He said this is a report of what has been accomplished in the past year with CDBG, he reviewed the accomplishments from the 2010 program year. He encouraged anyone with an interest to see the report at the Library, Logan City website or stop by the Logan City offices to view the CAPER and see that the money is working positively in the community. The list of accomplishments include:

- Transferred to a new coordinator from Gay Jamieson to James Olson.
- Reviewed specific annual objections.
- Fair Housing initiatives to increase awareness of housing discrimination.
- HUD is very interested in how we leverage our funds.
- Housing rehabilitation assistance program is occurring each year and is improving.
- Home ownership assistance program
- Environmental regulations audit completed.

Onsite monitoring program.  
Public Outreach has been completed.

Councilmember Daines said a few years ago, the Boys and Girls Club received \$75,000 from CDBG funds to purchase their building and now the building is being sold.

Mr. Olson said the money will come back and will be reallocated to another program.

Councilmember Daines said CDBG funds are 16% lower than what we anticipate for this year.

Mr. Olson responded yes, the money is 16% lower than last year's allocation. The CDBG committee will revisit the allocation of this money along with the \$75,000 from the Boys and Girls Club. The contracts have been signed and they have been returned and the money will start coming forward. The sub recipients will each take a 10% cut in what was originally allocated to them and that was in writing in the consolidated plan. The committee will meet again to reallocate the \$75,000.

Councilmember Swenson suggested using the \$75,000 from the sale of the Boys and Girls building and put this towards a City project that we did not fund. She asked since 2004, what is the total that has come from CDBG funding, the total towards City projects and the total that went to other organizations. She would like to hear from Mark Nielson on how this money can be used on City projects.

Councilmember Monson asked about the money allocated for sidewalks to make them accessible to the disabled.

Mr. Olson said the Main Street ADA project was funded and about half the property owners have completed their sidewalks. There have been a few rejections; some have stated that is an inconvenience and others have not responded. The sidewalk project began this past week and they will put in as much sidewalk as we can.

Mr. Housley said we don't have the public right of way and we are asking that people donate this property for the sidewalk. We don't have sufficient right of way for building of the sidewalk area to our code.

Councilmember Daines said we might need to contact those who are disabled and have them contact the businesses and ask that the sidewalk be allowed and the need that is there.

Mr. Housley said we have the power of eminent domain and this is clearly a public purpose if needed.

Mayor Watts said he had a discussion with the owner of Bridgerland Square and other owners in this area regarding the sidewalk improvements that need to be made.

Chairman Olsen asked if there is any supplemental CDBG grant money and will that be available this year.

Mr. Olson responded there will not be any supplements this year. There will be a resolution that will come to the Council at the September 6 council meeting on what has been discussed at tonight's meeting.

Chairman Olsen asked when the sidewalk project will begin on 300 South 300 West.

Mr. Akina responded the project requires a design change and needs to be in place first, we are also waiting for a contractor. He feels this project could start this budget year.

Mayor Watts said he met with staff from Senator Hatch's office today and they are very optimistic that CDBG monies will not be cut, although there will be some reduction.

Councilmember Quayle asked why there is so much unspent money from 2010.

Mr. Olson responded that housing rehabilitation is now completed and a few groups were up to the time frame with their project so they were not included in the 2010 program year and others have been completed. He said the Logan Downtown business Development Fund is a challenge and is a waiting game for a project to come to the downtown and nothing has come forward at this time.

### **Primary Election Polling Locations – September 13, 2011 – Teresa Harris.**

City Recorder Teresa Harris informed the Council of the Primary Election polling locations and poll worker list. Two of the polling locations have been changed. There is no longer a polling location at the Whittier Center and is now located at the Logan Senior Citizens Center. There is also no longer a polling location at the Human Services Building and is now located at the Logan River 2<sup>nd</sup> Ward at 94 West 600 South.

Councilmember Monson asked if the Lundstrom polling location can be changed. He feels there is limited parking in this area for voters and it is a very busy polling location.

Ms. Harris said the location cannot be changed for this election but she will contact Cache County and see if the location can be changed for future elections.

### **Electronic Message Display Signs – Russ Holley.**

Community Development Planner Russ Holley gave a presentation on EMD signs. He said on July 15, 2008 Logan City adopted its first EMD Sign Ordinance. On February 1, 2011 amendments to that section were adopted. The City currently has twenty-four (24) EMD signs constructed and/or permitted. The majority of these signs are located in two clusters around the intersection of Main and 1400 North and the "Y" intersection. When managing EMD signs there are a number of factors to the visual appearance of these signs which contribute to the overall character of the City. Staff recommendations are the following:

- Compliance – All EMD signs should operate uniformly. This gives the City a more consistent sign environment and levels the playing field for businesses.

- Pole EMD signs should be prohibited.
- Reduce the size of the EMD portion within a monument signs to 32 square feet.
- Reduce the size of the wall EMD signs to 32 square feet and no higher than 15 feet on the wall.
- No animation, video, flashing, scrolling or movement of any kind (billboards along I-15 that have been converted are all static images). Small signs (2x4) may need to be able travel text.
- Brightness should be limited to 32 foot-candles during evening hours.
- Dwell time should stay at least 6 seconds per advertisement.
- Transition should be fade and dissolve only and do so between 0-2 seconds.
- Setbacks remain 0' for a monument sign.
- Freestanding should maintain a frame or fixed signage in conjunction with EMD.
- Sign materials should compliment/match the building materials of the primary structure.
- Landscape should be required immediately adjacent to the sign (5' minimum width planter).
- Enforcement should have an escalating fine structure.
- Off-premise advertisements remain prohibited (Only legitimate businesses located on-premise should be able to use the EMD sign). The ease of EMD sign programming has sparked business co-locations where otherwise may not have occurred.
- Additional definitions.
- Design Review Permit – Track 1 & Track 2.

Councilmember Swenson said she can't believe that we are even talking about having these signs in Logan City and we are allowing them to happen. She supports all of the changes but can't believe we are allowing the signs.

Councilmember Monson said he agrees with all of the proposed changes. He is concerned about the pole sign currently located on South Main at the "Y" intersection.

Mr. Housley stated that legally, non-conforming uses run with the land and not with the owner. Going forward we could come up with a regulatory statement.

Councilmember Swenson recommended an expiration date of 20 years and then the business owner would have to reapply. Then at some point in time if we change the policy and don't allow these signs, the permit would expire and everyone would have the opportunity to get their money's worth out of the sign.

Mr. Housley said he would have to get back with Councilmember Swenson on the suggestion of an expiration date. He said building permits only expire until you complete the building and there are some permits that have a shorter time frame. The structure isn't limited but we could do a separate operational permit that would expire. He would like to do more research on this issue and see what other communities are doing.

Councilmember Monson would like to add something regarding proximity to a major highway or eliminating future pole signs.

Mr. Housley said if the Council is on board we can go forward and operational requirements have to meet current code. The difficulty when dealing with these regulations is they would be grandfathered if put in legally under the current code. If the Council is comfortable we can move forward. Some signs can be approved at staff level and others would go to the planning commission for recommendation and approval.

Chairman Olsen said he would like to further study the recommendation and give staff time to come back with the answers to the questions that have been asked. He suggested continuing the EMD signs to another workshop discussion.

Mr. Housley said the first action is for the Council to say yes, this is the direction they want to go and then it would go to the planning commission and then to the Council.

Councilmember Monson asked if we should get a citizens group and businesses involved to go through and give recommendations.

Mr. Housley said the pro EMD people will attend and doesn't know if those who don't want EMD signs will voice their opinion.

Councilmember Daines said she is comfortable with the information presented tonight.

Mr. DeSimone said it comes back to the issue of whether or not the Council wants EMD signs in Logan.

Chairman Olsen said the Council needs time to review these recommendations and get the wording in ordinance form. It will then go the planning commission and then come back to the Council as a workshop item and eventually an action item with a public hearing.

Councilmember Quayle suggested that staff talk with those that don't conform to please consider coming in and conforming with the codes for the benefit of the community.

Mr. DeSimone said they have met with one business owner and they will continue talking with others.

#### **OTHER CONSIDERATIONS.**

Councilmember Monson asked what is the status of the Campus Commercial Zone.

Mr. DeSimone responded regarding Campus Commercial, they are internally working through this and have a proposed draft list of uses and it will be completed in the next couple of weeks. When he talked with Envision Utah they have a broad regional group and didn't want to come in and say what Neighborhood Centers should be. They support the cause of the Neighborhood Centers but leave it to a local decision. He is working with USU and their vision of what they want the campus area to be in the future. Their master plan contemplates additional commercial.

Mr. Housley said going back to the Golf Course change orders, half of the \$125,000 is related to change orders. It's still a large amount and additional money that was not budgeted. Mr. Akina will address the other half of that money at the next Council meeting.

There being no further business to come before the Council, meeting adjourned at 7:50 p.m.

**ADJOURN.**

Teresa Harris, City Recorder