

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, February 1, 2011 at 5:30 p.m. in the Logan City Hall Conference Room, 290 North 100 West, Logan, Utah. Chairman Herm Olsen conducting.

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

OPENING CEREMONY.

Mayor Randy Watts gave the opening prayer and led the audience in the pledge of allegiance.

Meeting Minutes. Minutes of the Council meeting from January 18, 2011 were reviewed and approved.

Meeting Agenda. The meeting agenda was approved. Chairman Olsen announced at tonight's meeting there would be seven public hearings.

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, February 15, 2011.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL.

No questions or comments for the Mayor or Council.

MAYOR/ STAFF REPORTS.

Youth City Council Update – Dianna Palma and Andreina Palma.

The Youth City Council gave an update on their recent activities. They reported that in December they made 16 blankets and delivered them to CAPSA. They also attended Local Official's Day in Salt Lake City. They all really enjoyed the day with the legislature and learned a lot about the legislative process.

Ratification of new Logan City Fire Chief – Mayor Watts.

Mayor Watts asked the Council for ratification of Jeffery Peterson to be the Logan City Fire Chief.

ACTION. Motion by Councilmember Monson seconded by Councilmember Quayle to ratify Logan City Fire Chief Jeffery Peterson as presented. Motion carried unanimously.

Councilmember Daines said that she participated on the selection committee and the committee unanimously recommended Jeff Peterson and they all felt that he was the best candidate for the job.

City Recorder Teresa Harris gave Jeffery Peterson the oath of office and he was sworn in as the Logan City Fire Chief.

Chief Peterson thanked the Mayor and Council and is very excited to be the fire chief and is excited for what is to come.

COUNCIL BUSINESS.

Air Quality Update – Bear River Health Department.

Bear River Health Department representatives addressed the Council and gave a summary of Cache Valley's pollution issues and offered some insights into what they are doing to address air quality problems.

Bear River Health Department Director Lloyd Berentzen stated that Cache Valley does have an air quality problem and he addressed some of the issues we are facing. He said there are health consequences with air quality and the primary goal is not to keep restating the obvious. He listed several things that have been implemented since 2002 to reduce air pollution, including restrictions on wood burning stoves and the use of electronic signs on roadways to inform motorists of the current air quality. The Health Department also has an air pollution hotline at 792-6611 where individuals can report by license plate number a vehicle that is producing obvious smoke. An education campaign directed at high school students and businesses has been created to educate people on air quality. He listed several other strategies to help with educating and reducing air pollution. The strategies mentioned still continue and he recommended that an advisory committee also be organized.

Dave McNeill from the Utah Division of Air Quality addressed the Council and gave the statistics of PM 2.5 data in Utah during a 24 hour time period. He stated that progress is complicated by Cache Valley's geographic situation. He appreciates Cache County and Logan City for their cooperation with the Division of Air Quality and the interest they have in making things better. He said Logan and surrounding areas sometimes have PM 2.5 pollution levels, which are known to cause chronic health problems such as respiratory and cardio issues. Pollutants are very serious and even healthy individuals will suffer from health problems. Mr. McNeill can be contacted at 801-536-4037 if there are further questions.

Bill Reiss is the PM 2.5 coordinator for the Wasatch Front. He stated that in 2009 Cache County was officially recognized as non attainment area for PM 2.5 which begins the clock and we have three years to develop a plan to put into place. He said that Cache Valley's red air days are among the worst in the nation; it only has a handful of such days each year and most of the time the air is pretty good. If we compare the number of days per year to Houston or Southern California, they have a much more chronic problem. In terms of a year's worth of exposure to the air in Cache Valley as compared to the other places he mentioned, he has little doubt about which was less harmful and he stated that he would rather live here in Cache Valley.

Dr. Ed Redd from the Bear River Health Department thanked the Utah Division of Air Quality for their support over the past five years to help Cache County. He discussed the issues of the Chemistry of Aluminum Nitrate that happens with very low temperatures and low humidity which is what happens when we have an inversion here in Cache Valley. The NOx comes from large trucks and newer cars have EPA standards that put out less NOx. There has been a 90% reduction in NOx since 1990. Heavy duty diesel trucks have also gone down in NOx because of the low sulfur fuel that the EPA regulates the trucks have to use. Regarding emission inspections here in Cache Valley, we haven't done this because we aren't sure what needs to be done and we want to do the right thing for the right reason. People need to have realistic expectations of what emissions will offer and there are different types of emission tests.

Mr. McNeil stated that the State of Utah will not dictate what the control strategies will be. Everyone who is involved will be invited to attend a stake holders meeting and everyone will be included to look at the different scenarios and make recommendations.

Jill Parker Public Information Office with the Bear River Health Department addressed the Council. She stated that protecting the public health is the number one priority. The Health Department is still using the reader boards to encourage people to carpool on yellow and red air days. The local radio stations talk about air quality every morning and get information out before people leave their homes traveling to work or school. The Health Department also uses Twitter and Facebook to get information out. They also use text messaging and by texting air quality and the number 69302, the latest air quality information will be sent.

Mayor Watts asked what happened with the \$2.00 program that is paid through vehicle registration.

Mr. Berenetzen responded that some of their programs have continued but when the declaration that we are non attainment, the \$2.00 was discontinued. Cache County has been supportive and they didn't want to waste money on something that won't make a change. These are subjective changes and the modeling based on the science will give concrete information.

Chairman Olsen thanked the Utah Division of Air Quality and the Bear River Health Department for their attendance tonight. The idea of a public forum was suggested to invite people and answer questions.

Mr. Berentzen said the average number of red air days per year of bad air quality over the last 11 years is 18 days per year. Sometimes it's as high as 45 and low as 3 days.

Chairman Olsen asked from a public health standpoint is 35 low enough?

Mr. Berentzen said the health department looks to see if there is a measurement, target and a goal that has been set by the EPA and originally it was 65. In the purest of settings nothing is low enough.

Councilmember Swenson asked why in Davis County and Utah County are vehicles tested differently.

It was stated that every County is tested differently and done in different ways depending on where you live.

Mr. Berentzen responded that on the weekends and especially on Sunday there are fewer cars on the road. He stated regarding the public forum there should be an ongoing committee to meet and talk about air quality and get people together who have an interest in looking for solutions to air quality problems and this should be an ongoing committee.

Chairman Olsen asked when we breathe PM 2.5, is there a self cleansing that occurred during the summer months when we breath good air or does the bad air stay in the body.

Dr. Redd responded that long term exposure to air pollution is not good and the biggest risk is the average overall exposure over a year time period. The overall quality of air is a problem. Part of the PM 2.5 does remain in the body.

Chairman Olsen suggested that the Council, Mayor, Cache County and others meet to discuss the process of where to go from here.

ACTION ITEMS.

PUBLIC HEARING – \$34,087 to close Bridgerland Literacy; \$1,200 for Police Dog Donations; \$6,000 for additional Youth Alcohol Prevention Grant Money – Resolution 11-13.

Chairman Olsen opened the meeting to a public hearing.

There was no public comment and the hearing was closed.

ACTION. Motion by Councilmember Quayle seconded by Councilmember Daines to approve Res. 11-13 as presented. Motion carried unanimously.

Consideration of a resolution approving CDBG Performance Measures – Resolution 11-16.

ACTION. Motion by Councilmember Monson seconded by Councilmember Quayle to approve Res. 11-16 as presented. Motion carried unanimously.

PUBLIC HEARING - Consideration of a proposed zone change from Manufactured Home (MH) to Single-Family Residential (SFR) at 1215 West 1960 South, Lot #63 – Ordinance 11-08.

Chairman Olsen opened the meeting to a public hearing.

There was no public comment and the hearing was closed.

ACTION. Motion by Councilmember Daines seconded by Councilmember Monson to approve Res. 11-08 as presented. Motion carried unanimously.

PUBLIC HEARING – Revised Land Development Code – Ordinance 11-14.

Chairman Olsen opened the meeting to a public hearing.

Logan resident Andrea McCullough addressed the Council and stated in the current General Plan it talks about specific uses for a bed and breakfast and they are permitted in single family. In the revised plan this has been changed. She feels there is an opportunity to create a conditional use for a bed and breakfast and would like this to be considered in a single family residential zone and a neighborhood center.

Logan resident Tom Jensen addressed the Council and said he also represents the Downtown Economic Development Committee. He complimented Logan City for the development of the Land Development Code and he strongly supports the principles that have been developed for years and this code will be referred to for years to come. He complimented the Community Development staff and is very supportive of this document.

Logan resident Mark Lunt addressed the Council. He also thanked the City staff and the Council for their work on the Land Development Code. He feels that down the road we need to come up with a code for an exclusive use and if anyone wanted to change the use at all they would have to start from the beginning. He encouraged the City and staff to have specific projects come forward that would only be for one use. He would like the Council to address four changes, the first that 400 North from 500 to 600 East and currently is zoned single family be changed to a higher density. He suggested a zone change of the Island Market area from Neighborhood Center to Multi Use. He also feels there should be brew pub in Logan which would sell and brew beer on site. He feels a brew pub will bring more vitality to the downtown and he would like the Council to make a statement to consider this suggestion. He would also like the City to consider extending the town center 400 feet to the South to include the Beehive Grill. He also addressed density bonuses for single family locations. He would like to see this included which he feels will save the City money. He said we need to address open space areas and he feels the density bonuses can help with the open space issue.

Monica Collard stated regarding electronic message centers that currently they are allowed as a permitted allowed use but the proposed code would eliminate message centers. She feels the message centers are very valuable for businesses and would like the message centers to be allowed in town center zones.

Logan resident Nan Miller suggested that the proposed Land Development Code be more readily available for the public to view.

Councilmember Swenson responded that the entire proposed code is available for the public to view on the front page of the Logan City website.

Logan resident Michelle King asked for clarification on the issue of open space on new development. She is concerned about the issue that the City will take this land and what the purpose of doing this would be.

Chairman Olsen closed the public hearing at this time.

Acting Community Development Director Glen Goins responded to the questions from the public hearing. He addressed Ms. McCullough's comments regarding the bed and breakfast and said he is comfortable with the code regarding a bed a breakfast in a neighborhood zone and he is not comfortable catering to a specific area and the scale impact to the neighborhood is relevant. He stands by the way the code is written. The Planning Commission needs more time to decide where this should go and at this time they are working on a compromise. The citywide code will answer these questions but is not ready to answer at tonight's meeting. He anticipated that in the future this issue will come forward as a text amendment.

City Attorney Kymber Housley said a use variance is illegal and this would require a text change. This is a dynamic document and future text changes to the Land Development Code will be made in the future.

Mr. Goins said regarding 400 North the gateway overlay should be a specific plan and the uses on this block and the future land use plan does not indicate a specific plan and requires further review.

Chairman Olsen feels that 400 North is mostly rental and single family dwellings and he is willing to entertain the notion that 400 North and one deep from 400 North and South is exclusively rental and multi dwelling and this should be looked at again.

Mr. Goins said it's difficult to look at one level deep; this is a standalone area and will need further study.

Mr. Goins said it's difficult to establish a town center and it has been established by a natural border. With the Island Market rezone this is a neighborhood center and serves the local residents. A mixed use would allow the use on a grander scale and mixed use would allow for office space. A compromise would be an accessory office to the main use and not allow a standalone office.

Chairman Olsen said the neighborhood center concept is a good one and can help but there has to also be recognition that somebody has to see an economic opportunity to build a neighborhood center and make it profitable.

Mr. Goins said there are additional uses in a neighborhood center that cater to the locally serving uses. The Island Market is surrounded by single family zoning so we have to be careful of the uses in this area. The density bonus issue remains that it can infill with like infill but to allow density bonus would allow a housing type that would be incompatible.

Former Logan City Community Development Director Mr. Jay Neilson responded to the open space question and said in the new code that open space is a new requirement and there are more requirements than in the past. There is not an intention of creating more public land and it's all about creating development and conservation easements over land that is held in private ownership. The priority is the land should stay in private ownership but if the property owner cannot or is not interested the City has the right to pick and choose but it's never the obligation and is not the intent of the open space ordinance to put more land in the hands of the City.

Councilmember Swenson said the purpose is there are rural and other lands that we don't want mitigated we need to have a way to convince owners to keep their property in the current state and not develop these areas but to conserve the land and keep it rural.

Motion by Councilmember Swenson to amend the proposed ordinance and adopt the suggestions that right now neighborhood commercial can go anywhere in the city and her concern is to build trust and confidence that the neighborhood someone moves into remains the same. If we are going to do neighborhood commercial it needs to be centered in the neighborhood and the purpose is to serve the neighborhood and the land use chart shows the appropriate uses. This would be for existing neighborhoods. Her second amendment is regarding gateway permitted uses and currently the code allows convenience stores and restaurants. In the description it states campus style developments and she feels if we allow convenience stores and restaurants along the gateway it will be another State Street such as in Salt Lake City. She suggested the campus style development.

Motion by Councilmember Swenson seconded by Councilmember Daines to approve Ord. 11-14 as amended.

Mr. Goins responded to Councilmember Swenson's suggestions and said that staff agrees to these changes.

Mr. Housley recommended that the Council see the amended wording before voting on the ordinance. This is the third public hearing that has been held on the Revised Land Development Code.

Substitute Motion made by Councilmember Monson to table Ord. 11-14 to have the exact amended wording in place seconded by Councilmember Swenson.

Mr. Goins suggested adopting the code tonight with the exception of the two sections.

ACTION. Motion by Councilmember Swenson seconded by Councilmember Monson to adopt ordinance 11-14 as amended (The Revised Land Development Code (January 2011 Edition) excepting Sections 17.15.080 & 17.12.080, including Table 17.17.030 and certain other sections concerning standards for Neighborhood Center (NC) and Gateway (GW) zones) Motion carried 4-1. Chairman Olsen voted no, he feels we are taking a great step and because this is a dynamic ordinance his opposition is that staff continue refining this document.

Councilmember Daines would like more information on the area of 400 North and how many single homes are still left in this area.

Mr. Housley stated that a change to the current sign code will be made in the near future due to changes after the legislative sessions are completed. This will come before the Council in the near future.

Councilmember Swenson said regarding 400 North it was said that 600 East should be left a dense area and she feels it should be considered in a holistic approach and look at the blocks in the entire area.

WORKSHOP ITEMS.

Budget Adjustment FY 2010-11 appropriating: \$235,000 for the River Flood Control Project – Resolution 11-17 – Richard Anderson.

Finance Director Richard Anderson addressed the Council and explained the proposed budget adjustment.

Public Works Director Mark Nielsen said the purpose of this project is to look at the river from 100 North to the West of Logan to look at flood levels. This is carry over money from last year's budget.

The proposed resolution will come back as a public hearing and action item at the February 15, 2011 Council meeting.

Consideration of a resolution approving rate adjustments for the Logan River Golf Course and Willow Park Zoo – Resolution 11-15 – Russ Akina.

Parks and Recreation Director Russ Akina addressed the Council and presented a draft resolution of a rate increase for season pass and punch passes at Logan River Golf Course. He proposed a \$50 increase to the adult season pass, a \$50 increase to the senior pass and a \$25 increase to the junior season pass. Also a \$5 increase in the 20 punch pass and a \$10 increase to the junior 20 punch pass. He feels these are conservative increases. Regarding the Willow Park Zoo he stated the current suggested donation admission is \$1.00 for adults and a 50 cent suggested donation for children. Staff recommended having a gated admission from \$1 to \$2 dollars for adults and an increase of \$1 for children. Currently they do not have a collection booth in place and since the suggested donation over the past year the admissions have been approximately \$40,000. They would like to move to a gate admission and in the future through donated labor and services from Bridgerland Applied Technology to put a gift shop in place next to the existing Zoo Education building. The zoo is also proposing an increase to the education fees from \$25 to \$30 and onsite education programs for private clubs from \$50 to \$60 dollars. Other services would be increased from \$35 to \$40. The gated admission would possibly require someone to sit at the booth or a volunteer that would be bonded.

Councilmember Monson said he is against hiring someone because he feels that all the admission will go towards paying a salary and benefits for a new position.

Mr. Akina said they have monthly reports that show during the month of July 2010 there were 20,873 visitors to the zoo and contributed to the \$40,000 admission. In October 2010 there was a count of 7,831 people. Overhead costs are a concern of his also. Currently they use the honor system and the sign would be changed from a donation to a gated admission.

Councilmember Swenson reminded Mr. Akina that the Council has asked that the zoo be self sufficient.

Mr. Akina stated the proposed resolutions have been before the zoo and golf course advisory boards and they support the proposed increases.

The proposed resolution will come back as a public hearing and action item at the February 15, 2011 Council meeting.

Capital Improvement Projects (General Government) – Mark Nielsen.

Public Works Director Mark Nielsen addressed the Council regarding Capital Improvement Projects and specifically addressed General Government operations at tonight's meeting. He distributed revised copies of the CIP General Government operations.

The next CIP discussion will be enterprise funds and Mr. Neilson will address this issue at the February 15 council meeting.

Transportation Master Plan – Mark Nielsen.

Public Works Director Mark Nielsen addressed the Council regarding the Transportation Master Plan. He introduced Grey Turner from Wilbur Smith who prepared the Transportation Master Plan. The Transportation Master Plan has been discussed at neighborhood council meetings during the Fall of 2010. The neighborhood council meetings held included Adams, Wilson, and Woodruff. The main topic of discussion was the proposed functional classification map that identified what roads will become major collector or major arterial streets in the future. The public comments during the meetings were primarily focused on two projects: 200 East and the 400 North UDOT projects. There was much discussion about why we needed to do anything and also that a western bypass would eliminate the need for wider roads east of Main Street. Comment forms were provided to everyone for them to write their comments and send them to Mr. Nielsen.

Mr. Turner addressed the following four items at tonight's council meeting: Response to comments, functional classification map, capital improvement projects and he will answer any questions the Council might have. The five comments received do not affect the master plan as it is now. The 400 North 200 North project shows that 200 North is the major arterial coming from the West to Main Street and 400 North going from Main street to West.

Mr. Nielsen said the extension of 400 North to 10th West is not on the long range plan for UDOT but it can be added to our master plan and listed as a collector road. He will add the extension to the master plan and said the issue with UDOT taking it off their long range plan is funding.

Councilmember Monson asked how come we are focusing so much on 200 East and is 200 East still going to be the main road for through traffic.

Mr. Grey responded we need to have an arterial road on the West side of Main Street and he recommended that 200 West be considered.

Mr. Nielsen said the CMPO long range plan shows that 200 East will go across the river.

Chairman Olsen said this can be addressed by going to 100 South and going along Poplar Avenue to tie the traffic from 100 East to 200 East.

Mr. Grey presented the 2050 Vision Plan. What he is proposing is not outside what the master plan is showing. He showed a spread sheet of the CIP that is included in the transportation master plan. It lists all of the improvements and shows the range of transportation modes to develop and the Importance of what is the biggest impact and the associated costs. He suggested the need for the ability to fund these projects and when budget time comes around the council should consider these projects and look at the public works budget. The priority is that 100 East and 100 West should be one way couplets.

OTHER CONSIDERATIONS.

No additional items to address at this time.

RECESS TO MEETING OF LOGAN REDEVELOPMENT AGENCY.

ACTION ITEMS:

PUBLIC HEARING - Consideration of a proposed resolution approving agency assistance to Conservice, LLC for inclusion of energy-efficiency elements in its development project in the South Main Redevelopment Project Area – Resolution 11-09 RDA.

Chairman Olsen opened the meeting to a public hearing.

There was no public comment and the hearing was closed.

ACTION. Motion by Councilmember Daines seconded by Councilmember Swenson to approve Res. 11-09 RDA as presented. Motion carried unanimously.

PUBLIC HEARING - Consideration of a proposed resolution approving agency assistance to appropriate funds for a Gateway Enhancement project in the South Main and Downtown Redevelopment Project Areas – Resolution 11-10 RDA.

Chairman Olsen opened the meeting to a public hearing.

There was no public comment and the hearing was closed.

ACTION. Motion by Councilmember Monson seconded by Councilmember Quayle to approve Res. 11-10 RDA as presented. Motion carried unanimously.

PUBLIC HEARING - Consideration of a proposed budget amendment to appropriate \$40,000 for the South Corridor Development Plan and associated Wayfinding System – Resolution 11-11 RDA.

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. 11-11 RDA as presented. Motion carried unanimously.

PUBLIC HEARING - Consideration of a proposed budget amendment to appropriate \$150,000 for electrical infrastructure in the South Main Redevelopment Project Area – Resolution 11-12 RDA.

Chairman Olsen opened the meeting to a public hearing.

There was no public comment and the hearing was closed.

ACTION. Motion by Councilmember Daines seconded by Councilmember Quayle to approve Res. 11-12 RDA as presented. Motion carried unanimously.

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

ADJOURN.

Teresa Harris, City Recorder