

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, May 17, 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, Laraine Swenson, Holly Daines and Councilmember Monson. Administration present: Mayor Randy Watts, City Attorney Kymber Housley and Deputy City Recorder Sylvia Tibbitts. Excused: City Recorder Teresa Harris

OPENING CEREMONY.

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

Chairman Olsen welcomed those present. There were approximately 28 citizens in the audience at the beginning of the meeting.

Meeting Minutes. Minutes of the Council meeting from May 3, 2011 were reviewed and approved with 4 changes. Councilmember Swenson moved to approve the minutes with the changes. Seconded by Councilmember Monson. The motion carried unanimously.

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, June 7, 2011. The second budget session will be held on Tuesday, May 24, 2011 at 5:30 pm. There will also be a meeting with the school board on Tuesday, May 31, 2011 possibly at the school district. City Attorney Kymber Housley it would be publicly noticed in time to comply with the law.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL.

Citizen Don Toone expressed that he has noticed on many streets in Logan at the intersections, the sidewalks are gone or just junk and there are still holes in the road so he can't get his motorized wheelchair through. He wanted to know how we could encourage the City get them fixed so they can go anywhere on the west side of town up to Main Street where there are no problems there. He pointed out that the corner of 100 West and 300 North, right outside of City Hall, there are 3 corners of the intersection where no one on a scooter, bicycle or crutches can get through due to the conditions of the sidewalks at the intersection. Most of the problem is on the west side of town. Scooter and bicycle mobility is very difficult at times. He is trying his best to get the problem resolved. Chairman Olsen replied that he guessed the root cause is money because the intent of the City is not to hamper or imperil anyone in a wheelchair, scooter, pedestrians or on bikes, however, he suspects that there is just not enough money to go around. Public Works Director Mark Nielsen answered that he always appreciates input from the public and that

indeed, money is the problem. Mark suggested that if Mr. Toone would give the City his top 3 problem areas, they would try to get them prioritized and fixed as fast as they can. Then the next 3 and so on. Mr. Nielsen reported they have many these problems and will have for years, but when the public is complaining about them, those are the ones that will be prioritized. Mr. Toone reminded Mr. Nielsen that this community has several retirement centers of which 3 or 4 are in the same area, and he feels the needs for sidewalk improvements around these areas is a priority. Getting from the west side of town to Main Street is problematic. Mr. Nielsen indicated there are also needs at school crossings and sidewalks around churches, etc. Since other people feel these are a priority, he works with the council to prioritize those issues. Chairman Olsen expressed his appreciation for Mr. Toone's comments.

MAYOR/ STAFF REPORTS.

Utah State University, Common Literature Experience – Noelle Call. Noelle Call said she oversees the connections program and the common literature program. This is the 8th year of this program. They have expanded their program to include the community. She called this involvement a “common read”. The community has joined them in this read. This year's common read is “Zeitoun” by Dave Eggers. It is a Katrina story and the happenings to the Zeitoun family experiences. She highly recommended reading of the book. They will also have a guest speaker on the book. Ms. Call distributed copies of the book to the Council Members and Mayor Watts along with a few posters advertising the common read. Councilmember Monson reported that he participates in this program and it is highly interesting and a bonding experience for the students. The common convocation is Saturday, August 27th at 9:30 am.

Mayor Watts reported briefly on the flooding situation. The EOC trailer has been moved back to the service center. He thanked the residents and employees for their help. The trailer court was evacuated. They had a breach in the wall on Saturday at Country Manor. They repaired the wall and pumped the basements of the houses involved which numbered 9. The power had to be shut off due to water in the underground power lines and transformers. Residents there were evacuated for 3-4 hours during that time. The City is working hard to stay on top of the water run-off situation, unfortunately the water situation is still loading due to the weather. Mayor Watts expects we will put more time and manpower on this into the future. He expressed his appreciation to those who have already put in so much time.

COUNCIL BUSINESS.

Budget Workshop Session - Chairman Olsen announced the upcoming Budget Workshop Session to be held on Tuesday, May 24, 2011 beginning at 5:30 p.m. in the Logan City Hall Public Meeting Room, 290 North 100 West. Councilmember Swenson indicated she would be late arriving at the workshop as she is coming in from Salt Lake City that day.

Letter of Support for Road Maintenance in Cache County – Keith Shaw. Keith Shaw with the Bear River Basin Corps spoke of the Wasatch Cache Regional Advisory Committee and maintaining roads in the county which are on forest land. He is asking the council for a letter of support to the Regional Advisory Committee for \$55,000 of the

project. Councilmember Swenson asked about the project request analysis amount and what it means. As to the \$55,000 Mr. Shaw reported that it is the amount they are requesting from the Uintah-Wasatch-Cache BRAC Committee. The request is for \$55,000 of the \$150,000 the county has for conservation projects that are in Cache County on federal land. Even though this does not directly affect Logan City, it will affect the citizens that use the involved roads. Councilmember Monson moved the council approve a letter of support for the request of money for Forest Service Road maintenance in Cache County. Councilmember Quayle seconded. The Motion Carried Unanimously.

Public Discussion: Canal Realignment – Mark Nielsen. Public Works Director Mark Nielsen and Light & Power Director Jeff White addressed the council. Mr. White distributed a document entitled “Logan Northern Canal Reconstruction”. The report addresses in Mr. Nielsen and Mr. White’s positions, what the 3 impacts to the purple, blue and yellow options are as to Landslide Repair, Water to Shareholders, and Potential Impacts to Power. Also listed were the advantages and disadvantages to the purple option. Mark listed the impacts to Logan City from the landslide event to the present. All three options resolve the issue of water to the shareholders. The blue option does some good as far as the landslide repair. Also, all options have the potential to buy homes that are at risk. The purple option would improve the area below the slide, not above it. There would be no power impact to the blue or yellow option. With that, Mr. Nielsen and Mr. White tried to list the advantages to the purple option because the purple option has a lot more advantages on a broader scope as it extends further out into the county and other areas than just Logan.

Jeff White further detailed advantages and disadvantages for the purple option. He addressed each of the 13 advantages and the 4 disadvantages he had listed on the “Potential Advantages and Disadvantages of Canal Relocation” document which he distributed to the Council and Mayor. Kymber Housley added that we would have less energy use on item number 5 based on gravitational flow vs. pumping.

Councilmember Swenson asked about any increased costs for additional power generation at Hydro 2. Jeff White said there would be some costs. We would have to study the feasibility and payback proponents of that concept.

Councilmember Quayle questioned item 5 because none of that system would be pressurized. Jeff White reported that the drop from Lundstrom Park would be pressurized. However, there is no actual pressurized system. Councilmember Quayle also questioned catastrophic failure of the water line due to the drop and excess pressure coming off of the upper canal if something caused the canal to fail. Councilmember Monson indicated the he has spoken with the Lundstrom neighborhood residents. He said the residents wanted the line to go on 1500 East straight down to 1500 North and not go through the park. Chairman Olsen asked Mark Nielsen if that issue had been addressed. Mark Nielsen said that earthquake and seismic standards would be addressed during the design phase. The catastrophic failure condition already exists in the area. Mr. Nielsen has already clarified to the NRCS the City’s desire to go on 1500 East straight down to 1500 North. Mayor Watts added there would be a concrete box culvert system coming from the canyon to 1500 North. The line on 1500 North would be a pipe

system. Mr. Nielsen added that eventually the City will need to do something about secondary water and this source would be a great potential benefit.

Councilmember Quayle asked about the difference in costs as to the original canal supply (yellow plan) as it pertains to the proposed purple plan. The yellow option is much shorter in distance, yet the costs appear about the same. Mark Nielsen responded he believes the NRCS has done the best they can on conceptual estimates in the Environmental Impact Study. He agreed the yellow option would probably be the least expensive option; however the additional benefits of the purple plan are the long term advantages. Jeff White added that the yellow option is quickest and least expensive; however, if we put forth the additional monies now, we can do the most good for everybody and for the future.

Chairman Olsen inquired as to the power losses from last year as to how they might be projected into the future. Jeff White reported last year was a low water year and there was a higher loss. This year there is plenty of water and power. The only place it impacts us is at the end of the water season. This is also based upon current power prices.

Councilmember Swenson commented that \$35,000 in losses vs. the \$250,000 needs to be properly compared as it pertains to green power and future power costs. She asked when the Council would see a cost analysis on the yellow and purple plans. Mark Nielson said that would be up to the NRCS. Bob Fatheringham, Cache County Water Manager, reported that NRCS is also reviewing the comments on the two options in order to forward a final response and approval.

Councilmember Daines spoke as to the Emergency Watershed Protection and how it applies to the project. Mr. Nielsen responded that the NRCS has reported that the two options meet qualifying criteria for the project. Chairman Olsen added there is an opportunity in the blue option to go down the "crease" of the hill adjacent to canyon road. Councilmember Swenson is concerned that they did such a cursory review of the original 6 options with so little detail included in the data. Mark Nielsen responded this was done at the EIS stage where there are not always many details, but more conceptual ideas. Kymber Housley said NRCS is required to respond to comments, so they will not be able to just skip over it. They will have to come back and say the first estimate was accurate or they reviewed it and here are the new numbers. They will have to respond because it was a formal comment that we made.

Chairman Olsen asked the Council how they want to handle the public comment. Councilmember Daines and Councilmember Monson indicated the public should be allowed to comment.

Citizen Val Grant reported he has been involved working with pipelines for over 20 years. He spoke of a letter to the Herald Journal from Trevor Hughes about taking the water down Canyon Road from the dam in a 48 inch line as opposed to the 72 inch pipe proposed. He was amazed at the size of a 72 inch pipe. It would be too large. A smaller pipe would avoid a lot of problems if taken along the side of Canyon Road. He calculates a cost savings of \$4.5 million using a smaller pipeline. He believes the NRCS money should be to fund the yellow or blue option.

Citizen James Huppi wants to look to the future. He feels the purple option will be the best for all 4 cities involved in meeting EPA requirements for the future. It will give the biggest bang for the buck. He feels we should try to improve both canals with the same dollars. Keeping water higher on the hill makes better sense. It also helps maintain the water rights by using the water more effectively for secondary water use for the 4 cities. We currently lose 7400 acre feet of water due to seepage each year. The preferred alternative according to the county is the purple option which can be used to improve the quality of life for county residents as it has the best alternatives available. He added that the he appreciates the time the City and County and their staff have expended to this end. He again advocated the purple option.

Chairman Olsen asked Val Grant if a 48 inch pipe would be sufficient to deliver the same amount of water to Logan Northern Canal. Val stated it would not be able to do the 60 cfs but neither would the 42 inch pipe that is coming down 1500 North as in the purple alternative. There will be less water delivered by the purple alternative than the yellow alternative. James Huppi indicated only some of the canal water would go down 1500 North to feed the lower canal and some of the water would stay in the upper canal. There was some discussion between Mr. Grant and Mr. Huppi.

Chairman Olsen asked Mayor Watts what would be helpful for him on this subject tonight. Mayor Watts said that if the Council did not sign the MOU, the Canyon Road option would not be in place. His view would be for a head nod for or against the MOU. Councilmember Daines moved to adopt the MOU and withdraw the protest at this point with language indicating a need for more accurate cost and county participation details in the MOU. We still need to have some answers to questions, however withdrawing the protest will move us further down the road. Kymber Housley said we could go forward conceptually on the MOU and withdrawing our protest. Councilmember Quayle said we need to open the gate so the process can continue. The motion was seconded by Councilmember Monson. Councilmember Swenson asked Mr. Housley for clarification that not signing the MOU would not allow further action by the NRCS. Mr. Housley replied that the NRCS will not go forward with the purple option without a withdrawal of the protest. Councilmember Swenson would like to see language added to the MOU indicating the City need more definitive answers on both options.

Chairman Olsen expressed his anxiety about the time frame to respond as to quantification on water exchanges, property and water rights acquisitions, and trail easements. He would feel more comfortable with hard numbers of an actual agreement in front of the Council. Mr. Housley indicated there are 2 things binding in the MOU. One is that the City withdraws its protest. In exchange for that we have asked that the NRCS dedicate to us through quit claim deed that portion of the canal along Canyon Road. We would acquire the property for future trail improvement. Mr. Housley told the NRCS that we would have a decision to them by the end of the month.

The motion carried with a vote as follows:

Councilmember Swenson – aye
Councilmember Daines – aye
Councilmember Quayle – aye
Councilmember Monson – aye
Council Chairman Olsen - opposed.

ACTION ITEM.

PUBLIC HEARING – Consideration of a proposed zone change from Recreation (REC) to Public (PUB) for satellite Fire Station #72 located at 650 West 1000 South – Ordinance 11-37.

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 adopt Ord. 11-37 as presented. Motion carried unanimously.

WORKSHOP ITEMS.

Budget Adjustment FY 2010-11 appropriating: \$14,852 for the Library CLEF Grant for the purchase of credit card machines and software for the Library – Resolution 11-45 – Richard Anderson. Councilmember Daines reported that as she sits on the Library Board and through the meetings she has attended, the patrons and library staff have requested this service. Richard Anderson reported the fees wouldn't be that significant and it is a convenience for the public. This will be for credit and debit card transactions. It would help patrons and the staff at the Library. There will be no cost to the City on this.

The proposed resolution will come back as a public hearing and action item at the June 7, 2011 Council meeting.

2035 CMPO Regional Transportation Plan – Mark Nielsen.

Mark Nielsen showed a slide presentation on the Transportation Plan and distributed a copy of the presentation on hard copy. Jeff Gilbert from the Cache Metropolitan Planning Organization (CMPO) was present to answer questions as well.

The Regional Transportation Plan (RTP) has been published for public comment. This is one of the RTP stages. Mark Nielsen felt that the plan should be discussed at this time as preliminary comments are due by May 19th after which the Environmental Impact Study will take place.

The objectives of the RTP is to meet federal requirements, meet federal air quality conformity (non-attainment), to comply with Envision Cache Valley Quality Growth Principles and to have CMPO 2035 RTP goals.

Chairman Olsen discussed other means of transportation such as use of bicycles, busses, and so on. Mr. Gilbert replied that we need a robust system that provides for all forms of transportation. Mr. Nielsen stated the right goal is to get more people out of cars and use other means of transportation; however that does not always happen. Mr. Nielsen responded that it is a great issue as to what in this program gives people incentive to get out of their cars.

Mayor Watts said his outcry as a voting member of the CMPO would be not to go after something that is not achievable now and in the future as we do not have the dollars to support it. It has to be within the reasoning of what the dollar can make it happen.

Mr. Nielsen stated the Goals are as outlined in the RTP. We need to determine what types of corridors we want in the future. If we widen roads to increase mobility, on-street parking will be the casualty.

As to Funding Assumptions, Mr. Nielsen said they are good assumptions, however, he doesn't think they are going to go through. Nonetheless, he felt a need to go through them. Jeff Gilbert indicated with the statewide funding assumptions, they work with UDOT and all the other transportation agencies in the state and they formed a financial committee. The state legislature has been unhappy with agencies using different funding sources historically, so they got together and this was hammered out on a statewide level as to what are reasonable assumptions to assure consistency. It is important to understand these assumptions weren't just concocted; rather they have been developed by the state.

With Funding Challenges for Cache County, Mr. Nielsen reported that the county generates 4% of state funding, yet we only receive 1%. This is largely because there is no freeway in the county. Councilmember Daines questioned using a state lobbyist as opposed to a federal lobbyist to address these issues. Mr. Nielsen said it may be worth looking at.

Mr. Nielsen reviewed the State Funded Projects and what phases they were in. Councilmember Daines would like to see the state funded projects listed in order as priorities rather than by project numbers. Mr. Nielsen said that would be easy to change.

Mr. Nielsen also reviewed the Not Funded Projects.

Mr. Nielsen spoke of the Logan Estimated Cost Responsibility to meet phase 1, 2 and 3 projects. The amounts listed are not for road repairs, just for capital. There is still a deficit in funding of \$1.81 million. The amount also does not cover underground utilities. Chairman Olsen summarized that the dilemma is raising taxes to accommodate the projects the citizens want with regard to roads and streets to which Mr. Nielsen agreed. Mr. Nielsen said we do not presently have enough funds to maintain our local roads over the next 25 years.

Mark Nielsen asked for input from the Council as to what they would like taken to the CMPO. Councilmember Swenson stated that she felt when the Council was "sold" on the road tax, it was that we were going to be proactive as to where we were going to be building future roads and purchasing needed rights-of-ways, yet she has observed that no right-of-way projects have been studied. She recommended this be moved up on the priority list. Jeff Gilbert indicated he will take the issue to the CMPO and have it put into the corridor study. He feels we are not at a comfort level to start corridor preservation projects yet. Mark Nielsen said the Western Arterial Corridor project is already funded by the State meaning the state will do the project. Jeff Gilbert indicated that people at the state do not know what we want locally. We need to be clear with them as to what we want in funding for what projects and their priorities. This local planning will be the vehicle for that. Other counties in the state have been successful in doing just that.

Mayor Watts added that it took a lot of local effort by the entire community and lobbying to convince the state commissioners to fund the 10th West project. Mayor Watts said it is absolutely important to have our local legislators on board to help with this.

Mr. Nielsen encouraged the council to give their comments and recommendations to Councilmember Quayle or Mayor Watts.

Richard Anderson indicated there is a possible quarter cent sales tax in the future to fund roads and road improvement. He felt the Council should keep this on our radar and preserve some funding for city improvements.

OTHER CONSIDERATIONS.

Community Development Director Mike DeSimone addressed the Council with regard to the Adams Specific Plan. He distributed a memo from Senior Planner Russ Holley. It explains the goals of the steering committee in creating a 10 year plan for the Adams Area. He is looking for a sanctioning from the Council of the list of the steering committee. Councilmember Daines suggested having a Council member attend the neighborhood meetings. Councilmember Swenson wanted more residential people involved in the committee.

RECESS TO MEETING OF LOGAN REDEVELOPMENT AGENCY.

WORKSHOP ITEMS:

Consideration of a proposed resolution approving Agency Assistance to the Logan Downtown Alliance in the Downtown Redevelopment Project Area – Resolution 11-43 RDA – Kirk Jensen

Economic Development Director Kirk Jensen reported this resolution's purpose is to provide short term funding for the Alliance. They have a downtown manager who has been in place since August working part time, and this funding would move him to full time essentially providing the Alliance with the capacity to create a more long term sustainable funding model for themselves in working with the Alliance and the RDA.

Citizen Joe Needham advocated the downtown manager to progress the movement in the downtown to create a Special Assessment Area (SAA) funding source that would bring in some very important directions including funding the manager position. It would also help in looking toward things they would like funded in the future. He encouraged moving the downtown manager to a full-time position. They are looking for a reliable funding source and he feels this position change will help the RDA as they push forward the goals of the RDA. Councilmember Swenson agreed this is a solution to the SAA.

The proposed resolution will come back as a public hearing and action item at the June 7, 2011 Council meeting.

Consideration of a proposed resolution approving Agency Assistance to the City of Logan for lease obligations associated with the Provision of Public Parking in Downtown Logan – Resolution 11-44 RDA – Kirk Jensen

Kirk Jensen spoke about the parking area behind the Ellen Eccles Eccles Theater. Most of the property is private parking. Two years ago, the City entered into a lease to entertain evening activities parking. This lease has expired. The City is looking to entering into a 5 year lease including \$23,000 for improvements to the north portion of the parking lot where property owners on Center Street want to join in the parking agreement. There is adequate connection and support to the RDA that is being made to use the RDA funds for this purpose.

The proposed resolution will come back as a public hearing and action item at the June 7, 2011 Council meeting.

Consideration of a proposed budget adjustment appropriating: \$20,000 for the Community Development's Housing Rehabilitation Program – Resolution 11-46 RDA – Kirk Jensen.

Kirk Jensen reported that grants are issued to low to moderate income households to help rehabilitate house conditions. The grant scale is based upon household incomes and handled on a case by case basis. Liens can be attached to properties in case the family moves out of the improved home within 5 years; otherwise the lien would go away in 5 years. A sale to another qualifying individual would forgive the grant amount. Councilmember Swenson asked for clarification that this is solely for home improvement. Mr. Jensen clarified this. The stipulation was that the house has to be owner-occupied. Councilmember Daines added that exterior painting was not included in the conditions of the grant and it should have been. Councilmember Swenson and Councilmember Daines advocated now important volunteer help was to this project and also getting neighborhoods involved.

Kymer Housley added that we have these funds as long as the RDA exists which is about 13 years.

The proposed resolution will come back as a public hearing and action item at the June 7, 2011 Council meeting.

Budget Adjustment FY 2010-11 appropriating: \$50,000 for the salary of the Downtown Alliance Manager; \$23,000 for parking lot improvements behind the Ellen Eccles Theatre – Resolution 11-47 RDA – Kirk Jensen.

Kymer Housley reported that this is simply doing the appropriations budgetarily.

The proposed resolution will come back as a public hearing and action item at the June 7, 2011 Council meeting.

There being no further business to come before the Council, meeting adjourned at 8:09 p.m.

ADJOURN.

Sylvia Tibbitts, Deputy City Recorder