

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, September 6, 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: Chairman Herm Olsen, Vice Chairman Dean Quayle, Holly Daines, Laraine Swenson and Jay Monson. Administration present: City Attorney Kymber Housley, Finance Director Richard Anderson and City Recorder Teresa Harris. Excused: Mayor Randy Watts.

### **OPENING CEREMONY.**

City Attorney Kymber Housley gave the opening prayer and led the audience in the pledge of allegiance.

Chairman Olsen welcomed scout troops from the Logan East Stake and Troop 224 from the Logan Second Ward who were in attendance at tonight's meeting.

Chairman Olsen welcomed those present. There were approximately 27 citizens in the audience at the beginning of the meeting.

**Meeting Minutes.** Minutes of the Council meeting from August 23, 2011 were reviewed and approved with minor changes.

**Meeting Agenda.** The meeting agenda was approved. Chairman Olsen announced at tonight's meeting there would be five 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, September 20, 2011.

Chairman Olsen excused Mayor Watts who is out of town at this time. The Acting Mayor is City Attorney Kymber Housley.

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

Citizen Dave Nielson addressed the Council and said he is representing the owners of the LaPlata Ranch on the South end of Cache County. They have asked him to come and express their appreciation to the Mayor and Council in upgrading the Logan/Cache Airport with an instrument landing system. They do have one request which is 133,000 acres of public and private land located and accessed by three county roads. These roads have been overlooked over the years and he feels the time has come for the citizens of Cache County and Logan to take an interest in this area and look at the opportunities that are available. He distributed a report to the Council of the proposed plans for this area.

Citizen Frank Stewart addressed the Council. Mr. Stewart lives at 1146 North 680 East and is here tonight representing the Adam's Park neighborhood. He and the

neighborhood are very disturbed about a proposed project on 1000 North 600 East that affects six homes and an open field. He said whatever has progressed forward has done so without all of the Council members knowing and also the citizens in this neighborhood. They have not heard anything about this project until this week. The area has been rezoned without anyone knowing and is in direct competition with a project that USU is doing in the same area. USU doesn't know anything about this project either. The ramifications of the project are huge for the neighborhood it will decrease equity, decrease the lifestyle the residents currently have and they are concerned about the increased traffic and the homes that will be torn down. This building will not solve the problems with the student population. All of the student housing at USU has been filled this year and there are more students attending USU than ever before because of the economy. When the economy improves the attendance will decrease and there will be more housing than is needed. The ramifications on the traffic side are the changes at the intersection and there will be more cars. The neighborhood is very disturbed and they are against this project moving forward, especially not knowing about the housing project.

Community Development Mike DeSimone said there is not a formal application for a project in this area but there is an inquiry. The developers of the project will hold a public open house with the neighborhood and find out what the issues are and then come back to the City with a proposal. No decisions have been made on this project at this time.

Councilmember Swenson said throughout the process campus residential went from 400 North to 1000 North and she asked at what point in time did this move from 1000 North to 1200 North. She said none of the council members were aware of this change being made and does not show in any of the future land use maps.

Mr. DeSimone responded that staff is going back now to look for this information and find when this happened. He said the property in question has been rezoned campus residential and was approved for a rezone to campus residential. The property that will come before the council for a rezone is a small piece to the northwest where there is an existing duplex and that will be formally rezoned.

Councilmember Swenson said that she looked through the entire city code at the changes that have been made and the red lined copy. The only place this rezone would have showed would be a map which was an 8 ½ x 11 map of the entire city and was very difficult to read. She said there is no way the Council could have known if at the last minute changes were made and she doesn't recall any discussion amongst the council with this change being made.

Chairman Olsen recognized and identified Council candidates Ken Cox, Doug Thompson, Robert Horning and Tom Jensen who were in attendance at tonight's meeting.

Council Candidate Robert Horning addressed the Council regarding Electronic Message Displays. He explained the differences of the brightness of the signs and what can be done to address this issue. He offered his services to the City if needed.

Citizen Marilyn Griffin addressed the Council. Mrs. Griffin is currently the Adams Neighborhood Council Chair. She thanked the Council for the time they are taking to make improvements in the City and making a difference in the various neighborhoods throughout Logan. She appreciates that the Council has taken seriously the General Plan to make changes. She said the Adam's Neighborhood has been selected as the first neighbored to work on a specific plan for the Adam's area. An open house was held and there was a lot of interest. The citizens feel their voice is being heard. She is concerned about the proposed items on tonight's council agenda and she feels these should be referred to the Adam's Specific Plan Committee for their input. She feels it would not be wise to have spot projects taking place when the residents have been told they are working on a plan and their input will be heard and considered. She said getting it right is very important.

Chairman Olsen thanked Marilyn for her service on the neighborhood council.

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

No Mayor or Staff reports.

#### **COUNCIL BUSINESS.**

#### **ACTION ITEMS.**

#### **PUBLIC HEARING – Consolidated Annual Performance and Evaluation Report (CAPER) - Resolution 11-65.**

Chairman Olsen opened the meeting to a public hearing.

There was no public comment and the hearing was closed.

CDBG Coordinator James Olsen addressed the Council and stated that in the council's packet he provided the amount allocated to city projects and those allocated to non city projects since 2004. The non city allocation amount is 1.9 million dollars which was allocated to non profits and others. In talking with Public Works Director Mark Nielsen, the 1.9 million dollar amount would pay for 18 miles of sidewalk or 6 miles of sidewalk, curb and gutter.

Councilmember Swenson said the 18 miles is 25% of the total unbuilt sidewalk for the city and the 6 miles is 5% of the total unbuilt sidewalk, curb and gutter. She wanted to put into perspective these amounts which also include those we partner with and are non city projects such as neighborhood nonprofit and the after school programs. She wanted to understand what we are giving away when we give away.

Councilmember Quayle said there are so many human service needs and if those needs weren't met with CDBG money what would have happened to these groups. He feels a great deal of good is done and it's a balancing act. This money helps a lot of people.

**ACTION.** Motion by Councilmember Swenson seconded by Councilmember Quayle to approve Res. 11-65 as presented. Motion carried unanimously.

**PUBLIC HEARING - Budget Adjustment FY 2011-12 appropriating: \$5,270 design of fire station 72; \$42,590 Impact Fee Study; \$7,000 K9 training program; \$7,100 GIS Aerial photography; \$637,329 golf course club house construction; \$135,379 River Park Well project; \$63,165 SCADA upgrade for booster & storage tanks; \$274,520 Western Region Lift Station force main; \$74,721 West Region Lift Station; \$84,969 TMDL support: assess phosphorus loads; \$818,702 Environmental Dept rolling stock; \$8,177 storm water master plan; \$66,799 Total flood control Phase I Study; \$294,094 CDBG grant; \$34,928 After Marker Grant; \$15,675 distracted driving grant; \$125,372 ARRA Energy Efficiency block grant; \$34,928 After School Grant; \$800 RDA FY11 Grant; \$1,000 RDA Economic Summit Grant; \$480,000 County Road Tax grant 200 East from 400 North to 950 North; \$1,873,743 County Road Tax grant 200 East from 1000 North to 1250 North; \$224,144 RAPZ grants; \$9,945 RAPZ Deer Pen sidewalk grant; \$273,491 10<sup>th</sup> West Electric project – Resolution 11-61.**

Chairman Olsen opened the meeting to a public hearing.

There was no public comment and the hearing was closed.

**ACTION.** Motion by Councilmember Daines seconded by Councilmember Monson to approve Res. 11-61 as presented. Motion carried unanimously.

**PUBLIC HEARING - Budget Adjustment FY 2011-12 appropriating: \$18,500 wild-land deployment; \$1,200 educational trunks; \$300,000 design of Smithfield Lift Station; \$110,000 FY 12 JAG Grants; \$4,321 providing North Logan City with Engine Boss – Resolution 11-62.**

Chairman Olsen opened the meeting to a public hearing.

There was no public comment and the hearing was closed.

**ACTION.** Motion by Councilmember Daines seconded by Councilmember Quayle to approve Res. 11-62 as presented. Motion carried unanimously.

**PUBLIC HEARING – Budget Adjustment FY 2011-12 appropriating: \$95,000 change orders for the Logan River Golf Course Clubhouse – Resolution 11-70.**

Chairman Olsen opened the meeting to a public hearing.

Citizen Robert Horning addressed the council regarding the Golf Course Clubhouse. He hopes that some of the questions regarding the clubhouse at the last council meeting will be answered tonight.

Chairman Olsen closed the public hearing at this time.

Councilmember Swenson asked who the project manager is and she also asked about the status of the LEEDS certification of the Golf Course Clubhouse.

Mr. Akina said he is the project manager and LEED is certainly part of the code that the Council passed some time ago with regards to a specific area. The building inspector has noted that is the ceiling underneath the pro shop area is required to have an insulation that will keep the pro shop area from of not having the conservation values that it should have and is something they will do in-house. They will not be getting the LEED Silver certification on the building.

Councilmember Swenson said why not when this is in the city code.

Mr. Akina responded the instruction they received from the building inspector and the architect has done all they can to meet energy efficiency.

Mr. Housley said the clubhouse is under the 10,000 square ft. requirement and is exempt under the current code.

Mr. Akina said he will bring plans of the building and will provide these to the Council.

Chairman Olsen said he is under the impression that the certification is rather expensive.

Councilmember Swenson said before we passed the requirement in our code that all buildings over 10,000 square ft. be LEED Silver certified. The Council talked about it extensively but it's unlikely that the same level will be achieved if the LEED certification is not required.

Councilmember Daines said it does add significant additional costs and administrative challenges.

Councilmember Monson said the Council should look at changing this in the code and the reason Utah State doesn't do LEEDS is because of the costs.

Councilmember Swenson said what USU is building now is LEED Silver certified and the entire country is going this direction because it's becoming a standard to measure.

Mr. Akina said with the square footage they wanted to preserve the basement and there is a cost savings to do this and they are working around that square footage. They are not trying to avoid the LEED code.

Councilmember Quayle asked what is the cost to gain LEED Silver certification.

Councilmember Swenson said generally it's a 2% cost.

Mr. Nielsen responded the new police building is LEED Silver certified and the estimate for the LEED certification was approximately \$250,000 which included the design, extra architectural fees, construction costs and certification and application fees. He does not know the payback amount but it would be things such as recycled materials, and the

HVAC system. They are all good ideas but they don't have much of a payback other than its good for the environment.

Mr. Akina said regarding the insulation for the pro shop floor, the estimate was in the amount of \$28,000 just for the extended ceiling in the basement and it will have payback overtime. He clarified the amount he is requesting for change orders is \$95,000.

**ACTION.** Motion by Councilmember Monson seconded by Councilmember Quayle to approve Res. 11-70 as presented. Motion carried (4-1) Daines voted nay.

**PUBLIC HEARING – Consideration of a resolution approving Reservation Fees for the Logan River Golf Course Clubhouse Tournament Room – Resolution 11-63.**

Chairman Olsen opened the meeting to a public hearing.

There was no public comment and the hearing was closed.

**ACTION.** Motion by Councilmember Swenson seconded by Councilmember Monson to approve Res. 11-63 as presented. Motion carried unanimously.

**Municipal Primary Election – Consideration of a resolution approving polling locations and poll workers for the September 13, 2011 Municipal Primary Election – Resolution 11-64.**

**ACTION.** Motion by Councilmember Monson seconded by Councilmember Quayle to approve Res. 11-64 as presented. Motion carried unanimously.

**WORKSHOP ITEMS.**

**Budget Adjustment FY 2011-12 appropriating: \$10,473 for new police vehicle; –\$105,057 decrease in CDBG budget; \$3,112,541 for the 10<sup>th</sup> West Project (South End) - Resolution 11-71 – Richard Anderson.**

Mr. Anderson explained the proposed budget adjustment.

Councilmember Daines asked how we can go forward without this going out for bid on the 10<sup>th</sup> West project.

Mr. Nielsen stated he is extremely frustrated. Out of the 3.1 million dollars, 2.4 million of that is strictly for the sewer line that we found was degraded and needed to be replaced. The 3.1 million dollars is a surprise and some of this is how UDOT structured their project, trenches were made and problems were found along the way. He said all of City's work on the South end has now been completed. Everything that has been done is a plus for the future. We will have the same issues on the north end of 10<sup>th</sup> West but we will know exactly what it will cost. Sooner or later we would need to do these repairs anyway and what has been completed were problem areas that will not be problem areas for 50-75 years.

Mr. Anderson said there are two concerns, one of which is that other projects will be delayed and the other concern is funding which will deplete our reserves completely with the 10<sup>th</sup> West project. There is a significant amount of debt in the water fund and in his opinion we will need to look at raising water rates to meet and accomplish all of the projects we have. This will come before the Council before the next budget period.

Mr. Nielsen said for most of the replacement costs, impact fees will not be used.

Mr. Akina stated that regarding the sidewalk project on 300 South there is a meeting tomorrow with the school district and they will address the issue of timing of the sidewalk project.

This will be an action item and public hearing at the September 20, 2011 council meeting.

**Consideration of a joint plan of the City of Logan and the Logan Downtown Alliance to encourage housing in Downtown Logan – Resolution 11-72 – Kirk Jensen.**

Economic Development Director Kirk Jensen reviewed the proposed resolution. He said this is a joint housing program with the Downtown Alliance and the City of Logan. The City of Logan General Plan and the draft Downtown Specific Plan both acknowledge the importance of housing to the vitality of downtown and the Housing Plan is a means of implementing the housing objectives outlined in both the General Plan and the draft Downtown Specific Plan. The Logan Downtown Alliance also supports this plan and is committed to the realization of its state of objectives.

This will be an action item and public hearing at the September 20, 2011 council meeting.

**Consideration of a proposed Adoption of the Logan Housing Plan – Ordinance 11-69 – Glen Goins.**

Community Development Planner Glen Goins stated the proposed resolution has been work shopped before and he said it has been recommended for approval by the Planning Commission.

Councilmember Swenson said in a recent BRAG newsletter it lists a different percentage for owner occupied housing.

Mr. Goins said he will look at the differences on the percentage and will report back to the Council.

Councilmember Swenson said from reading the Housing Plan it states that Logan's needs have been met and our growth rate has declined to 1.26% which is significant. The vast majority of low income housing is located in Logan. Because our growth rate has slowed down and we are out of proportion and it might be a good time to slow down in what we incentivize with low income housing.

Mr. Goins responded there are different levels of affordability that need to be addressed. The plan recommends that we increase or assist in the development of 50% AMI housing stock. We need to look at what levels of affordable housing is needed in Logan.

Councilmember Swenson said the number one goal is stabilization in target neighborhoods such as Adam, Wilson, Ellis and Woodruff, through code enforcement, targeted infill projects and low income home buyer assistance.

This will be an action item and public hearing at the September 20, 2011 council meeting.

**Consideration of a proposed zone change from Public (PUB) to Town Center (TC) to accommodate a proposed mixed use development of retail and residential at the corner of Church Street & Federal Avenue on .59 acres – Ordinance 11-68 – Glen Goins.**

Mr. Goins addressed the proposed rezone on the property located at 76 East 200 North in the Federal and Church block area. The proponent is requesting an amendment to the official zoning map for the property to change from the current zoning of Public (PUB) to Town Center (TC). This property is currently owned by Logan City and is the site of a public parking lot. The size of the total property is approximately 1.7 acres. The area of the rezone is 0.57 acres. The area of the parcel not being rezoned will remain as the site of the Logan Fire Station and is a public parking lot. All of the agencies responding to the request did recommend approval and the Planning Commission recommended unanimous approval. The reaction from the Adam's Neighborhood was they did not have any major concerns about the rezone; there was a concern about the future project. The neighborhood was told there would still need to be a site plan submitted, another planning commission hearing, other public hearings and their concerns would be addressed at that time. The rezone is being handled independently from the project itself.

Councilmember Swenson suggested it would be good to always check with the neighborhood in which a project is being proposed to get the neighborhood reaction and input.

This will be an action item and public hearing at the September 20, 2011 council meeting.

**Consideration of a proposed text amendment of the Town Center (TC) zone in the Land Development Code (LDC) – Ordinance 11-67 – Glen Goins.**

Mr. Goins stated this is a proposed text amendment of the Town Center (TC) zone and was brought forward by Logan City. The proposal is to amend these sections by increasing the maximum residential density from 30 units per acre to 70 units per acre, and increasing the maximum residential density with a density bonus from 60 units per acre to 100 units per acre. The current allowable density in the Town Center Zone is a maximum of 30 units per acre, and a maximum of 60 units per acre if the maximum density bonus is granted. The Planning Commission recommended approval with a 3-2 vote.

Councilmember Swenson asked what is the tallest downtown building we have which she thinks would be the Wells Fargo building and is five stories/62 feet. Our code allows for 20 feet plus taller than the current Wells Fargo building. She asked how do you make a building fit with what's adjacent so it doesn't look out of place in the middle of the City.

Mr. Goins said a taller commercial next to a smaller commercial building in a downtown city is going to happen in a downtown area. We don't have a transition built in the code, what it does address is transition to residential areas and that is where you need to have the stepping.

Councilmember Swenson said in the code, it states that in order to get the current bonus density we have without the text amendment change, the developer has to buy or pay for open space to build that more dense of a building. She said this is a TDR program and we are the receiving zone. If we are going to allow this as private. We should continue that on that same rate and she would consider this a receiving zone. She would like to hear other options on the 10 over 10 up on the building size. She doesn't feel this is enough for a single family home to have an 8 story building next to them.

Mr. Goins will respond back to the Council at the next meeting with more information regarding Councilmember Swenson's questions.

Councilmember Monson asked about parking in the proposed area. Parking is always an issue and more parking is needed in the downtown and he feels we should be forward thinking with future parking.

Mr. Goins responded the city's interest is that we not have any lost parking with the proposed project.

Councilmember Quayle asked about the Adam's Neighborhood addressing this proposal and getting their input.

Mr. Goins said yes, they will have the Adam's Neighborhood respond to the proposal. There has also been contact with the school district on this proposed project and the intent is to continue including the school district in the planning project along with the Adam's Neighborhood Council.

This will be an action item and public hearing at the September 20, 2011 council meeting.

#### **OTHER CONSIDERATIONS.**

No additional items for discussion at this time.

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

#### **WORKSHOP ITEM:**

**Consideration of a proposed resolution approving agency assistance to Lewiston State Bank for its Redevelopment Project in the Downtown Redevelopment Area (RDA) – Resolution 11-66 RDA – Kirk Jensen.**

Councilmember Swenson recued herself due to her husband sitting on the Lewiston State Bank Board.

Economic Development Director Kirk Jensen gave a presentation regarding the proposed resolution. This is Lewiston State Bank's development of a branch at 298 South Main in the Downtown Redevelopment Project Area (RDA). The project is estimated to produce new property tax increment in the RDA of \$169,294. The incentivize package from the Redevelopment Agency is that Lewiston State Bank will receive 100% of the available property tax increment generated by the project annually during the life of the RDA, not to exceed \$50,000. Lewiston State Bank will also receive RDA funds for certain streetscape improvements approved as part of the Gateway Enhancement Project. All construction plans are to be approved by the City of Logan Planning Commission. Additionally, the Redevelopment Agency encourages Lewiston State Bank to utilize local contractors and vendors whenever possible.

Councilmember Monson said he wants this project to tie in with other projects in this area and all of the improvements that have been made with the Joann's remodel and the new Chuck-a-Rama.

This will be an action item and public hearing at the September 20, 2011 council meeting.

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

**ADJOURN.**

Teresa Harris, City Recorder