

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

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

OPENING CEREMONY.

Citizen Gary Joy gave the opening thought, prayer and led the audience in the pledge of allegiance.

Vice Chairman Quayle welcomed those present. There were approximately 6 citizens in the audience at the beginning of the meeting.

Meeting Minutes. Minutes of the Council meeting from June 21, 2011 were reviewed and approved with minor changes.

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

Meeting Schedule. Vice Chairman Quayle 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, July 19, 2011.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL.

No comments from the audience for the Mayor or Council.

MAYOR/ STAFF REPORTS.

Board Appointments – Mayor Watts.

Mayor Watts asked the Council for ratification of Dave Adams and Amanda Davis to serve on the Planning Commission which is a four year term. He also thanked John Wuthrich and Doug Blaser for their service on the Planning Commission.

ACTION. Motion by Councilmember Swenson seconded by Councilmember Monson to approve ratification of Dave Adams and Amanda Davis as presented. Motion carried unanimously.

Mayor Watts thanked all those that attended the Freedom Fire event that was held on Friday, July 1, 2011. He said it was very successful and we are looking forward to next year's event. Attendance was approximately 14,000.

Mayor Watts said the Logan River has now peaked and the levels are going down at this time. As the water subsides, City crews will evaluate the Logan River Golf Course and what needs to be done to get the course back to being completely open.

COUNCIL BUSINESS.

Councilmember Monson thanked the Mayor and all those involved with the Freedom Fire event. He also thanked City personnel for their preparation with the recent flooding and minimizing the damage to property.

Councilmember Monson said he feels that Logan City should throw candy at parades. He recommended that those who want to throw candy walk along the roadside instead.

Vice Chairman Quayle announced that Stewart Hunsaker from Smithfield, Utah has been selected as the new Logan/Cache Airport Manager. He announced that the V-22 Osprey is currently at the airport and encouraged the public to go see the aircraft. At the same time, glider competition participants will be practicing for their upcoming regional/national event. The gliders launch each day at 1:00 p.m. from the airport and the public is invited to attend.

ACTION ITEM.

PUBLIC HEARING – Consideration of a proposed text amendment to the Land Development Code. Sections 17.12.080, 17.12.085, 17.13.040, 17.14.030, 17.15.080 concerning standards for Neighborhood Centers (NC) – Ordinance 11-36.

Vice Chairman Quayle opened the meeting to a public hearing.

Citizen Amanda Davis addressed the Council and asked for clarification regarding conditions of approval for commercial uses to provide for compatibility with existing adjacent residential uses. She asked if this will be more restrictive.

Planner Russ Holley responded this will be reviewed on a case by case basis and will be site specific.

Citizen Mark Lunt addressed the Council and suggested that council candidates be allowed to receive health benefits or buy into group health insurance. He feels if this were an option that more people will run for a council seat. He asked for clarification on what it takes to open a Neighborhood Center shop and convert an existing building. It's his understanding the steps that need to be taken are to first own the property, conduct a feasibility study, go to the Planning Commission and go through the process/public hearing and then go to the City Council for approval. Then get a building permit, business license and then finally open the business.

Mr. Holley added that an owners signature is needed, a real estate contact, or be the owner of record. Also proposed as one of the steps is to have a neighborhood open house that the proponent would organize, notice the meeting and then report back to the Planning Commission of any comments from the neighborhood prior to the Planning Commission meeting.

Mr. Lunt feels there are a lot of hurdles involved to get a Neighborhood Center approved and most people won't apply for this and fewer will get through all of the requirements. He is supportive of the proposed changes and he would like the Council to approve the Neighborhood Centers tonight, but he is concerned about existing businesses and what these changes will do to them. The banking business is changing and he can see a scenario where banks limit the number of branches they have, they will close down and the buildings will be left empty. He thinks as a community we need to support local businesses and he would prefer to see a zone in-between the mixed use zone and the Neighborhood Center. He thanked the Planning Commission and the planners for all of their hard work in preparing the Land Development Code. He asked the Council to consider approving the zone and changing the businesses to mixed use so they are not threatened in the future.

Planner Glen Goins said it is possible to come back at a later time and evaluate the code but he feels it's too late in the game to make the changes suggested by Mr. Lunt. He feels we have a workable code as it is currently proposed.

Councilmember Daines asked have we looked specifically at what would happen if we zoned these existing areas as mixed use.

Mr. Goins responded it wasn't examined for mixed use and they would be nonconforming either way and would require a residential component.

Councilmember Daines asked about the office space at Fredrico's Pizza and wouldn't that use be consistent for them if they are grandfathered in.

Mr. Goins said if an office building is sitting empty and not filled it would fall to one of the appropriate uses.

Councilmember Monson said that offices in the University area make sense to him and to do anything that would not be favorable to that area would concern him.

Councilmember Swenson said at any time, businesses can go out of business and they would need to conform in some other way.

Business owner Craig Osterlo of Fredrico's Pizza addressed the Council. He appreciates the work that has been done on the code. He feels this will not work the way it is currently written and it will directly impact Fredrico's Pizza. He talked with the Chairman of Envision Utah who said they would be willing, at little or no cost, to take a look at this portion of the code and come back with an analysis from their perspective of how the Neighborhood Center would work in our area and he feels this would be very worthwhile. Regarding grandfathering, currently the proposed code states that the current building allows an existing building to become nonconforming but once they stop that use they have to fit within the new uses. If future changes are made with the buildings the current code would not allow the property to work with the code, the restrictions would not allow it. He suggested leaving the existing zone the way it is now and has been for several years and add the new Neighborhood Center zone as a new zone and then after we see what happens merge them at a later time. He also suggested that Envision Utah review this information and see if it will work.

Councilmember Swenson said currently we do not have an existing neighborhood commercial zone in the current master plan. She has also read the entire Envision Utah Plan and what we have with neighborhood commercial now is working in the neighborhood commercial zones and is workable for the size of Logan.

Mr. Lunt stated that the majority of the businesses mentioned would have a nonconforming use and if it were just one it wouldn't be a concern but there are several.

Citizen Marilyn Griffin addressed the Council and commended all those who have worked on the code. She feels the Neighborhood Center has to take into consideration the neighborhoods.

Vice Chairman Quayle closed the public hearing at this time.

Councilmember Monson feels the USU area is different than the rest of Logan neighborhoods and he would like to have smaller stores in the USU area and he feels the students would benefit. He doesn't want anything to pass that will hurt what is currently in these areas. He also feels the suggestion of having Envision Utah give their input is a good idea.

ACTION. Motion by Councilmember Monson to table the proposed resolution to allow Envision Utah to review the proposed Neighborhood Center zone. Motion failed for lack of a second.

Councilmember Swenson said the people from Envision Utah are not planner's they are facilitators. She also said that several commercial businesses in the USU area have come and gone but the role of the council is not to protect every existing business to make sure the climate is perfect that they can stay where they are indefinitely. Doing this would not be healthy for the City.

ACTION. Motion by Councilmember Swenson to adopt Ord. 11-36 as presented seconded by Councilmember Daines. Motion carried 3-1 (Monson nay).

Mayor Watts said he will veto the adoption of Ordinance 11-36 until Envision Utah can review the proposed Neighborhood Center zone.

Senior Attorney Lee Edwards read the State law (10-3b-204) regarding the veto. Mayor Watts has a 15 day period to veto Ordinance 11-36 and then it will come back to the Council and the Mayor's veto can be overturned by a 4-1 vote of the Council.

Councilmember Monson said he would like the Council to involve and ask the opinion of the Mayor more often on the different issues that are presented. He asked the Council to do this with current Mayor Watts and future Mayor's.

Mayor Watts said he has lived in Logan his entire life and he is concerned about businesses that if they were to leave what will happen to the buildings. The boundaries in Logan are frozen and there are businesses that have been here for over 50 years and we need to consider them and if they were to leave what if anything can go in their place.

Councilmember Daines considers this a living document and feels in the coming years there will be adjustments and changes if needed. This is not set in stone.

Vice Chairman Quayle agrees and feels it's hard to predict what will happen in the future but what we have is a starting point and we can make changes at a later time.

WORKSHOP ITEMS.

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

Finance Director Richard Anderson explained the proposed budget adjustment. The amount listed on the agenda of \$28,500 needs to be changed to \$29,500. These are restricted funds that can only be used by the Drug Task Force

This will be an action item at the July 19, 2011 council meeting.

Consideration of an ordinance amending Sections 3.04.020, 3.04.030, 3.04.040, 3.04.050 and 3.04.060 (Purchasing Procedures) of the Logan Municipal Code – Ordinance 11-55 – Richard Anderson.

Mr. Anderson explained the proposed ordinance regarding purchasing procedures. One change is bidder eligibility. If someone is involved in current litigation with Logan City they could be disqualified from bidding. Second is the issue of publications and invitations for bids. The proposed change will give the City more options to request bids, including electronic means. The bids still remain sealed until a specified time.

This will be an action item at the July 19, 2011 council meeting.

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

Community Development Director Mike DeSimone addressed the Council and explained the proposed amendment specifying a maximum grass height applicable to the City of Logan and as implemented through the International Property Maintenance Code. The proposed height is 6" which is consistent with a number of other jurisdictions in Utah. Nationally, the standards go to 8" – 12" depending upon the jurisdiction. Ultimately, the approach is education first and enforcement second.

This will be an action item at the July 19, 2011 council meeting.

Consideration of a resolution supporting the modification of Parking Restrictions along the East Side of Main Street – Resolution 11-48 – Mike DeSimone.

Mr. DeSimone stated that since the last council meeting on June 21, staff met with the Downtown merchants to clarify their parking needs and concerns. At this time, he would like to make the proposal to prohibit all towed vehicle parking on the entire length of Main Street without any daily exceptions. He is not proposing to modify parking around the Tabernacle at this time, and recommended the Council wait until after construction of

the new parking lot is complete to determine what impact the additional parking areas will have on the surrounding streets.

This will be an action item at the July 19, 2011 council meeting.

Electronic Message Display Signs (EMD's) – Glen Goins.

Planner Glen Goins addressed the Council regarding EMD signs. The issue of EMD signs continues to surface in discussions with the Council and the public. Staff will work with the Council to amend the code, if necessary, in administering the code in regards to EMD signs and he presented the following options. We have an existing EMD ordinance which can remain in effect as written, change the code to eliminate EMD signs altogether, and grandfather the existing EMD's, amend the code to allow EMD signs in fewer zones. Currently, they are allowed in Commercial, Commercial Service and Industrial Park zones. We can also institute a moratorium for a period of time, and evaluate their future. The existing EMD ordinance was adopted by the Council in February 2011. The initial driving factor is should we allow EMD's signs off premise.

Councilmember Daines said there has been three new EMD's requested in the past month, one approved and the other two are in the process. If requests increase at the rate they are going, do we want EMD's all along the commercial spots along Main Street.

Vice Chairman Quayle said he is concerned about EMD signs and does not want them all along Main Street either.

Councilmember Swenson feels this should not be a hard decision for the Council to make; they should follow their own desires and not go by what other cities are doing.

Councilmember Monson said we need to follow the desires of the citizens and the businesses that are here. We need to be business friendly and should do what the people want us to do.

Councilmember Swenson suggested getting public input on this issue and feels it will support the direction the City should go.

Councilmember Daines said that putting a six month moratorium on EMD's will give notice the Council is taking this serious and it will solicit more comments and public input.

Mayor Watts stated there have been some horrendous advertisement signs in the past. Sign companies will need to find a balance of what the community wants and what is appropriate. His number one concern is the safety of people driving down the road and he feels this issue should go through the business community. He supports a six month moratorium on.

Motion by Councilmember Swenson for a five month moratorium on EMD's.

Senior Attorney Lee Edwards stated that under Utah law the moratorium cannot be enacted because it needs to be noticed and requires a public hearing.

Councilmember Swenson recommended not having a moratorium and eliminate EMD signs and grandfather the ones we have and change the code later if needed. She would like input from the general citizenry and not just the businesses.

Vice Chairman Quayle said Logan is unique and what we do here doesn't necessary have to be what is done elsewhere. He hopes to get significant input from the citizenry and the moratorium would give us the time needed for this to happen.

Councilmember Daines suggested this issue be discussed at neighborhood council meetings and get input from citizens on the EMD issue.

Neighborhood Improvement Director James Geier stated he can put the EMD issue on future Neighborhood Council agenda's, he will also post the information on the Logan City website.

OTHER CONSIDERATIONS.

There being no further business to come before the Council, meeting adjourned at 6:50 p.m.

ADJOURN.

Teresa Harris, City Recorder