

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

OPENING CEREMONY.

Councilmember Jay Monson gave the opening prayer and led the audience in the pledge of allegiance.

Chairman Olsen welcomed those present. There were approximately 48 citizens in the audience at the beginning of the meeting. He also welcomed Logan Scout Troop 9 and Troop 1 to the meeting.

Meeting Minutes. Minutes of the Council meeting from February 15, 2011 were reviewed and approved with minor corrections.

Meeting Agenda. The meeting agenda was approved. Chairman Olsen announced at tonight's meeting there would be three 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, March 15, 2011.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL.

Logan citizen Steve Bower addressed the City Council and said he appreciated the Council and feels they have the City and citizens best interest at heart.

Chairman Olsen thanked Mr. Bower for helping with City issues and his involvement in the community.

Kate Auman, Peter Daniels and Erica Evans from the Logan High School Environmental Action Force and representatives from the USU Sustainability Council, presented the Council with a petition to improve the air quality in Cache Valley. The petition reads that "We, the youth and future leaders of Cache Valley, would like to partner with the County Council, Bear River Health Department and Logan City, to take immediate action on improving our air quality. We promise to do all we can as individuals by reducing our auto dependency wherever possible, especially on Red Air Days and strongly encourage the County Council to join us in this effort by implementing the following by the end of 2011: 1. Reestablish the \$2.00 vehicle registration fee to be used for educating valley citizens on how they can help clean our air and other programs deemed necessary. 2. Establish a vehicle emissions testing program for all registered vehicles. By being

proactive on this very serious environmental and economic issue, we would preempt more drastic action imposed on us by the U.S. Environmental Protection Agency; improve our health, our economy, thus our quality of life.”

Councilmember Swenson commended the Logan High School students for their efforts in regards to air quality. She stated that approximately five years ago the Logan City Council unanimously signed a resolution in support of emissions testing but unfortunately this is a Cache County Council decision and is not something that Logan City can do without the County’s support.

Chairman Olsen announced that air quality will be discussed at the Joint Logan City and Cache County Council meeting scheduled for March 29, 2011. He also announced that the Air Quality Control Committee will begin meeting again.

MAYOR/ STAFF REPORTS.

Proclamation: Child Abuse Prevention Month – Public Works Director Mark Nielsen.

Mr. Nielsen announced that Mayor Randy Watts and the Logan City Municipal Council signed and support a Proclamation recognizing April 2011 as Child Abuse Prevention Month. He introduced Esther Lee Molyneux, Director of the Child and Family Support Center. She announced that on April 1, 2011 at noon there will be a 30 minute presentation titled “Stepping Up For Children” that will be held on the steps of the County Courthouse. She said in 2010 the center taught 4,200 body safety classes and they had over 3,000 children visit their 24 hour crisis nursery. She thanked Logan City for their support over the years.

COUNCIL BUSINESS.

Meeting Reminder: Chairman Olsen announced there will be a Joint Logan Municipal and Cache County Council meeting on Tuesday, March 29, 2011 at 5:30 p.m. in the Cache County Administration Building, Multi Purpose Room. Agenda items include an update on the canal project and air quality.

Air Quality Committee – Herm Olsen.

Chairman Olsen said that he currently serves on the Air Quality Committee and he invited others who are interested to serve. He requested that the committee be reconstituted and a meeting notice will go out with a time, date and location. Members will include representatives from Franklin County, Logan City and Cache County.

Councilmember Quayle announced that in early July 2011 there will be an Osprey Aircraft that will be at the Logan-Cache Airport for six weeks doing lift testing. Also in July 2011 there will be over 50 gliders at the airport that will be doing demonstrations and testing. The public is invited to attend.

ACTION ITEMS.

PUBLIC HEARING – Budget Adjustment FY 2010-11 appropriating: \$897,000 reimbursement from UDOT for the 10th West Project; \$50,530 for an Impact Fee Study; \$140,000 for property purchase on Canyon Road; \$1,958,000 from the Cache County Road Tax for the 200 East Project – Resolution 11-19.

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 Monson to approve Res. 11-19 as presented. Motion carried by roll call vote.

Laraine Swenson, voted yes

Dean W. Quayle, voted yes

Jay A. Monson, voted yes

Herm Olsen, voted yes

Holly H. Daines, absent

PUBLIC HEARING – Consideration of a proposed ordinance amending storm water requirements to comply with the New State of Utah permit requirements – Ordinance 11-20.

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 adopt and amend Ord. 11-20 as presented. Motion carried by roll call vote.

Laraine Swenson, voted yes

Dean W. Quayle, voted yes

Jay A. Monson, voted yes

Herm Olsen, voted yes

Holly H. Daines, absent

PUBLIC HEARING – Consideration of a proposed zone change from Commercial General (CG) to Industrial (IND) zone at 1100 West 200 South (Westfields Phase II) –Ordinance 11-21.

Chairman Olsen opened the meeting to a public hearing.

Hal Fronk, owner of the proposed development addressed the Council. He said that Staker Parson is requesting to set up a temporary batch plant in the proposed area and tonight he is requesting that this be a permanent location. Mr. Fronk is requesting a zone change to allow the batch plant to go in this area. He said that Staker Parson does a good job setting up their areas and there will be truck traffic but no more than usual along this road. If the Council does not approve a permanent location he would like them to consider temporary use request.

Senior Planner Russ Holley said the Future Land Use Plan contained in the General Plan and the pending revised Land Development Code designates the property as Commercial Service (CS). The pending Land Development Codes describes the CS zone as follows; The Commercial Service designation fills a need that is between industrial and commercial land uses. CS areas provide alternative locations for light manufacturing, or wholesale. Warehouse uses and uses that support construction and manufacturing trades that are typically service oriented. Staff and the Planning Commission recommend denial based on the findings that the proposed rezone would locate Industrial directly adjacent to single family residential uses and the General Plan and the Future Land Use Plan zone this property Commercial Service. He said establishing a temporary use on this property under the current code, he doesn't know if this is possible.

Community Development Planning Manager Glen Goins addressed the Council. He said the zone change tonight is for the Council to decide whether or not they agree to change the zone to industrial in a commercial service area. He said there is no text in the Code to allow this request and it would have to be zoned industrial to have a temporary use. The option would be to amend the text of the Code to allow as a use. State law prohibits requesting a variance for this use.

City Attorney Kymber Housley said there are other options. Staker Parson can do this on site within the 10th West right of way, State property or on an industrial site which there are several locations along 10th West. The proposed site would require a change to the Land Development Code.

Chairman Olsen closed the public hearing.

ACTION. Motion by Councilmember Swenson seconded by Councilmember Monson to deny Ord. 11-21 as presented. Additional comments were made before the roll call vote.

Councilmember Monson asked for the opinion of Public Works Director Mark Nielsen.

Mr. Nielsen responded the Code states that this use cannot be made in this zone. UDOT has nothing to do with this project and the burden is on Staker Parson to find a location.

Mr. Housley said when the City does a project they use off site locations for batch plants so this is not an unusual request.

Councilmember Monson said he feels the property can be used temporarily and he would vote for it. He withdrew his second on the motion to deny.

Councilmember Swenson suggested that as the Council adopts the General Plan they adopt what makes sense and workable. The Council should not "piece meal" for development with different circumstances that will come along. The City needs to hold to the Code that is already written and not make changes unless there is a compelling reason to do so.

Mr. Housley said that Neighborhood Commercial is on a parcel by parcel basis and industrial is not. There were two comments from the neighborhood in this area that are against the proposed zone change and voiced their concern at the Planning Commission public hearing.

ACTION. Motion by Councilmember Swenson seconded by Councilmember Quayle to deny Ord. 11-21 as presented. Motion carried by roll call vote (Daines absent, Monson voted no on the denial).

Laraine Swenson, voted yes
Dean W. Quayle, voted yes
Jay A. Monson, voted no
Herm Olsen, voted yes
Holly H. Daines, absent

WORKSHOP ITEMS.

Budget Adjustment FY 2010-11 appropriating: \$552,660 to reclassify Business Improvement District fund balance; \$2,900 for Zoo building design fees; \$250,000 for electrical connection fees – Resolution 11-24 – Richard Anderson.

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

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

Consideration of a resolution to Levy an Assessment Area within Historic Downtown Logan – Resolution 11-22 – Richard Anderson.

Mr. Anderson explained the proposed resolution to Levy an Assessment Area within Historic Downtown Logan. The proposed resolution is a technicality and the work has been done in the downtown and the assessment area has been established. The Council needs to approve the resolution levying an assessment against benefited property within the assessment area designated in a resolution passed April 6, 2010. The Board of Equalization has met with the property owners regarding the assessment.

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

Water Conservation Plan – Mark Nielsen.

Public Works Director Mark Nielsen addressed the Council regarding the Water Conservation Plan. He gave an update to the Plan which is required every three to five years by the State Division of Drinking Water. He introduced Logan City Engineer Lance Houser.

Mr. Houser said Logan City has come a long way in the past 20 years but there is still room for improvement. He said that as of 2010 Logan City is running 210 gallons per capita per day which is an improvement from what we've done in the past. This is also

well below the State of Utah's goal of less than 250 gallons by the year 2030. However, we are still losing about 28 percent of the water we put into the system through leaking pipes that are old and other related problems. To help remedy this over the next five years the City will replace pipes that are old, identify leaks, complete an audit of our water system and work with the parks department to convert over to secondary water from the canals. The Logan Cemetery and the Logan Baseball Complex are not on the culinary water system. The reason for not using the canal water is the infrastructure cost to do the conversion is very high. He said the biggest challenge is determining how to fund the conversion because the sprinkler system configuration needs to be changed. Most of USU is on secondary water that comes from the canal.

Mr. Nielsen said other causes of water loss other than leaks are water that is used in fighting a fire and it could also be through a leak, not all of the water is recorded. During the summer months there is an average of 8-10 water leaks and during the winter there is an average of 2-3 water leaks. Generally, Logan City provides a quality source of water. There are problems with the delivery system that are manifested in several ways. Everybody has water leaks and we have lines that are too small and need to be upsized to meet the current code. Some pipes have been installed in corrosive soil and the pipes don't last as long. Generally, our system performs very well and once new pressure reducing valves are online it will extend the life of the system even more.

Councilmember Swenson asked the following. With the unaccounted water at 28 percent and the commercial use was cut by 66 percent with the CIP projects that have been done, she asked what is the estimated payback on the part replacement program. The conservation program will have limited impact and she asked about the meter reading and can we install time of day water rates and how would this affect us. She would like the City to check with USU and see if they have a report on how effective their conservation program has been. She asked about replacing meters on the old commercial customers and how long this will take and the payback. Using pressure reducing valves, she asked is there any way to capture that energy to use anywhere else. She would like an update on water rates and when that will be needed in the future along with time of day study. She would also like to have a secondary water irrigation policy update as well as new water rates and how they will be used.

Mr. Houser addressed the real time metering question and said technology and power in electricity is decades ahead of where we are in the water industry. The real time meters are used for individual businesses to identify losses but not for system wide use, it can be used for leak detection. Regarding the conservation program, Logan residents are only using 95 gallons per capita per day on average and the State projected 140 gallons. The biggest issue we have with conservation is not actually on the use side but on the system loss side. Logan City has partnered with USU on their conservation program but the problem is demographics with the high number of students we have we don't see a big reduction with lawn irrigation or off peak. USU is a State agency so they are not subject to the Water Conservation Plan Act. USU completed drilling a new well of their own to make them more independent.

Councilmember Monson said in the past USU has offered a program where they will come to your home and do an assessment of how to conserve water.

Mr. Nielsen said this is a cooperative program between Logan City and USU. We are currently working with USU to expand this program to an even bigger analysis of what causes people to conserve.

Mr. Houser said regarding illegal connections this is theft and he doesn't think we'll find very many illegal connections in Logan City.

Councilmember Swenson suggested doing an amnesty study.

Mr. Houser said the illegal connections that were found have been corrected and there are very few of these. He said the Masterplan was completed in 2007 and the consultant recommended spending 7 million dollars per year to replace lines over a 25 year period. It was recognized this was not feasible and the largest project this year will be the replacement of water lines along 10th West. Over the last 7-8 years we've replaced approximately 20 blocks of water line in Logan City.

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

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, 17.16.040 (E) & 17.17.030 concerning standards for Neighborhood Center (NC) and Gateway (GW) Zones – Ordinance 11-23 – Russ Holley.

Mr. Holley addressed the Council and gave a history of the voting that took place on February 1, 2011 to adopt the Revised Land Development Code by the Logan City Council. The Code passed with the exception of Sections titled Neighborhood Center and Gateway Zones. Based on the comments made at that meeting, Staff worked this past month analyzing potential sites for Neighborhood Centers and they have targeted non residential structures taking in to account pedestrian barriers. Also taken into account is the General Plan and Neighborhood Centers should be within a 5 minute walk. Currently, there are 4 locations zoned Neighborhood Centers. They have identified an additional 14 sites that could become Neighborhood Centers, two of which would be eliminated based on their proximity to one another. This would give a total of 12 possible new Neighborhood Centers throughout the City and there is still the potential for Greenfield Development.

Councilmember Monson suggested that the Council go on a bus tour and anyone else who is interested to see these areas and their location.

Councilmember Swenson responded the reason these were brought forward is these structures were zoned Commercial in the past. If the Council had passed the General Plan the way it was these structures could have gone anywhere in the City and the Planning Department have narrowed this down to traditionally Commercial areas.

Mr. Housley stated the public hearing for this ordinance has been noticed for March 15, 2011.

Chairman Olsen said we will proceed with the public hearing scheduled for March 15, 2011. At that time the Council can defer voting if they want more information.

Mr. Holley reviewed the 12 potential locations:

412 West 1000 North (Commercial Structure)
45 North 200 West (Commercial Structure)
411 West 100 South (Religious Structure)
391 South 400 West (Commercial Structure)
510 East 900 North (Commercial Structure)
416 North 500 East (Mixed Use Structure)
295 East 300 North (Commercial Addition)
370 East 200 North (Accessory Structure)
1192 East Canyon (Commercial Structure)
180 Crockett (Religious Structure)
344 East 200 South (Commercial Structure)
277 East 300 South (Commercial Structure)

Each of these locations are listed as potential sites and this does not rezone them at this stage. An applicant would still need to come in and apply for a rezone. The structure may be removed, remodeled or added on to but the Neighborhood Centers as the text is proposed, limits them to a footprint area of 3,000 square feet and then 5,000 square feet with a conditional use permit. These locations have the potential to be zoned as Commercial but would not be zoned until an application came in at a later date. Staff feels these Neighborhood Centers could begin to be established in Logan City and there might need to be revisions over the years. There is an option of pursuing the Historic Overlay Zone which requires the buildings to be restored. The other portion of the agenda tonight is the Gateway Zone and the proposed uses. Staff has adjusted the use chart to eliminate convenience stores and hotels. A restaurant would be permitted as long as it was contained within the walls of the primary structure. Currently, Gateway Zones are identified as Northwest and Southwest areas. The North Gateway could be instituted at a future date as we work with North Logan and clarify boundaries.

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

OTHER CONSIDERATIONS.

Chairman Olsen thanked the Logan City Street Department for their efforts this winter season in plowing and clearing the snow.

There being no further business to come before the Council, meeting adjourned at 7:25 p.m.

ADJOURN.

Teresa Harris, City Recorder