

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, November 1, 2011 at 5:30 p.m. in the Logan City Municipal Council Chamber, 290 North 100 West, Logan, Utah. Chairman Herm Olsen conducting.

Council members present at the beginning of the meeting: Chairman Herm Olsen, Vice Chairman Dean Quayle, Holly Daines, Laraine Swenson and Jay Monson. Administration present: City Attorney Kymber Housley, Public Works Director and Acting Mayor Mark Nielsen, Finance Director Richard Anderson and City Recorder Teresa Harris. Excused: Mayor Randy Watts.

OPENING CEREMONY.

Betsy Franchina gave the opening prayer and Vice Chairman Dean Quayle led the audience in the pledge of allegiance.

Chairman Olsen welcomed those present. There were approximately 8 citizens in the audience at the beginning of the meeting.

Meeting Minutes. Minutes of the Council meeting from October 18, 2011 were reviewed and approved with minor changes.

Meeting Agenda. Chairman Olsen announced at tonight's meeting there would be two public hearings. Councilmember Swenson would like to add an item under Other Considerations.

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, November 15, 2011.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL.

Logan resident Joe Tennant addressed the Council and said he lives in the area of 1000 West and he feels the power poles along this road look good.

MAYOR/ STAFF REPORTS.

Board Appointments – Mark Nielsen

Acting Mayor and Public Works Director Mark Nielsen asked the Council for ratification of a new appointment for Dan King to serve on the Parks & Recreation Advisory Board and Allen Lowe for a reappointment to the Parks & Recreation Advisory Board. These are both three year terms.

ACTION. Motion by Councilmember Monson seconded by Councilmember Quayle to approve ratification of Dan King and Allen Lowe as presented. Motion carried unanimously.

Proclamation: Faith Exchange Welcome Weeks (FEWW) – Betsy Franchina.

Betsy Franchina introduced Faith Exchange Welcome Weeks (FEWW). Cache Community Connections invites everyone to participate in FEWW during the month of November. Cache Community Connections is a group of civic and religious leaders who came together the day after 9/11 to formulate a united response to the previous day's events. For the past several years the CCC has sponsored FEWW during the month of November to encourage everyone to attend their fellow community member's religious services and meetings. This is not a time for proselytizing, but of information, understanding, and hopefully thankfulness for the growing religious diversity that our community has to offer. Mayor Watts and Cache County will both sign the FEWW Proclamation.

Mrs. Franchina also announced that on Sunday, November 20 the CCC and the Concert and Lectures Series will sponsor the eighth annual Interfaith Thanksgiving Service that will be held at 7:00 p.m. at the Logan Tabernacle. This is a free event and the public is invited to attend.

Mr. Nielsen announced that Early Voting is being held here at City Hall until Friday, November 4, 2011.

COUNCIL BUSINESS.

Chairman Olsen announced that a joint meeting with the Logan City Council and the Logan City School District will be held on Tuesday, November 29, 2011 beginning at 5:30 p.m. in the Logan City Hall Conference Room. Agenda items to be discussed are the Logan Recreation Center, anti idling discussion and air quality.

Chairman Olsen announced that the December 20, 2011 council meeting has been canceled and there will only be one council meeting to be held on Tuesday, December 6, 2011.

ACTION ITEMS.

PUBLIC HEARING - Budget Adjustment FY 2011-12 appropriating: \$2,000 for funds donated for the purchase of football helmets; \$5,000 for the SAFG Grant to assist the police department with costs of fighting drugs; \$26,511 for the reimbursement of fire related expenses for fire deployments – Resolution 11-81.

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. 11-81 as presented. Motion carried unanimously.

PUBLIC HEARING - Consideration of a proposed text amendment to the Land Development Code (LDC) allowing a mortuary (no chapel, minor parking) in the Town Center (TC) zone – Ordinance 11-82.

Chairman Olsen opened the meeting to a public hearing.

Kent Smith with Serenicare addressed the Council and stated this is a full service mortuary. Their services include embalming and they also sell first class caskets. They do not have a chapel attached to their facility; they do not have on site funerals or viewings. They have visitation for families and don't require a large parking lot. Their pricing is significantly less than other mortuaries. There are 400 funerals annually that take place and there are limited choices. The average funeral is \$4,000 to \$6,000 dollars. They will have a funeral car and they will access the back of the building. He said the building has been empty for the last three years and Serenicare would like to open and locate their business to this area. They will make several improvements to the façade and will also improve the inside of the building. He has not been able to find another location for Serenicare within Logan City at this time. He said they want to be known by other local businesses and they want to compete on a level playing field.

City Attorney Kymber Housley said the Planning Commission was supportive of the concept of the business but not in the Town Center where it is being proposed. The other two mortuaries that are currently located in the Town Center have been grandfathered and were there before the zone change. The vote from the Planning Commission was unanimous to deny the zone change for Serenicare to locate in the Town Center.

Councilmember Swenson said the change is in the Land Use Code that would prevent any future mortuaries in the Town Center.

Senior Planner Russ Holley responded that Staff recommended denial because the Town Center is the hub of downtown and indicates land uses such as retail, housing and restaurants to get more people on the street. Mortuary land use would not be compatible and would not bring people to the Town Center on a daily basis. Mortuaries are allowed in commercial and commercial service zones.

Mr. Holley said the information regarding this proposed project was given to the Neighborhood Councils.

Logan resident Marilyn Griffin addressed the Council. She feels the concept of Serenicare is a good one but she is not sure this is the best location next to the two eating establishments that are there now.

Mr. Smith stated Nelson Funeral Home doesn't have any issues with Serenicare being located in this area. If he can't find the right building he will have to look in another City for a location. He stated they have been treated very well by those they have worked with at Logan City.

Chairman Olsen closed the public hearing.

Councilmember Monson said he knows there are people who struggle to pay for a funeral and he feels there should be other options. He applauds what Serenicare is doing and feels this is needed in Logan City.

Councilmember Quayle said if this were approved it would set a precedent and would be opened to others to locate in the Town Center. He said the closeness of the two eating establishment is a concern to him.

Mr. Smith said the property behind the proposed building is owned by someone else and Serenicare would not do anything with this property.

Councilmember Daines doesn't feel this location fits the current code and zone but she does support the Serenicare business concept.

Chairman Olsen concurs with Councilmember Monson and feels this is a good and needed service. He does have anxiety that staff has recommended denial as did the Planning Commission and the Council should not ignore their recommendations. He would like to make this a win-win for Serenicare and if the Council does not approve the zone change tonight, he would like the City staff to look for another location.

Councilmember Swenson said this would be a valuable service in Logan but the Council should look at the General Plan and what the uses are for the Town Center. The reasons for denial are that it does not meet the intent of what we are trying to do in the Town Center.

Councilmember Monson made a friendly amendment to the motion by Councilmember Swenson that the other two mortuaries that are located in the Town Center be asked to relocate because they are not compatible with the Land Use Codes.

Councilmember Swenson did not accept the friendly amendment from Councilmember Monson.

ACTION. Motion by Councilmember Swenson seconded by Councilmember Daines to deny Ord. 11-82 as presented. Motion carried 4-1 (Monson voted nay).

WORKSHOP ITEMS.

Budget Adjustment FY 2011-12 appropriating: \$9,318 for the reimbursement of the Technical Rescue Training Program; \$7,831 for the reimbursement from Cache County Emergency Medical Services (CCEMS) for firefighting expenses – Resolution 11-84 – Richard Anderson.

Mr. Anderson explained the proposed budget adjustment.

This will be an action item and public hearing at the November 15, 2011 council meeting.

Consideration of a proposed rezone of the Royal Point Subdivision from Mixed Residential Medium (MRM) to Mixed Residential High (MRH) at 1360 North 200 West – Ordinance 11-85 – Russ Holley.

Senior Planner Russ Holley addressed the Council regarding the proposed ordinance. The proponent is requesting a rezone of Lot #6 from Mixed Residential Medium (MRM) to Mixed Residential High (MRH). This would achieve a higher density allowing for a proper Logan City subdivision to occur and thus creating recognized building lots. It would then be the intention of the proponent to build a multi-family structure (up to 4 units for .24 acres) in the vacant area in the southwest corner. The MRM zone allows 11 units per acre. The MRH zone allows 20 units per acre. Currently, Lot #6 is developed at 15.5 units per acre. Staff recommended that the Planning Commission recommend Denial to the Council for a rezone of the property located at 1360 North 200 West. At the Planning Commission meeting, three individuals from the neighborhood voiced their concerns and did not want to have a rezone in this area. The Planning Commission voted 5-1 to deny the rezone. The lots are all separately owned and are considered legally existing, nonconforming and already exceeds the density limit.

Mr. Housley said this was developed as one lot and the proponent wants to change the zone to maximize density and eliminate open space.

Councilmember Quayle feels that Logan City doesn't need additional high density housing in this area.

This will be an action item and public hearing at the November 15, 2011 council meeting.

Consideration of an amendment to Section 6.04.090 of the Logan Municipal Code regarding Animal Waste – Ordinance 11-83 – Kymber Housley.

City Attorney Kymber Housley presented the proposed ordinance. He said the amendment to Ordinance 11-83 is that any person violating the foregoing subsection shall be guilty of an infraction and shall be subject to a fine of not less than one hundred dollars (\$100) for each violation. The wording of fifteen (\$15.00) nor more than fifty dollars (\$50.00) would be eliminated. The amendment would also add the wording that the sentencing judge may require that the offender devote up to four hours in cleaning up feces from a public park or other area designated by the sentencing judge. This mirrors the State of Utah littering ordinance but the Council can change the amounts as needed. The first offense would be at a lesser fee and it would go up from there.

Councilmember Daines asked if we should look at changing the fee of not less than \$50 but up to \$100.

Police Chief Gary Jensen reported to the Council on the unobligated hours worked by animal control. There are three animal control officers that work for Logan City. He stated by far these three animal control officers take calls well and above what the police officers take, the calls are shorter but the number of calls is a greater amount. During the two month time period he reviewed, no citations were given for the proposed ordinance. He said the police department is looking at ways they can change the way they handle

wild animal calls which they often receive. The Division of Wildlife Services should handle these calls rather than the police department. He feels this could be an opportunity to make the public more responsible and government less responsible and also look at the way we handle cat issues. He contacted several cities in Cache County and most of them do not respond to cat or wildlife animal calls. Currently, Logan City has to hold a cat for five days rather than three days and that is a significant budget issue for the police department. Currently they have not had the time to enforce or watch for dogs in City parks that are not being cleaned up after by their owners.

Councilmember Swenson said she knows the animal control officers are maxed out on what they are trying to do.

Councilmember Daines said maybe we need to look at adopting a change in the ordinance that Logan City doesn't deal with cat and wildlife calls similar to what other communities are doing. This is a quality of life issue and we need to ask what the public would like Logan City to do about these issues.

Chairman Olsen asked if Chief Jensen can meet with the Division of Wildlife Resources and ask if they can take the wildlife calls. He feels there is a sense of irritation by the community that pet owners are not responsible and these pets leave messes for the rest of the public and this should be addressed.

Councilmember Swenson asked if during the officer's downtime they could maybe once during the day go to a different park and look to see if there is compliance by dog owners.

Councilmember Daines suggested that we do an awareness campaign for the public and have a program to educate people.

Citizen Joe Tennant addressed the Council and stated he was recently on the Logan River Trail and there was a man there with an unleashed dog. Mr. Tennant suggested there be a location with a posted phone number that people can call to report problems.

Councilmember Monson said that every police officer should be aware of this concern and it would only take one or two citations being given and an awareness campaign that would inform people of this ordinance and the consequences.

Chairman Olsen also suggested that information be given when people license their dog and at that time be reminded to clean up after their dog and what the fees are if they don't clean up.

This will be an action item and public hearing at the November 15, 2011 council meeting.
Consideration of a resolution authorizing signature of the Cache Community Emergency Watershed Project (CCEWP) Cost Share Agreement – Resolution 11-86 – Mark Nielsen.

Public Works Mark Nielsen stated Logan City has met with other Cache County communities and Cache County is indicating they will need to have buy in from the other

communities involved and the canal companies before proceeding. The record of decision has been signed by the NRCS. The proposed agreement has been reviewed by City Attorney Kymber Housley and himself. Modifications have been made to the agreement that came from the recently held joint meeting and those are reflected in the copies the Council now has in front of them. He said one key part is an operating agreement and after this project goes forward there will be an operating agreement.

Mr. Housley said Mayor Watts, even with authorization from the Council, won't sign until we have a comfort level with the agreement and we are comfortable with 98% of the agreement at this time. He said conceptually this is an agreement we are comfortable with from the cost sharing standpoint.

Councilmember Daines feels the County is shifting the costs to other people and they are getting a tremendous benefit they are not paying for. The County is receiving major benefits that are perhaps intangible but they are worth something. The benefits include better water management for the entire County, benefits to the valley wide economy and water for future County development. There is no number with these benefits but she would like to send this back to the County. Currently the County would pay \$129,000 and Logan City over one million dollars in addition to the homes that have been purchased. Her proposal is for the County to increase their amount to \$451,500, lower Smithfield and Hyde Park by a small amount to \$354,750, North Logan to \$516,000 and Logan's share would be \$930,000 not including the properties involved. Logan is getting some storm water benefit but doesn't feel that Logan is getting a good deal with the current amounts. She doesn't feel the County is coming up with their fair share of the burden.

Councilmember Monson said the County is us (Logan City) and we are the largest City. Most of the lands where storm water is being used is within Logan City limits.

Mr. Housley said this agreement cannot be sold on storm water alone; it has to be based on the countywide benefit to maximize our water. He said there is a potential that the other cities don't do anything and the County might have to negotiate with them so these numbers could change.

Councilmember Swenson asked how much of the water usage is going to the unincorporated areas and does the canal benefit any unincorporated areas.

Mr. Nielsen said the water goes out to Richmond and the farmers are getting the agriculture benefit.

Mr. Housley said the farmers are paying through the canal contribution. The County has said as agriculture is taken out and development takes over. The water high on the hill will help with utilization.

Mr. Nielsen said they want to keep the water high on the hill all the way out to Smithfield. It will give a lot of flexibility to other cities in the future.

Councilmember Monson asked will we jeopardize losing the money if we wait to sign the agreement.

Mr. Nielsen said we don't know what the other cities are going to do. He has talked with Mayor Watts and Logan benefits the most from this project. We have the Logan Northern Canal to use for a storm water channel and that is a significant benefit for Logan.

Councilmember Swenson feels the County should have done more to get federal funding.

Mr. Housley said the NRCS will give Logan City credit for the purchase of the properties and the cleanup.

Councilmember Swenson feels this is a good deal for Logan and we should move ahead.

Councilmember Quayle feels it would be fair to interject Councilmember Daines concerns.

Councilmember Daines said there are intangible benefits that she doesn't feel the engineers took into account.

Mr. Housley said this is not perfect in the cost allocation but with the time restraints we have we probably won't get more and over time it will not lower the payments. The County is taking the risks on the cost overruns and they will be required to pay if anything goes over.

Councilmember Olsen said we need to justify to the citizens of Logan what the costs are, what we get and what we are paying for.

This will be an action item and public hearing at the November 15, 2011 council meeting.

Mr. Nielsen will talk with the other cities mentioned tonight, prior to the November 15 council meeting and see if they want to adjust their amounts.

OTHER CONSIDERATIONS.

Councilmember Swenson distributed an excerpt from the Logan City General Plan. It talks about the guiding principles we have and the vision for Logan and preserving the character of our neighborhoods. She has concerns about taller buildings being built in single family neighborhoods and feels we need to be careful when it comes to this issue. We want to allow tall buildings in some areas but be careful about what we are doing. We want density but what we have in the current plan is not sensitive to single family homes. The specific areas of concern which need to be looked as a potential problem are the gravel pit by campus residential on 1400 North, West of the Temple block and all the mixed use zones and anywhere else where someone might see a problem. She is hoping the Council will look at the density issues in the future.

Chairman Olsen said these comments will be noted and will also be given to the Planning Department.

Chairman Olsen said he has a concern that when an earthquake occurs one of the practical problems that we need to be aware of is the Post Earthquake Rapid Visualization Inspection. We have a small number of building inspectors in the City and he is concerned about how they would get to all the damaged buildings. We need to address this issue and should enlist engineers from USU, local professionals and deputize them to do inspections to reoccupy buildings. He will get additional information on this issue and will give this to the fire department.

ADJOURN.

There being no further business to come before the Council, meeting adjourned at 7:35 p.m.

Teresa Harris, City Recorder