

**REGULAR SESSION OF THE  
BRIGHAM CITY COUNCIL  
October 2, 2014, 7:00 PM**

PRESENT:	Tyler Vincent	Mayor
	DJ Bott	Councilmember
	Alden Farr	Councilmember
	Ruth Jensen	Councilmember
	Mark Thompson	Councilmember
ALSO PRESENT:	Joseph Bach	Fire Chief
	Mark Bradley	City Planner
	Dave Burnett	Public Power Director
	Mary Kate Christensen	City Recorder
	Jared Johnson	Community Development Director
	Paul Larsen	Economic Development Director
	Bruce Leonard	City Administrator
	Tyler Pugsley	Public Works Director
	Jason Roberts	Finance Director
	Paul Tittensor	Police Chief
EXCUSED:	Tom Peterson	Councilmember

Mayor Vincent called the meeting to order and excused Councilmember Peterson who was out of town on business. The Reverence Period was given by Pastor Adrian Ben, Alpine Church. The Pledge of Allegiance was recited.

**Minutes:** Councilmember Jensen made a motion to approve the minutes as written, seconded and unanimously carried.

**AGENDA**

**RECOGNITION OF FORMER COUNCILMEMBER BRIAN REX**

**RECOGNITION OF EMPLOYEES**

New Hire, Community Development

**PUBLIC COMMENT**

**COUNCILMEMBER REPORTS**

**CONSENT**

Appointments to Economic Development Board

**SCHEDULED DELEGATION**

Request for Waiver of Compost Fees for Community Garden

Proclamation Declaring International Credit Union Week

Proclamation Declaring Domestic Violence Awareness Month

**NEW BUSINESS**

Consideration of Resolution to Adopt the Election to Pick up Employee Contributions to the Utah Firefighters Retirement System

Consideration of Resolution Authorizing the Issuance and Sale of the City's Sales Tax Revenue Bonds, Series 2014, in the Aggregate Principal Amount of Not to Exceed \$8M and Related Matters for USU Brigham City Regional Campus Academic Building

## PLANNING COMMISSION

Request for Approval of Ordinance Amending Title 29 Regarding Personal Wireless Telecommunications Facilities, to Include Definitions, Incorporate the Use of Small Cell Facilities, and Clarify Locating on City-Owned Power and Light Poles (*TABLED*)

Request for Approval of Ordinance Amending Title 29 Regarding Area, Width, Frontage, Yard and Coverage Regulations to Incorporate a Minimum Setback for all Buildings Located Along West Forest Street

Request for Approval of Ordinance Amending Title 29 Regarding Recreation and Entertainment to Allow Athletic Club; Health Club; Spa Fitness Center, Sports Courts, Martial Arts, Karate Studio as Permitted Uses in the Central Business District

Request for Approval of Orange Grove PUD Subdivision Located at Approximately 540 South 1050 West

## RECOGNITION OF FORMER COUNCILMEMBER BRIAN REX

Mayor Vincent presented Brian Rex with a clock recognizing him for his service to Brigham City as a councilmember. He stated that Mr. Rex is very smart and brought a lot of insight and guidance to the table.

## RECOGNITION OF EMPLOYEES

### New Hire, Community Development

Jose Cordova was recently hired as a part-time custodian in the Community Development Division

## PUBLIC COMMENT

Mayor Vincent stated that citizens have told him that they do not have the opportunity to express their concerns during Public Comment due to time constraints. Therefore, a change has been made to the Public Comment Period. Residents of Brigham City will be given the opportunity to speak first. A resident is someone who can vote in Brigham City and could run for office. If time allows within the 15 minute period, non-residents will then be invited to speak.

Sheila Hassett, Brigham City - Ms. Hassett said she is a resident of Brigham City and is a U.S. citizen so she does have the right to vote and perhaps in the future she may run for office. Back east out of Texas she was a member of the City Council for many, many years. In fact she was the Mayor of a City for two years. One of her huge concerns here, she was away for a lot of the summer and missed a lot of the meetings, but the feedback she got from most people was that they're still very, very unhappy with the inaccuracy of the minutes of the meetings. She thought that was addressed because back in April, she believed it was April when we voted on the smart meters and there was a discrepancy. Through the whole meeting they referred to Cottonwood Grove and at the end of the meeting Tom Peterson said no, it's Canyon Cove. So the next meeting she came in 30 minutes early and addressed all of you personally and said please amend the last minutes of the meeting before you vote on them because as an ex-councilmember it's not just the routine to say I'd like to pass the minutes and the other person says aye I pass them too. You have a liability because, I hope to God before you ask for them to be passed and the person that agrees to have them passed, I hope to God you have read them for accuracy. With that in mind, she came in early and said let's change that from Cottonwood Grove to Canyon Cove. You all had a little huddle for a few minutes and then said oh no worries, neither one was mentioned. So then I said OK, so then I went to see the City Manager and his reply made me smile because in the military when

something huge happens and its months later, he said, oh, I was off that day. So guess what? The City Manager was off that night so he didn't hear any of it. So I was told that Mary Kate was the person that recorded the minutes. She said she was appalled to find that they were recorded because for accuracy you're supposed to have someone typing them like you would in a court of law or somebody that can write them in shorthand. And they are supposed to be quite accurate. So Mary Kate was kind enough to give me the minutes, but after she gave them to me she said I spent two hours listening to that recording. Ms. Hassett said she did not care if you spent a week listening to the recording you didn't even recall what was in the minutes that night. At the end she said it doesn't really matter whether it's Cottonwood Grove or Canyon Cove I don't think they know where it's going to be so what's the big deal. So the big deal is please, please you are here, you're elected by the people for the people. So please give us some kind of assurance that the minutes will be recorded accurately and not just a summary of the recording because she heard there's been some technical issues with the recording, so that would totally be avoided if somebody is sitting here with shorthand.

Sharon Vaughn, Deputy Project Leader of the Bear River Migratory Bird Refuge - Ms. Vaughn announced three events at the Bird Refuge this year. The public use at the Refuge has been increasing steadily. She started there in 2008 and it has doubled since the new road was built on Forest Street and a facility that can be seen on Highway 15. They have over 200,000 visitors to the Refuge annually. They are not the same as national parks. They have visitors from 45 different countries. They are listed as one of the ten top birding stops in the world. They are also on the Yellowstone Corridor, so people stop on their way to Yellowstone and stay in Brigham City. It is a wonderful community and their relationship with the community is something they are very thankful for. They also have a program at the Refuge where every fourth grader in Box Elder County goes through a program called Mountain Wilds to Wetland Wonders. That is 80,000 students and teachers that go through that. Part of the two initiatives involves this. Education is a huge program they have at the Refuge. This program is nationally known and also the large visitation they get. As a refuge it is not commonly known as an urban refuge because they are not technically an urban refuge but because of their visitation and major education program, they have become known as an urban refuge. That is bringing a lot of attention and dollars to the Refuge for especially what is called the Urban Refuge initiative which is starting up this year, they put together a proposal for this initiative called the Bear River Migratory Bird Refuge Urban Project. It is working with partners and they have letters of support from Brigham City, the mayors of Ogden, Layton and Salt Lake and also the governor.

Mark J. Creager, Brigham City - Mr. Creager said he has lived in Brigham City for 14 years. When he first came here he saw people blowing leaves into the street. He thought they were going to get in trouble because of what had happened to him in other cities. Yet the City came along and sucked up the leaves and took it out to the compost and he thought that is really intelligent; that is really a smart thing to do. Unfortunately, that is about the last thing he thought that was intelligent. He said he hates doing this and doesn't like standing up here; it bothers him. But, he read a communication from his employer about the recent internet slow down. *"There was an internet slow down day . . . however, CenturyLink believes regulations should not require those who do not want higher speeds or increased performance levels to pay the same rates as those who do."* Mr. Creager said it really doesn't apply to UTOPIA, except that his employer believes not only in themselves, in their game plan, in the products they supply, but they believe in their customers. UTOPIA has looked you right in the eye and said they don't believe in anything because they want to force people to use their stuff. For people that have it, love it because they have what's in fact, they have a 10-wheel motor home. They are paying the price of a Subaru for it, but they want everyone

else here to pay the price. They cannot use it because they'll still need to buy an ISP. Thirty years ago we thought we made it clear to government that we did not want government sanctioned monopolies. That's why AT&T Bell was divested. We got rid of it, yet here are the UTA and UTOPIA. UTA is a government sanctioned monopoly that can make as much money off of us as they want and get away with it. Across the mountain in Logan is the Cache Valley Transit District that started out as the Logan Transit District. UTA said it would fail because they let everyone ride for free. The bus rolls around this City all the time. UTA has proven that they can survive with those buses empty; they don't need people to pay. Have you ever asked Cache Valley Transit District if Logan could show us how to do the same system here and let everybody ride for free? Asking directions is not a problem. Public officials are the stewards of the public trust. Nothing personal, but you're not kings and queens. The kings and queens occupy this room and the homes outside. You are here to take care and maintain for us. Therefore, he would like you to go across that mountain, do a study. You all talk about doing things, ask those people if we can do it and if we can, how to do it. It's just a simple question. There's an old joke about people who don't ask questions. We don't want to be that.

Wendy English, Brigham City - Ms. English said they are so excited about the new Utah State that is coming and she knew there were some people that are concerned about it, so she did a little bit of research and found out that where there is a university and there are college degrees, there is a 10% increase in college degrees and there is a rise in wages of 7.8%. They did some research on six metropolitan areas that have unemployment below 4% as of January 2014, and all those areas had universities. One of those was Logan Utah, home of Utah State University. They have unemployment at 3.8% as of January 2014. She thought this has even gone down since then. Four percent is basically 100% unemployment. That speaks really well of the opportunity to have a growing university in our area. Some of the research has shown that when there is a university in the community, it attracts revenue from outside the immediate area through tuition endowments, income and state tax allocations, and also it attracts different kinds of human capital, which would be really nice to bring back to our little town of Brigham City, the human capital when ATK was robust in our community. As an opportunity to work closely with Utah State she has gained a great love and appreciation for what they do for the community and for the kinds of kids we are sending out that are staying in Brigham City and using their skills to start up new business and to also assist in professional areas in our town. She said she is thrilled that we have the university coming and hoped that we have no problems getting the bond passed.

Don Dunbar, Brigham City - Mr. Dunbar said he has a degree from USU. Tuition was lower when he went to school. When his dad went it was \$25 a quarter. The State of Utah might be able to bond or fund or give the funding for the \$7.5M USU Extension Service but Brigham City cannot afford it. Forget it. We don't need any more bonding. If it goes sour it's going to add up on our utility bills or property tax. The other item is, something Mayor Vincent brought up. He welcomed Mayor Vincent back from fighting with the EPA and asked how he liked the Feds; maybe he can push them back like they did King George in 1776. Everything they do, the EPA, is built on a lie. He objected to the recent change in the criteria for people speaking. The First Amendment to the Constitution of the State and the Federal Government has no provision in there for anybody living in a town. He can speak in Florida if he wants and the Mayor can speak in Kentucky, New Orleans, L.A. There was a guy in Wyoming not long ago, he was a card carrying Communist. His name was Bill Ayers. He wrote speeches and still does. He was convicted of several federal crimes and was involved with the Black Panthers in the early 1970s. Mr. Ayers spoke at the University of Wyoming at Laramie. We didn't want him to. Ranchers and farmers said they would cut funding to the University of Wyoming at

Laramie if Bill Ayers spoke. The administration didn't want him to speak; the students, faculty, nobody wanted him to speak. So they blocked him. Bill went to the U.S. Magistrate in Denver and got a report and recommendation to the U.S. District Judge. They came back with a court order and Bill Ayers spoke. Anybody here can do that too. DeAnna Hardy lives just outside the City of Brigham, are you going to block her from speaking? You can't do it. The thing about getting into federal court at levels of playing field and it isn't like it is here, you're not top dog; the Constitution is. He totally objected to the bonding for the USU Extension Service. It is a waste of time and money. Colleges nowadays, unless they are a private school, are top heavy and administration is ripping off the students with tuition and taxes, everything. The kids are getting a bum deal. He has a degree from USU, an honest degree. Most of what he learned was either home school or on the job training. The degree is nice; it looks nice on the wall. Don't get too carried away in this economy with USU degrees. We have a number of PhDs that can't find work. Just something to think about. You're going to have a revolt.

Becky Maddox, Brigham City - Ms. Maddox said she wanted to do something on a lighter note. She prepared a little Constitution Day Quiz and gave a copy to each of the City councilmembers and those in the audience. She read some of the statements. *"From each according to his ability; to each according to his need."* *"Only a virtuous people are capable of freedom. As nations become corrupt and vicious, they have more need of masters."* *"To preserve our independence, we must not let our leaders load us with perpetual debt."* *"All tyranny needs to gain a foothold is for people of good conscience to remain silent."* *"It is hardly too strong to say that the constitution was made to guard the people against the dangers of good intentions. There are men in all ages who mean to govern well, but they mean to govern. They promise to be good masters, but they mean to be masters."* Ms. Maddox thanked the Council. She was at Perry's City Council meeting last week. Brigham City Council has so much more dignity than they do. You'd stand up to speak and the City Council could ask you questions and they could take up your time by giving answers. People in the audience would just holler out whatever they wanted to holler. She suggested to them that they might want to allow a person to say what they wanted to say and then maybe afterward there could be questions or some back and forth. This made her appreciate Brigham City's City Council. It was just bedlam, especially after coming here to this meeting. She said she appreciated the hard work the Council does and she knew being on the City Council is not an easy thing. Sometimes we wonder why they don't listen and seem to respond as though they understand what we are saying. But we appreciate many things that you do, even though sometimes we wonder. She thanked the Council for allowing the citizens to speak.

Nancy Kennedy, Brigham City - Ms. Kennedy said she is an elected official. She strongly encouraged the Council to support the USU bond. As a School Board, they do their best and work hard to provide students that are college prepared and are ready to go on and advance. The ability to be able to have a resource here in our community where these kids can continue to grow and educate and then return to the community is a huge asset. We need this. She said she knows there are always objections to spending money, but as a community we help those that are coming behind us. She hoped that the kids we are educating now will be our mayors, will be our representatives, will be our doctors that take care of us and if we don't provide them the opportunity to grow and learn we all wind up in trouble. She strongly encouraged the Council to support the Board. They appreciate the fact that they work hard for what they do and understand your position is difficult as an elected official. She added that as a part of the unvocal majority, she said she loves her UTOPIA. It gives her resources, it is fast, she has easy access. It is a great resource. It brings businesses to the community because we have an infrastructure. There are people that are willing to invest; there are

people that are willing to be here. As a community we provide those services individuals cannot provide themselves. She expressed appreciation to the Council for their time and efforts and she is proud to be a citizen of Brigham City.

Bonnie Germer, Brigham City - Ms. Germer said she was at the Perry Council as well. What Ms. Maddox said is true. It was just chaos over there and it wasn't by the audience, it wasn't meanness or madness by the citizens, it was the City Council. They were absolutely silly. She thanked the Council. The Perry meeting was about UTOPIA and there were a lot of things said in that meeting that she had never heard and she did not think she had missed too many meetings on UTOPIA. But there were a lot of things said that she has a lot of questions about. She did not think a lot of the Council has heard these things come out. Therefore, she was glad a lot of people do like their UTOPIA, but she really wants them to pay for it. She did not want them coming after her to pay for theirs because they're so dang happy. She appreciated the Council letting her speak.

The 15-minute Public Comment Period time limit ended.

#### COUNCILMEMBER REPORTS

Councilmember Farr said he did not have any meetings to report on. There was a scheduled Airport meeting, but it was cancelled. He said the new Fire Chief sends emails from time to time and at the bottom of the emails there are quotes. He shared one of those quotes by Brian Tracy, *"Leaders think and talk about the solutions; followers think and talk about the problems."* It's wonderful that we live in a great land and we have freedom of speech and we should talk about our differences, as mentioned by Ms. Maddox. He appreciated her and Ms. Germer being willing to acknowledge the Council. The Council is certainly not perfect, but tries to do their best and tries to represent the citizens the best they can. They will not make everyone happy, but if everyone can work together as a community and try to all be leaders and try to find solutions and do good, as opposed to talking about all our shortcomings, the world would be a better place.

Councilmember Bott did not have any meetings since the last reporting period.

Councilmember Thompson reminded the Council and audience of the USU groundbreaking ceremony on October 9. This will be a significant advancement for the City.

Councilmember Jensen said the employee dinner was really good. She appreciates the employees and everybody that participated. The Trap Shoot was a lot of fun. She hit four out of 25. She commended the Staff Review Committee. There is no councilmember assigned to this committee, but she likes to go visit it from time to time and see what is going on in our City. It consists of all the directors that are protecting and serving the City and a lot of time they amaze her on some of the questions they ask and how diligent they are in making sure that everything is fitting as properly as possible. She also reported that she went to the Boys & Girls Club and they talked about grants, financial tracking and cash flow. Councilmember Farr was also there. They gave an overview on their Quick Books software program that they are redoing and how much more diligent they are going to be in reporting on all monies spent. There are a lot of committees she serves on and there are quite a few of them that are very diligent in how much money they are spending, how they are using that money, and how they are stretching it. She appreciates them and the Boys & Girls is one of them, and so is the Senior Center. She also announced there is a Give Local Campaign going on. This is a campaign to encourage businesses and residents to give time, resources and funding to local

non-profits and community agencies. Local charities do more with less, have less overhead, and provide more services for less money and work to serve the community, youth families and neighborhoods. Councilmember Jensen also attended the Bear River Association of Governments meeting. They talked a lot about what they do over there. It's the Human Service Award and they gave them a lot of facts and information on Box Elder County. Facts such as 10.1% live in poverty in Box Elder County. The average commute time is 23 minutes. Twenty-two percent of the renter's households are extremely low income, and 75% pay more than 50% of their income to housing. She felt this kind of information will help her as a councilmember to make certain decisions when certain things come up. These committees and boards the councilmember go to are amazing, they work really hard, and they try to give them as much information as they can. She appreciated the appointments the Councilmembers have.

Mayor Vincent expressed appreciation to the councilmembers for their time and their dedication they put forward in our community. They go and do a lot of hard work. They miss activities with their families to make sure they attend those boards. We have great boards in our City that make sure things are done properly and right and our councilmembers spend a lot of time working with them and being on those boards.

#### CONSENT

##### Appointments to Economic Development Board

It was recommended Michelle Forsgren and Kenny Kawa be appointed to the Economic Development Board.

**MOTION:** A motion to approve the Consent Agenda was made by Councilmember Bott, seconded by Councilmember Jensen and unanimously carried.

#### SCHEDULED DELEGATION

##### Request for Waiver of Compost Fees for Community Garden

Ms. Liz Braithwaite from the Box Elder Community Garden Board came forward. She said the garden started earlier this year. It is an area for gardening for any member of the community and is located at the Holy Cross Lutheran Church at 700 East and 100 South. They are currently getting prepared to start signing people up for next spring. They are planning a work day for October 11 to prep for the winter. They will be getting materials from the Green Waste Facility. They could use up to 28 cubic yards of green waste compost and 32 cubic feet of wood chips. They are flexible on the amount. They would like it delivered if possible. This would be a total cost of \$880.

They currently only have 3-4 members. They have enough plots for up to 48+ members. A plot will cost \$10 for a 4' X 10' plot. This fee pays for the irrigation water.

Councilmember Jensen said she always writes a check, but she cannot write a check for \$880, but she will donate \$50 to the cause and encouraged the rest of the Council to do the same. She explained that the Council tries not to waive permit fees, waive impact fees and other fees because if they do it for a nonprofit then a resident or business owner wants the same thing done for them. It sets a precedent.

Mayor Vincent agreed that the Council has tried not to set a precedent. For the Council to say that one person's issue is more important than another is difficult to do. There have been

others come and ask for things and the Council has been very careful not to do it. Mayor Vincent said he would give \$50 also.

Councilmember Jensen invited those in attendance to also write a check to help out. Councilmember Thompson said he would also donate.

Checks should be written to Box Elder County Gardens. Donations will be collected by the Mayor's Executive Assistant.

Councilmember Bott said the wood chips are free at certain times of the year. Mr. Pugsley clarified that the large wood chips are free in the spring, upon Council approval.

#### **Proclamation Declaring International Credit Union Week**

Mr. Brad Barber from Members First Credit Union, Nate Bingham from America First Credit Union, and Marilyn Yoshida from Box Elder Credit Union came forward. Mr. Barber announced that International Credit Union Week is October 12-18, 2014. This year's theme is "Local Service, Global Good." The Mayor signed the proclamation.

#### **Proclamation Declaring Domestic Violence Awareness Month**

Penny Evans from the New Hope Crisis Center came forward and expressed appreciation to the Brigham City Police Department. Without them, they could not do their jobs. They make their shelter a safer place. She read the following statement from a survivor:

*"Four years ago on this day I was living in a shelter in the New Hope Crisis Center. When I came to the shelter I had very few personal belongings, no money, no job, and most of all I had no hope. I was humiliated because of the things that had happened to me and was ready to give up. My first day in shelter I was told about the classes they offered and I decided to go to every one that I could. I took a life skills class, a domestic support group, a class on personal finances and saw a clinical social worker once a week. They helped me look for a job, giving me rides or bus tokens when needed, and encouraged me as I went to several job interviews. When I did find a job, I was able to leave the shelter on a transitional housing program and they helped me with things to furnish my apartment and with food when needed. I was able to continue with the clinical social worker for several weeks after leaving and attended several of the group meetings after leaving as well. I don't even like to think what might have happened had I not been able to come to shelter. They helped me realize that I could make it and they truly helped me find hope."*

Ms. Evans said October is Domestic Violence Awareness Month and she asked the Mayor to declare this by signing the proclamation.

### **NEW BUSINESS**

#### **Consideration of Resolution to Adopt the Election to Pick up Employee Contributions to the Utah Firefighters Retirement System**

Mr. Bosworth explained that at the last meeting he brought a resolution before the Council to adopt into the firefighter retirement system program. After he sent the resolution to the State of Utah, they told him they also needed a resolution stating that the City would pick up

the contribution for the firefighters. The firefighter retirement system has been set up as a contributory system; the rest of the City employees are set up as a noncontributory system.

**MOTION:** A motion to approve the resolution to adopt the election to pick up employee contributions to the Utah Firefighters Retirement System was made by Councilmember Thompson, seconded by Councilmember Bott. A roll call vote was taken:

Councilmember Bott - aye  
Councilmember Farr - aye  
Councilmember Jensen - aye  
Councilmember Thompson - aye

Resolution was approved with a unanimous vote.

**Consideration of Resolution Authorizing the Issuance and Sale of the City's Sales Tax Revenue Bonds, Series 2014, in the Aggregate Principal Amount of Not to Exceed \$8M and Related Matters for USU Brigham City Regional Campus Academic Building**

Mr. Larsen came forward along with Alex Buxton from Zion's Bank. Mr. Larsen explained that this bond is the vehicle to accomplish what the City and USU have been working on for many years. The interlocal agreements with the taxing entities in the County were adopted approximately two years ago. The City will use the revenue from the five taxing entities in the County. This is a revenue bond and will not raise property taxes. It is property taxes that the new development in the improvement area will generate. The revenue under the interlocal agreements has already been accumulating.

This parameters resolution is the beginning of the bonding process. Parameters resolutions estimate high, so even though it says \$8M, the City is not going to bond for \$8M.

Mr. Larsen added that this is one of the most positive developments Brigham City has seen in many years.

**MOTION:** Councilmember Jensen made a motion to approve the resolution authorizing the issuance and sale of the City's sales tax revenue bonds, Series 2014, in the aggregate principal amount of not to exceed \$8M and related matters for the USU Brigham City Regional Campus Academic Building. The motion was seconded by Councilmember Thompson. A roll call vote was taken.

Councilmember Bott - aye  
Councilmember Farr - aye  
Councilmember Jensen - aye  
Councilmember Thompson - aye

The motion unanimously carried.

**PLANNING COMMISSION**

**Request for Approval of Ordinance Amending Title 29 Regarding Area, Width, Frontage, Yard and Coverage Regulations to Incorporate a Minimum Setback for all Buildings Located Along West Forest Street**

Mr. Bradley came to the table and explained that the purpose of this amendment is to incorporate a minimum setback for all buildings in the Industrial Districts along West Forest Street. The intent is to establish a corridor standard. Staff has looked at each parcel to identify the impact of a 30' setback.

**MOTION:** Councilmember Farr made a motion to approve the ordinance amending Title 29 regarding area, width, frontage, yard and coverage regulations to incorporate a minimum setback for all buildings located along West Forest Street. The motion was seconded by Councilmember Thompson.

Councilmember Bott - aye

Councilmember Farr - aye

Councilmember Jensen - aye

Councilmember Thompson - aye

Voting was unanimously in favor.

**Request for Approval of Ordinance Amending Title 29 Regarding Recreation and Entertainment to Allow Athletic Club; Health Club; Spa Fitness Center, Sports Courts, Martial Arts, Karate Studio as Permitted Uses in the Central Business District**

Mr. Bradley reported that there was a significant revision to the General Commercial and Central Business Districts in 2009. At that time health clubs, dance studios, martial arts studios, and gymnasiums were categorized as not permitted in the Central Business District. This was based primarily on the impact of parking. Most of the impact was taking place on the east side of Main Street. There was also a concern that with this type of business there is a tendency to block the windows so passersby cannot see those in working, which is not desirable in the main downtown area.

After readdressing this, the Planning Commission recommended these be allowed in the Central Business District as a permitted use with a note under the use category in the ordinance stating that windows facing Main Street are not allowed to be blocked out with opaque coverings.

Councilmember Bott expressed concern with parking, as well as people dropping off students without parking. He has even experienced being blocked in a parking stall waiting for them to move. It was felt this couldn't be regulated by the City, other than the Police Department being called.

**MOTION:** A motion to approve the ordinance amending Title 29 regarding recreation and entertainment to allow athletic clubs, health clubs, spa fitness centers, sports courts, martial arts and karate studios as permitted uses in the Central Business District as discussed was made by Councilmember Thompson, seconded by Councilmember Bott.

Councilmember Bott - aye

Councilmember Farr - aye

Councilmember Jensen - aye

Councilmember Thompson - aye

Motion was unanimously carried.

**Request for Approval of Orange Grove PUD Subdivision Located at Approximately 540 South 1050 West**

Mr. Bradley stated that the developer is under contract with the City to purchase this property. It was going to be the original Cottonwood Grove Phase III before the State put a moratorium on the tax credit program. The new developer will have a similar arrangement with the street design, but is changing from duplexes to single family detached patio homes. There will be 34 units. They will have their own Home Owners Association, separate from Cottonwood Grove.

Councilmember Jensen asked if this will be senior living. The developer from Gardner and Pasch came forward and said the intention of the project is for patio style homes, ideally for single level, 55 and over community. There will be two-bedroom, two bath units; three bedroom, two bath units; two car and three car options.

**MOTION:** Councilmember Thompson made a motion to approve the Orange Grove PUD Subdivision located at approximately 540 South 1050 West, seconded by Councilmember Bott.

Councilmember Bott - aye

Councilmember Farr - aye

Councilmember Jensen - aye

Councilmember Thompson - aye

Voting was unanimously in favor.

Councilmember Jensen said when she attended the BRAG meeting they discussed how quickly Logan has grown and the need for housing. They said kids are going to college, getting their degrees and jobs, but there is not enough housing in Logan for families. She said there has been recent construction in Brigham City for low income housing and now senior housing; the City should now focus on family housing.

The meeting adjourned at 8:38 PM.