

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, May 3, 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 Jay Monson. Administration present: Mayor Randy Watts, City Attorney Kymber Housley and City Recorder Teresa Harris

### **OPENING CEREMONY.**

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

Chairman Olsen welcomed those present. There were approximately 34 citizens in the audience at the beginning of the meeting.

**Meeting Minutes.** Minutes of the Council meeting from April 19, 2011 were reviewed and approved.

**Meeting Agenda.** The meeting agenda was approved with two additions. The Youth City Council will give a report and Assistant Fire Chief Will Lusk will give an update on the flood situation. 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, May 17, 2011.

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

No questions or comments for the Mayor or Council.

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

#### **Youth City Council.**

Youth City Council representatives Laura Tingey and Addie Dunn gave an update on their recent activities. They traveled to the Utah State legislature to watch the process of passing a bill. They also went to Bear River Head Start and helped children with various activities.

#### **Flood Update – Assistant Chief Will Lusk.**

Assistant Chief Lusk gave an update on the current flood situation. He stated that typically the Logan River peaks the second or third week in May. The Blacksmith Fork River is already running high and is predicted to come up again this weekend. In the past, the Country Manor Neighborhood is the hardest hit area and will be again this year, it is

being watched closely. Other areas of concern are the Thrushwood and Sumac Neighborhood, Trail Subdivision and the trailer park on the southwest side of Logan. Country Manor has underground power and there are concerns about this and water getting to the power and causing an outage.

Mayor Watts said there are also concerns about trees and debris going into the river and this is being monitored by City crews.

### **Budget Presentation – Mayor Randy Watts.**

Mayor Watts presented the 2011-2012 budget and read the following:

*I present to you the Fiscal Year 2012 annual budget.*

*I am pleased to report signs of improvement in the local, state and national economies. Although we still face significant difficulties and too many of our citizens are struggling financially, we are hopeful that we have turned a corner and will continue to see incremental growth.*

*The City of Logan is in a good financial position. Obviously there are many more needs than resources, but due to our conservative approach to revenues and expenditures, we have reserves in our general fund as well as in other funds. We need to continue to build reserves, particularly in our electric and water & sewer funds, and to prepare for future projects and unforeseen emergencies.*

*This budget includes incremental improvement in our investment in capital projects. It is vital that we continue to invest more into capital as the economy improves, particularly in our streets and sidewalks, as well as rolling stock.*

*City departments continue to find ways to meet the demand for services without budgetary increases. We must continue to do more with less and find ways to become more efficient and effective to meet the demands we will face in the future.*

*As Mayor of Logan City, I appreciate the efforts put forth to be United in Service for the benefit of the citizens of Logan.*

Mayor Watts thanked Finance Director Richard Anderson for his hard work and dedication in putting the budget together. The proposed budget can be found on the Logan City website at [www.loganutah.org](http://www.loganutah.org) under the Finance Department. A copy can also be found at the Logan City Library. He reported that the City has 18% in reserves and he is very proud of this and we will continue working hard. As other communities throughout the State are not doing well financially, Logan is doing well.

Councilmember Monson thanked Mayor Watts and Richard Anderson for their work on the budget.

## **COUNCIL BUSINESS.**

Chairman Olsen announced the upcoming Budget Workshop Sessions to be held on Tuesday, May 10 and Tuesday, May 24, 2011 beginning at 5:30 p.m. in the Logan City Hall Public Meeting Room, 290 North 100 West.

## **ACTION ITEM.**

**PUBLIC HEARING - Budget Adjustment FY 2010-11 appropriating: \$3,300 for the Police Department Banquet; \$56,398 for the 911 Phone Maintenance Grant – Resolution 11-33.**

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. 11-33 as presented. Motion carried unanimously.

**PUBLIC HEARING – Consideration of an ordinance adopting the Flood Plain Management Plan – Ordinance 11-30.**

Chairman Olsen opened the meeting to a public hearing.

There was no public comment and the hearing was closed.

Councilmember Monson asked about information on how much Logan City spends on areas that have been flooded.

Public Works Director Mark Nielsen reported there have been two episodes in the past 10 years. In 1997 the City spent \$100,000 and in 2005 the City spent \$40,000. This year the cost will be approximately \$100,000 and the money will come out of City budgets. It can be taken from the City's emergency reserve fund if needed.

City Attorney Kymber Housley said the criteria for using the emergency reserve money is that the Council would need to appropriate this money and is only for an emergency situation.

Councilmember Swenson said all of the money comes from the general fund.

Mr. Anderson said the 18% reserves is currently at 5-6 million and 30% of that money is designated by the State for emergency purposes. There is a very high threshold for this money and we have to be very careful on what this money is used for and how it is spent.

Mr. Housley said its all general fund money and we don't want to dip into the City's savings account. We should look at using other monies instead.

Councilmember Swenson also asked for an addition to the proposed ordinance of not allowing subdivisions to be built in a flood plain area.

Mr. Nielsen responded that he will work with the Community Development Department and the additional wording of not building in a flood plain will come later and will be added to the Land Development Code.

Mr. Housley said the Council should have comfort in this proposed ordinance. The designated Flood Plain Manager can deny a development if he feels it is problematic for possible flooding. Subdivision's such as Country Manor could be built next to a river but should be built differently.

**ACTION.** Motion by Councilmember Swenson seconded by Councilmember Daines to adopt Ord. 11-30 as presented. Motion carried unanimously

**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.**

Chairman Olsen opened the meeting to a public hearing.

Citizen Bonnie Hoth asked that the text of the proposed ordinance be read and included in the minutes.

Senior Planner Russ Holley red that the Neighborhood Center Zone is intended to provide a modest level of convenience-oriented commercial series to their surrounding neighborhoods. Neighborhood Centers are comprised of low intensity retail (and/or services) business and mixed use that serves residents and employees within a five minute walk. Residential development is encouraged to develop in and adjacent to Neighborhood Centers so long as it is compatible with, and makes a smooth transition to the surrounding neighborhood. Neighborhood Center Development will be pedestrian-oriented. They will create a traditional neighborhood character – with the entrances of structures facing public streets, minimal and screened parking and street trees that dominate the street scene. Zoning to a Neighborhood Center designation shall require a Concept Site Plan and a market analysis to include an analysis of supportable retail space that verifies demand for commercial uses as a Neighborhood Center. The analysis shall also include market delineation, a regional and local economic review, and a retail market evaluation.

The proposed language addition is that Neighborhood Centers shall be limited to parcels located at least ¼ mile (five minute walk) away from other Neighborhood Centers and commercially zoned properties. Commercial square footages shall be limited to 5,000 (C.U. Permit required over 3,000 SF) per Neighborhood Center zoning districts. Pedestrian barriers including 400 North from Main Street to 600 East and the upper bluff East of 600 East, considered non-walkable, and buildings restored and zoned Historic Landmark Overlay in accordance with 17.26 shall be exempt from the ¼ mile distance requirement.

Citizen Marilyn Griffin stated that the Council is aware of the General Plan and families moving into the neighborhoods and we need to attract families and keep them here in our neighborhood and this should be the main focus and a top priority. She is concerned about the ¼ radius.

Craig Osterlo addressed the Council. He is the owner of Fredrico's Pizza and the owner of the buildings in this location. He said that he was not notified of this proposed change and has not had time to review the information. He is concerned about the size and footprint of the 5,000 square ft. area. He feels this will affect future businesses and the smallest business cannot use this and only two businesses could go in this size footage. The 5,000 square ft. will limit people. He feels that more thought is justified before the proposed ordinance is adopted.

Citizen Mark Lunt said he applauds the City and the Community Development for the years that have been involved in completing the Land Development Code. He supports the Neighborhood Center Zone and feels it's effective for existing structures and other people that want to do future Neighborhood Centers. He is concerned about the ¼ mile radius and does not feel the City is at risk to be overrun by smaller shops going in because they are not large money makers and it would be cheaper to tear down than to remodel a dilapidated building.

Citizen Amanda Davis addressed the Council and feels the Neighborhood Centers should be small scale uses.

Citizen Julie Walter addressed the Council; she is a homeowner in the Adams neighborhood with small children and reminded everyone that we are talking about neighbors and we need to think of the neighborhood first and not just the area. She is concerned about the change to the historic landmark overlay language and would like this addressed before a decision is made.

Citizen Jeannie Simmonds addressed the Council and said when considering Neighborhood Centers, they will not be "up zoned" to mixed use and the four Neighborhood Centers that have been mentioned are grandfathered in and these businesses will not be considered with the proposed ordinance. She feels that good will come with Neighborhood Centers because it gives people a place to walk to such as the location of the Island Market. She does not have any comments in reference to size but she and the Planning Commission feels this is a very good thing for the community.

Mr. Holley said there are 21 conforming uses for Neighborhood Centers. He explained the process of the market analysis and said the developer is responsible to pay and prepare for the analysis. Regarding parking, the code states that after you exceed 50% of required parking you need to put the parking to structured parking. The concern is land consumption and we don't want to have large parking lots at the Neighborhood Centers.

Councilmember Monson said he lives in the Hillcrest Neighborhood and knows how many students that can walk to areas and we want people to walk to locations. He said people don't want a business right next to where they live.

Mr. Holley said the City has a flexible parking section in the Land Development Code and we have an alternative parking plan that can be used.

Councilmember Daines said projects still have to go through the Planning Commission process and then go before the Council for approval.

Councilmember Monson said there are no Neighborhood Centers in the Cliffside area and he feels that one size does not fit all. People in the Cliffside neighborhood would not want a Neighborhood Center in their area.

Councilmember Swenson said she served on the Planning Commission for seven years and people were mostly against a rezone that changed the character of their neighborhoods and conditional use permits. It things met the criteria the rezones and conditional use permits were passed. If we put a Neighborhood Center every ¼ mile people will be very unhappy and they will also be unhappy with the listed uses because they do not want their neighborhood changed. We want to preserve and enhance the character of neighborhoods. She suggested that we take the eight listed historic commercial uses and state this is where you can put a Neighborhood Center. People will lose trust and confidence because Neighborhood Centers can go anywhere in the City within a ¼ mile radius. She is against the ordinance as it is currently written.

Mr. Holley said the historical landmark overlay is in a different section of the Land Development Code that only deals with eligible or possibly eligible existing historical non residential structures. It is a legislative decision from the Council to approve a Neighborhood Center and the Council decides if it's best for the entire City.

Chairman Olsen closed the public hearing at this time.

Councilmember Monson said that he will vote against the proposed ordinance based on the ¼ mile radius around the City.

Councilmember Quayle said that he doesn't like the wording of the proposed ordinance and he feels the only good Neighborhood Center is the Island Market.

Councilmember Swenson again suggested that we go back to the historical structures because they were centrally located, limited and they had that use previously.

Planner Glen Goins said the draft ordinance has been changed several times and he asked for clarification on what the Council would like to see in the ordinance. Staff wants to make sure that neighborhoods are protected. He feels the wording is already in the ordinance to make this a tool for the Council. There is an opportunity and option not to have Neighborhood Centers.

Chairman Olsen said Logan's population is increasing and we need to think about this and create opportunities and encourage people to walk more often.

Councilmember Daines said she also wants to protect neighborhoods, she feels we can strengthen neighborhoods and create walk ability and pedestrian friendly neighborhoods. We have a strong Planning Commission and Council and there are protections built in so

the ordinance is friendly to the neighborhoods yet be forward thinking and create possibilities for the future. If it doesn't work, the Council wants to hear about it, she feels that safeguards are already built in to the ordinance.

Councilmember Swenson said we've always had compatibility in the old Land Use Plan and one person's idea of compatibility is not the same as another person's idea of compatibility. She doesn't ever remember any permit or rezone being rejected because the Planning Commission didn't think it wasn't compatible.

Councilmember Daines does not want to lock into something where we can't be forward thinking or creative. She feels we need to do things differently as our community changes.

Mr. Goins said the language can be changed; the design of a project has a stringent design requirement not a guideline. The Council sets the use list that has been presented and the Council can change the list.

**ACTION.** Motion by Councilmember Monson that Ord. 11-36 is sent back to Staff to rewrite and add the suggested comments and come back with recommendations from tonight's meeting. Seconded by Councilmember Quayle. Motion carried 3-2 (Olsen and Daines voted no).

#### **WORKSHOP ITEMS.**

#### **Consideration of a proposed zone change from Recreation (Rec) to Public (PUB) for a satellite fire station at 650 West 1000 South – Ordinance 11-37 – Glen Goins.**

Planner Glen Goins stated this is a proposed zone change for Logan Fire Station #72, approximately 2.95 acres at 575 Golf Course Road. The Planning Commission and Staff unanimously recommended approval of this rezone.

The proposed ordinance will come back as a public hearing and action item at the May 17, 2011 Council meeting.

#### **Consideration of a proposed resolution to support the 200 East Project from Center to 300 South – Resolution 11-38 – Mark Nielsen.**

Chairman Olsen announced that Resolution 11-38 will not be a public hearing.

Public Works Director Mark Nielsen explained the proposed resolution. The environmental assessment has completed the public input process. The 200 East Project will extend from Center Street to 300 South. Currently we have completed the public input process and the consultant will prepare a summary and send this to the Federal Highway Administration for their review and they will recommend and changes to the document. There is always a critical phase at the end to decide if we want to go ahead with the project or not. The record of decision will be ready in August and tonight the Council will hear some of the public comments. He would like the Council to review this and by August 2011 review again and they can move ahead with future phases. Once we have a record of decision it will take 5-7 months before property acquisition would take

place. This is a long process and will take time to go through all the phases. If everything goes smoothly we would start construction in early 2012.

Project Manager for the Environmental Study Mike Worrall addressed the Council regarding the public comments that have been received. He said the CMPO develops and maintains a Regional Transportation Plan consisting of proposed improvements to the transportation system to address existing and anticipated demands. That plan includes a number of projects on north-south roads including 100 East, 200 East, and 600 East to respond to existing and future travel demands. 200 East is unique because it presents opportunities to address a need for regional connectivity for areas East of Main Street. There are other parallel corridors, but none are able to provide through connectivity in Cache Valley's urban areas. Regional connectivity is not just important for vehicles, but also for non-motorized transportation.

Mr. Worrall said that comments were received expressing concern about how increasing traffic on 200 East will affect the character of neighborhoods.

He said the last major thing was the right of way process and there are homes that will be affected. Comments in regards to the process and value of properties on the corridor. Traffic is expected to increase on 200 East as connections are made to provide regional connectivity. The percent of additional traffic would be felt by residents within the corridor, but it is not expected to change the overall character of the community. There were numerous comments that the Proposed Action and increased traffic on 200 East will impact the Gardener's Market that is held at Pioneer Parkway and Merlin Olsen Central Park. The Proposed Action states that Pioneer Street will remain in place but will be ended in a cul-de-sac before reaching 200 East. Parking will still be available on Pioneer Street.

There were comments questioning the noise evaluation. UDOT maintains a Noise Policy for the evaluation of noise and the consideration of noise abatement. Air Quality comments were also received and Right-of-Way Acquisition.

Councilmember Daines asked about a round-a-bout at Center Street and 200 East.

Mr. Worrall responded they did consider a round-a-bout at this location. They looked at single lane and this would not help with the traffic flow. They did not evaluate double lane round-about because it would affect the park and a home on the corner. They opted for a light at this intersection.

Mr. Nielsen stated that he will bring a resolution back to the Council for approval. It will be listed as an action item for the first Council meeting in June 2011.

#### **OTHER CONSIDERATIONS.**

Two residents that reside on 200 East addressed the Council and expressed their concerns for this project.

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

**ACTION ITEM:**

**PUBLIC HEARING - Consideration of a resolution approving Agency Assistance for the Bear River Association of Governments' Emergency Home Repair Program – Resolution 11-32 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. 11-32 RDA as presented. Motion carried 4-1 (Swenson voted no).

Councilmember Swenson voted no. She feels BRAG is a good organization but she feels there are better uses for this money to meet with the City's goals.

Councilmember Daines said this funding is limited to single family homes and the funds will help people to stay in their homes. This is one-time money and she supports the resolution.

There being no further business to come before the Council, meeting adjourned at 8:00 p.m.

**ADJOURN.**

Teresa Harris, City Recorder