

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, July 19, 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 Daines, Laraine Swenson and Jay Monson. Administration present: Mayor Randy Watts, City Attorney Kymber Housley and City Recorder Teresa Harris.

### **OPENING CEREMONY.**

Public Works Director Mark Nielsen gave the opening prayer and led the audience in the pledge of allegiance.

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

**Meeting Minutes.** Minutes of the Council meeting from July 5, 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 five public hearings.

Councilmember Swenson would like to add under other considerations, a discussion on Herm's Inn.

**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, August 2, 2011. He also announced that the August 16 council meeting has been moved to August 23, 2011.

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

No comments for the Mayor or Council.

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

#### **Presentation: National Children's Study – Amy Anderson.**

Amy Anderson from the National Children's Study at Utah State University addressed the Council. This is a long-term research study about how the environment affects children's health. What we learn from the study will improve the health and well-being of children here in Cache County as well as nationally. Cache County is one of 37 locations piloting the National Children's Study across the United States. Cache County was randomly selected to help fairly represent all of America's children. Those interested in participating in the study can visit [cache.NCSutah.org](http://cache.NCSutah.org) or call 435-797-5437.

Mayor Watts read a letter addressed to the Council from him regarding Ordinance 11-36, Neighborhood Centers. It reads:

*This letter is to address my concerns with the Neighborhood Center Ordinance. Although I still believe the list of uses for these centers is too restrictive, I have concluded that a veto of this ordinance would be even more restrictive. As an alternative, I have instructed Mike DeSimone to develop a new zoning designation of "Campus Neighborhood Commercial" to address the specific concerns I have for those commercial uses near the USU Campus.*

*Holly Daines made a statement at the July 5 council meeting that the land use ordinance is a living document and in the future there will be adjustments and changes. I share this view and as we move forward I look forward to improving the "use chart" for Neighborhood Centers as viable proposals are presented.*

*Thank you, Mayor Watts.*

### **COUNCIL BUSINESS.**

No council business at this time.

### **ACTION ITEMS.**

**PUBLIC HEARING – Budget Adjustment FY 2011-12 appropriating: \$29,500 for a vehicle purchase by the Task Force – Resolution 11-56.**

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. 11-56 as presented. Motion carried unanimously.

**PUBLIC HEARING – Consideration of an ordinance amending Sections 3.040.020, 3.040.030, 3.040.040, 3.040.050 and 3.040.060 (Purchasing Procedures) of the Logan Municipal Code – Ordinance 11-55.**

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 adopt Ord. 11-55 as presented. Motion carried unanimously.

**PUBLIC HEARING – Consideration of an ordinance amending Section 15.020.010 (Property Maintenance) of the Logan Municipal Code – Ordinance 11-54.**

Chairman Olsen opened the meeting to a public hearing.

There was no public comment and the hearing was closed.

Councilmember Monson asked what the consequence is if there is a violation of this proposed ordinance.

Community Development Director Mike DeSimone responded the person will first be notified in writing and if there is no response then a citation will be issued. There is also a fine structure in place if needed.

City Attorney Kymber Housley added the Administration Enforcement Code is how we enforce land use and neighborhood enforcement issues. This is done administratively through a code enforcement officer and there is fine structure in place. The goal is to gain compliance and if that doesn't work it could result in criminal prosecution.

**ACTION.** Motion by Councilmember Swenson seconded by Councilmember Monson to adopt Ord. 11-54 as presented. Motion carried unanimously.

**PUBLIC HEARING – Consideration of a resolution supporting the modification of Parking Restrictions along Main Street in the downtown area – Resolution 11-48.**

Chairman Olsen opened the meeting to a public hearing.

Logan Downtown Alliance Manager Gary Saxton addressed the Council and is speaking on behalf of the Downtown Alliance Board of Directors, who voted unanimously to support this resolution and not allow parking of trailers in the downtown area on both sides of Main Street. He stated this ordinance supports an overall vision for Logan to maintain the beautification of the City and was not intended to isolate individuals but to keep the quaintness of Main Street. Having this ordinance in place will also help keep pedestrians safe in the downtown area. In addition, the Downtown Alliance supports eight hour parking around the Tabernacle to allow employees to park around the perimeter of the Tabernacle and leave parking on Main Street open to customers.

Chairman Olsen closed the public hearing at this time.

Councilmember Daines asked about the Cruise-In and does the proposed ordinance address the parking on Main Street for this event.

Mr. Housley responded the Cruise-In was discussed at executive committee meeting this morning and exceptions can be made but currently, as the ordinance is written, it would prohibit this use.

Councilmember Swenson requested that the ordinance be amended and the first paragraph of the ordinance be deleted. She suggested adding the word “perceived” to the first paragraph of the ordinance.

Chairman Olsen is concerned about the last paragraph of the ordinance regarding the actual area of Main Street this ordinance refers to and how far North it should go. He suggested amending the ordinance and add the wording that the length of Main Street

beginning with the “Y” at the South Main intersection to 1500 North will be the area of the parking restrictions.

**ACTION.** Motion by Councilmember Monson seconded by Councilmember Quayle to approve Res. 11-48 as amended. Motion carried unanimously.

**PUBLIC HEARING – Consideration of a moratorium on Electronic Message Display Signs (EMD’s) – Ordinance 11-58.**

Chairman Olsen opened the meeting to a public hearing.

Mike Freeborg, Director of Government relations for YESCO Electronics, addressed the Council in regards to the proposed moratorium. He has been involved with different city governments on the topic of electronic signs and has done several presentations regarding the signs. He founded Finding *Common Ground* which is a program to help bridge the gap to allow businesses to use display signs, at the same time to help answer questions the community might have. The signs do have the potential, if not regulated, to create “that one sign problem” that someone finds too bright, too animated, and this can cause a negative sentiment in a community. He does not see a benefit with a moratorium. He suggested the wording be changed from a moratorium to regulations for EMD’s.

Rod Worlen, General Manager with YESCO Electronics addressed the Council. He said that YESCO has received a very warm welcome being here in Logan and moving their business here. He said that local governments also use these signs to direct traffic and to advertise events and he would like the Council to consider an appropriate regulation and not approve a moratorium.

Bill Peterson, owner of the South McDonalds addressed the Council. He stated that eleven years ago the South McDonalds came to Logan and at that time he tried to get a lighted sign, he was ready to purchase but it was not allowed at that time and he is now ready to purchase a sign and feels it would be appropriate for his and other businesses. He asked the Council to consider regulations rather than a moratorium.

Mike Record, Division Manager for YESCO Electronics in Ogden addressed the Council. He serves as President of the Utah Sign Association and as a board they have discussed this proposed moratorium. All of the major sign companies in Utah are members of this association and this group is against the proposed moratorium but they do support regulation of signs.

Citizen Robert Horning addressed the Council. He is a software engineer and is currently doing freelance work from his home. He helped engineer several signs in Logan such as the Ellen Eccles Theatre sign. He is against the moratorium because the City currently has the ordinance on the books and he does not understand why any business would go through the many steps because of all the restrictions. Control of the signs can be accomplished with software and Logan is not unique in dealing with this issue. As a citizen he is frustrated with the current electronic sign ordinance.

Jonathan Badger, Manager of Lee's Marketplace in Logan addressed the Council. He said Lee's currently has a sign but they would like to display additional information about their store. He requested that the Council not approve a moratorium.

Chairman Olsen closed the public hearing at this time.

Councilmember Monson stated there are a lot of citizens that are not against the EMD signs and he agrees with grandfathering but he also agrees we should have the signs that are currently up, be regulated.

Councilmember Daines said three signs have been approved in the last month and asked do we need a moratorium to see if changes need to be made before more signs are approved. The proposed time period for a moratorium is five months and if there isn't a moratorium then several businesses could come in during that time.

Councilmember Monson said a lot of time has already been spent on this issue and he suggested that a survey could be done and see what the citizens want.

Councilmember Quayle asked are we doing the right thing for Logan and do we want more of these signs in Logan. He would like more time for Staff to address this ordinance.

Councilmember Swenson said she hopes YESCO doesn't perceive that there is an incongruity in bringing them here and this has nothing to do with YESCO nor should it and this is based solely on is this the best thing for Logan. She feels these signs have the potential to change the character of the entire community. She feels we should go ahead with the moratorium and then wait and see what other communities do with signs and see how the public feels at that time. If we open this up and allow signs now, there is no going back.

Councilmember Daines feels the moratorium is a good idea and maybe not for five months but to think about this longer and also rethink the height and other design concerns. A moratorium would allow more time and we could also visit other communities and get a visual idea of how different signs will look. She supports the moratorium, not to exceed a five month time period.

Councilmember Quayle reminded Staff that we should also talk to the neighborhood councils and gets their input on this issue and that will take time. He understands the reasons behind this but he is also concerned about the signs.

Councilmember Daines clarified that unless a moratorium is in place anyone who applies for sign can move forward.

Mr. Housley said yes, if a moratorium is not in place then anyone can come and apply for a sign.

Mayor Watts said with his own business what worked for him was the media such as the newspaper and radio. Businesses are struggling and we need to entice good companies to fill the needs we have. He is an advocate for businesses and locally the billboard signs are

having an affect but there should be a balance. He does not support a moratorium and feels we should let the business community know we support them.

Downtown Manager Gary Saxton said the Downtown Alliance wants business owners to have the right to run their business and want to preserve the historic downtown area. The fear is that one business will trump another and if everyone has a sign it will be overwhelming.

**ACTION.** Motion by Councilmember Monson seconded by Councilmember Quayle to table Ord. 11-58 and request that Staff come back to the Council with a recommendation for changes and alterations. Motion failed 3-2 (Swenson, Daines and Olsen voted nay).

Chairman Olsen stated he is anxious to establish tasteful and appropriate limits on the size and intensity of electronic message display signs. He feels we need to move ahead in an orderly fashion with the moratorium as presented.

**ACTION.** Motion by Councilmember Swenson seconded by Councilmember Daines to adopt Ord. 11-58 as presented. Motion carried 3-2 (Quayle and Monson voted nay).

## **WORKSHOP ITEMS.**

**Budget Adjustment FY 2011-12 appropriating: \$25,000 for the Youth Alcohol Prevention Grant; \$322,973 for RAPZ 2011; \$91,500 for the 2012 Youth Connections Grant – Resolution 11-57 – Richard Anderson.**

Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustments which are all grants.

This will be an action item at the August 2, 2011 council meeting.

### **Project Discussion: 200 East; 400 North to 1250 North – Mark Nielsen.**

Public Works Director Mark Nielsen gave a summary of the project of 200 East; 400 North to 1250 North. Public meetings have been held with the neighborhood and based on the public input the consultants have come back with recommendations. After the Council hears tonight's presentation, the consultants will then go back to the neighborhood and have another public meeting. From there, they will try and get the project funded and move forward. This is funded through County Road Tax money for property purchase only; there is no funding for construction at this time.

John Powell with J-U-B Engineering gave a presentation on 200 East, Intersection and Roadway Improvements.

500 North - The goals of the 500 North project are to maintain pedestrian safety, meet the needs of the CVTD Transit Center, maintain the bicycle corridor, and meet vehicle capacity needs for the next 20 years. Alternatives Evaluated: A 4-way stop, traffic signal and single-lane Roundabout. Recommended Alternative: Single Lane Roundabout.

700 North – The goals of the 700 North project are to improve pedestrian safety and preserve vehicle capacity of the roadway. Alternatives Evaluated: Bulbouts, improved signage, improved lighting, flashing beacons and a raised crosswalk. Recommended Alternative: Bulbouts, lighting and signage improvements, colored/patterned crosswalks.

Mount Logan Middle School – The goals of the Mount Logan Middle School area are to increase pedestrian safety and minimize conflicts between pedestrians and vehicles. Alternatives Evaluated: Bus stop location at 870 North, 900 North, 1000 North and median. Recommended Alternative: Bus stop at 900 North and median with parking only on the west side of the roadway.

1000 North – The goals of the 1000 North Intersection are to maintain pedestrian safety, maintain bicycle corridor and meet vehicle capacity needs for the next 20 years. Alternatives Evaluated: An existing signalized intersection (retain as is), improvements to the signalized intersection and double-lane roundabout. Recommended Alternative: Double –Lane Roundabout.

1000 North to 1250 North – The goals of the 1000 North to 1250 North are to meet vehicle capacity needs for the next 20 years, improve safety, limit impacts to businesses and residents and maintain bicycle corridor. Alternatives Evaluated: No on-street parking, parking on east side only and parking on both sides. Recommended Alternative: Parking on both sides and parking on east side only which minimizes impacts to homes on the east side of the roadway from 1100 North to 1250 North.

Councilmember Monson was excused from the meeting at this time.

Mr. Nielsen stated the total project is 5 million and the city has to come up with 3.2 million which will take several years. Smaller intersections will be completed first and County Road Tax money will be used for larger projects. Property acquisition will be done at the beginning.

The Council agreed to move forward and take this presentation back to the neighborhood for public consideration. They next public open house will be in August 2011 and the Council recommended to start the property acquisition as soon as possible.

Mr. Nielsen stated that in the area of 1000 North to 1250 North the east properties are not in the estimate.

## **OTHER CONSIDERATIONS.**

Councilmember Swenson stated that regarding the Herm's Inn project on Canyon Road, it was her recollection when the meeting was held that residents were concerned about the ingress/egress on 1420 East and she recalls asking the question do we need to have this and the City stated they could do without the ingress/egress at 1420 East Canyon Road. Jim Laub was also willing to remove the ingress/egress. The plat showed 12 parking spaces and a patio on the East side and now there is an ingress/egress on 1420 East. When the project was presented there were just bathrooms in the back and now excavation is being done. She probably would not have voted for this project had she

known it was going to expand in this manner. She has a concern about this project and feels the neighborhood has been misled and this is not what was presented to them.

Mr. Nielsen responded the ingress/egress was discussed; the original plan had both accesses and a service entry. From a technical standpoint and from traffic counts, the system will function fine and the traffic volume is low, there will not be a significant impact. He feels what was presented and what it was modified to was the best option for this project.

Councilmember Swenson feels that what was presented is not what is happening and now there is mistrust from the neighborhood.

Mr. Housley said the Council makes zoning decisions and the planning commission makes specific decisions on site development and that is what happened in this case. He doesn't recall this being an issue at planning commission and no neighbors spoke out against it. Allowing the access was approved by the planning commission.

Councilmember Swenson stated the neighborhood has a different view of what was going to happen.

Mr. Housley said the minutes from the meeting are what they are and it doesn't have the full discussion but it doesn't appear the approval was a condition of access to this location.

Councilmember Daines suggested that someone from the City talk with the owner Jim Laub and tell him of this concern.

Mr. Nielsen said he would be willing to meet and talk with Mr. Laub.

Councilmember Swenson said we need to accommodate the needs of the neighborhood and possibly look at no on-street parking in this area if this is what the neighborhood wants. She feels badly of how this has turned out.

City Engineer Bill Young said this is not a high traffic road, with an estimated 80 vehicles per day traveling on the road. If there is a single access it could cause safety concerns.

Councilmember Quayle asked if CDBG funds will be available for sidewalk improvement along the south side of Logan High School.

Parks and Recreation Director Russ Akina responded at this time we are waiting to see if any CDBG funding will be available for any projects.

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

**WORKSHOP ITEM:**

**Consideration of a proposed resolution approving Agency Assistance to the Cache Business Resource Center – Resolution 11-59 RDA.**

Economic Development Director Kirk Jensen addressed the Council regarding the proposed resolution to use tax increment to provide funding for the Cache Business Resource Center.

Brian Carver, Community & Economic Development Director with the Bear River Association of Governments addressed the Council. They are requesting a contribution in the amount of \$6,000 of administrative tax increment proceeds to the Cache Business Resource Center to assist in addressing staffing and administrative costs during Fiscal Year 2012.

Councilmember Swenson asked what the Center will do about funding for next year.

Mr. Carver responded they will most likely come back to the Council and request funding again next year.

This will be an action item at the August 2, 2011 council meeting.

There being no further business to come before the Council, meeting adjourned at 8:10 p.m.

**ADJOURN.**

Teresa Harris, City Recorder