

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, July 19, 2016 at 5:30 p.m. in the Logan City Municipal Council Chamber, 290 North 100 West, Logan, Utah. Chairman Herm Olsen conducting.

Councilmembers present at the beginning of the meeting: Chairman Herm Olsen, Vice Chairman Holly Daines (participated electronically), Councilmember Tom Jensen, Councilmember S. Eugene Needham and Councilmember Jeannie F. Simmonds. Administration present: Finance Director Richard Anderson, City Attorney Kymber Housley and City Recorder Teresa Harris. Excused: Mayor H. Craig Petersen.

Chairman Olsen welcomed those present. There were approximately 11 citizens in the audience at the beginning of the meeting.

OPENING CEREMONY:

Holly Smith gave the opening thought and led the audience in the pledge of allegiance.

Meeting Minutes. Minutes of the Council meeting from June 21, 2016 were reviewed and approved.

ACTION. Motion by Councilmember Simmonds seconded by Councilmember Needham to **approve the June 21, 2016 minutes and approve tonight's agenda.** Motion carried unanimously.

Meeting Agenda. Chairman Olsen announced there is one public hearing scheduled for tonight's Council meeting.

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, August 2, 2016.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL:

There were no comments or questions for the Mayor or Council.

MAYOR/STAFF REPORTS:

Health Impact Assessment – Chris Danley, Bear River Health Department (10 min.)

Chris Danley, Project Consultant from Vitruvian Planning addressed the Council regarding the Health Impact Assessment (HIA) of the City of Logan Bicycle and Pedestrian Plan. He said the Health Impact Assessment is a process that helps evaluate the potential health effects of a plan, project or policy before it is built or implemented. An HIA can provide recommendations to increase positive health outcomes and minimize adverse health outcomes. For Logan, it is an evaluation of the likely impacts of implementing recommendations of the 2015 Bicycle and Pedestrian Master Plan.

The four projects that were determined to have the most likely impacts were selected based on current social determinants of health. The indicators used to determine the geographic areas most likely facing difficult health conditions included income, employment, education attainment, average age, race, and others.

Based on pure health impacts and use rates for disparate populations, effects on low income populations, older adults, minority populations and the overall breadth of each trail segment the trails were prioritized for additional consideration from the City and Bear River Health Department. The trails impacts and thus priority ranking are as follows:

1. West Logan Trail
2. Logan River Trail
3. Logan and Northern Canal Trail
4. South 400 Trail

Recommendations and Mitigation from the Health Impact Assessment are the following:

- Connect to Nearby Areas
- Minimize Vehicular Interactions
- Collect Data
- Environmental Stewardship
- Promote Social Cohesion
- Develop a Trail Culture
- Account for Maintenance Needs
- Ensure Safety for All Users
- Keep the Conversation Going
- Integrate Economic Considerations
- Funding Approaches
- Monitor and Evaluate

Mr. Danley reported that most traffic signals in Logan fail to meet the minimum federal requirements for the amount of time that's to be give to cross the street. This is something the City can address quickly with minimum effort and resources and will improve walk ability and bike ability in the community. Some signals can be manually delayed for those who might need more time to cross the street.

Councilmember Simmonds asked how many of those traffic signals are on Main Street?

Mr. Danley responded that he looked at 6-8 intersections on Main Street and all of them failed. Pedestrians are not given enough time to cross the street at all of these intersections.

Chairman Olsen stated that all of the traffic signals on Main Street and 400 North are controlled by UDOT. He said the Council can talk with UDOT and have them bring their traffic signals into federal guidelines. But, he is also intrigued by the fact that other traffic signals in Logan's jurisdiction don't meet the guidelines.

Mr. Danley reported that Logan controlled traffic signals have been discussed and they are part of the recommendations. UDOT is required to adopt the Manual Uniform Traffic Control Devices and they have to comply with this in order to receive federal funding.

Chairman Olsen thanked Mr. Danley for his presentation.

COUNCIL BUSINESS:

Chairman Olsen asked Assistant Fire Chief Will Lusk if there are fire restrictions in place at this time.

Assistant Fire Chief Will Lusk responded the fire restrictions have been posted on the City Website and Facebook page. Fireworks can be displayed three days before and three days after the 4th and 24th of July holidays and also includes the following:

Due to weather conditions typically experienced in July of each year in Logan coupled with expected drying conditions and normal to heavy loading of vegetation, it is determined by the Logan City Fire Chief that those expected environmental conditions necessitate restricting the use of fireworks in certain areas.

Therefore under the authority of Logan Municipal Code Title 8, Chapter 4 and in accordance with state law, the City of Logan Fire Chief/ Fire Code Official hereby orders that the use, igniting, or displaying of fireworks of any type and the following exempt explosives; sparklers, model rockets, flare guns, snakes or glow worms defined in Utah Code Ann. §53-7-202 is prohibited in the following areas:

- 1 - The Wildland Urban Interface Area which has been defined as:
 - a. Any area within 300' of any mountainous, brush-covered, or forested areas.
 - b. Within 300' of any undeveloped wildland or land being used for agricultural purposes.

This order shall be in effect for the period of July 21, 2016 to July 28, 2016.

Chairman Olsen asked Parks & Recreation Director Russ Akina if another drinking fountain can be placed at the outdoor tennis courts at the Recreation Center.

Mr. Akina responded that the drinking fountain was removed due to a leak and he will work with Logan High School on getting the water fountain replaced, this is on Logan School District property.

City Attorney Kymber Housley suggested placing large water jugs at this location in the meantime.

Mr. Akina reminded everyone to be prepared if they are going to be outside and to bring their own water in case a water fountain is not available.

Board Appointment – Renewable Energy & Conservation Advisory Board (RECAB) – Chairman Herm Olsen

Chairman Olsen asked for ratification of R. Ryan Dupont to serve on the Renewable Energy & Conservation Advisory Board (RECAB) which is a two year term.

ACTION. Motion by Councilmember Simmonds seconded by Councilmember Jensen to **approve ratification of R. Ryan Dupont** as presented. Motion carried by roll call vote.

Daines: Aye

Needham: Aye

Simmonds: Aye

Jensen: Aye

Olsen: Aye

ACTION ITEMS:

PUBLIC HEARING – Consideration of a proposed ordinance adjusting the boundary between the City of Logan and the City of River Heights – Ordinance 16-21

At the April 19, 2016 Council meeting, Mr. Housley addressed the Council regarding the proposed boundary adjustment. He was approached by Wasatch Construction which is a division of Wasatch Properties. This is a Dell Loy Hansen project in the area of the Riverwoods Apartments and they have approached the City asking if we would be willing to do a boundary line adjustment to include the property shown in the exhibit which he provided to the Council. The parcel is located at approximately 200 East 600 South in River Heights and is approximately 5.44 acres. River Heights City has also been notified and they are doing a similar resolution for this boundary adjustment. The purpose is to extend the current Riverwoods complex for additional housing. The issue for River Heights is they don't have the ability to provide utilities without a lot of cost.

At the May 3, 2016 the Council unanimously approved Resolution 16-23 approving the intent to adjust the boundary between the City of Logan and the City of River Heights.

Chairman Olsen opened the meeting to a public hearing.

There were no comments and Chairman Olsen closed the public hearing.

Chairman Olsen stated that with the annexation of 92 units, some will be occupied by school age children and all of the money from the property tax dedicated to school districts will go to the Cache County School District, even though these children will go to Logan City Schools.

City Attorney Kymber Housley stated that because we have open enrollment, students can choose to go to Logan City Schools but students in this area will be in the Cache County School District.

Chairman Olsen stated this is not something the Council can fix and it takes a legislative solution but he continues to be offended by what he feels is an underlying, statutory scheme that robs Logan City Schools.

Mr. Housley further explained that up until the mid 1990's, when the municipality changed the boundaries, they automatically changed the school district boundaries and then the law was changed. Changing the boundaries of the school district should be done by the elected body of the school districts and not the elected municipal body. This is a policy decision and is done by the school district and in his opinion, it makes more sense.

Chairman Olsen stated the Cache County School District will never vote to deplete their own resource fund and give money to the Logan City School District when they can continue getting money for their own school district.

Mr. Housley added the school district has the ability to restrict enrolment. If they are in the Cache County School District they can change their policy to not allow students to come in and they have chosen not to.

ACTION. Motion by Councilmember Jensen seconded by Councilmember Simmonds to **adopt Ordinance 16-21** as presented. Motion carried by roll call vote.

Daines: Aye

Needham: Aye

Simmonds: Aye

Jensen: Aye

Olsen: Nay

Consideration of a proposed resolution approving an interlocal agreement with the Utah Local Governments Trust – Resolution 16-38

City Attorney Kymber Housley addressed the Council and stated that any participating member of the Utah Local Governments Trust (ULGT) is required to enter into an interlocal agreement to authorize the ULGT to act as Logan City's insurance entity. It does not bind us to anything financially and we can choose not be a part of the ULGT at any time.

ACTION. Motion by Councilmember Simmonds seconded by Councilmember Needham to **approve Resolution 16-38** as presented. Motion carried by roll call vote.

Daines: Aye

Needham: Aye

Simmonds: Aye

Jensen: Aye

Olsen: Aye

WORKSHOP ITEMS:

Budget Adjustment FY 2016-2017 appropriating: \$12,000 for the Emergency Management Performance Grant (EMPG). The funds will be used to cover necessary expenses for local emergency management programs; \$40,000 for 2016

Freedom Fire Independence Day Celebration at USU (RAPZ); \$50,000 Aquatic Center Slide Gel Coating (RAPZ); \$100,000 Canyon Connector Trail (RAPZ); \$30,000 Bridger Park Parking Lot (RAPZ); \$30,000 Park Avenue Connector Trail (RAPZ); \$50,000 Soccer Sports Complex Trail Paving (RAPZ); \$40,000 Trapper park Playground (RAPZ) \$84,863 2016 RAPZ Tax Municipal Population Allocation: \$600 grant received from EDCUtah Community Match Grant Program for reimbursement on travel and training for professional economic development; \$3,000 grant received from EDCUtah Community Match Grant Program for marketing purposes related to economic development - Resolution 16-39 – Richard Anderson, Finance Director

Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustments.

The proposed resolution will be an action item and public hearing at the August 2, 2016 Council meeting.

Future Land Use Plan (FLUP) Amendment and Zone Change – Consideration of a proposed FLUP Amendment, Zone Change for the Falls at Riverwoods Phase II. Bracken Atkinson/Evelyn H. Ellis, authorized agent/owner, requests a Future Land Use Plan (FLUP) amendment and zone change to Mixed Use (MU) and expansion of the current multi-family complex for an additional 92 units on 5.4 acres at approximately 650 South 100 East – Ordinance 16-20 – Amber Pollan, Planner

Amber Pollan addressed the Council regarding the proposed amendment. The applicant is proposing to disconnect from River Heights City a 5.28 acre property into the City of Logan then Rezone it to Mixed Use and obtain a design review permit for 92 new dwelling units. The dwelling units are proposed as two 24-plexs (because of exercise rooms, one will be a 22-plex), five 6-unit townhomes and four 4-unit townhome buildings. The 24-plexs are located in the center of the property and the townhome buildings wrap the perimeter. Two accessory garage buildings are located near the East border and the remaining surface parking lots are dispersed around the residential dwellings. Sidewalks and landscaping will go throughout the site. A road dedication of an additional 24' is shown along the North boarder for a future 66' 500 South right-of-way.

The land has historically been used for agriculture and is accessed by 500 South. The parcel sits northeast of the existing Falls at Riverwoods Phase One apartment complex which contains 214 units configured in nine 24-plexs. Low-density single family homes currently exist to the North and East inside the City of River Heights.

Staff recommended that the Planning Commission recommend approval to the Logan Municipal Council for the rezone and conditionally approve a Design Review Permit for Project #16-027, The Falls at Riverwoods II, for the property located at 650 South 100 East.

On June 23, 2016, the Planning Commission recommended that the Municipal Council approve the Future Land Use Plan amendment and Rezone of approximately 5.4 acres to Mixed Use. The project area is currently outside of the Logan City boundary.

Councilmember Jensen asked if there is any Mixed Use in the proposed project.

Ms. Pollan responded that it's a continuation of the overall Mixed Use project.

City Attorney Kymber Housley added when it was originally approved it was Mixed Use and subsequently the zone was changed but it came in as a Mixed Use project and was a horizontal rather than a vertical Mixed Use project.

The proposed ordinance will be an action item and public hearing at the August 2, 2016 Council meeting.

Code Amendment – Consideration of a proposed ordinance amending Chapter 10.60 of the Logan Municipal Code “Vehicle Weights and Class Limitations” adding Section 10.60.020, 100 North – Restricting Commercial Vehicles on 100 North from Main Street to 100 West – Ordinance 16-22 – Mark Nielsen, Public Works Director

Public Works Director Mark Nielsen addressed the Council regarding the proposed code amendment. The area is Main Street 100 North and the issue is cars are driving across the bulb-out and there are concerns about the safety of pedestrians who are standing on the bulb-out waiting to cross the street. There has been a request to place bollards along the area of the bulb-out. In order to do this, UDOT has said that truck traffic will have to be restricted from Main Street going West on 100 North. UDOT will not mandate that the corner be changed unless bollards are placed on the bulb-out corner and if bollards are placed, there must be truck restriction. He will verify with UDOT on whether or not the bulb-out could be moved back if the bollards are not there. The standard for bollards is they cannot be fixed within a clear zone. The plan is to put a concrete bollard that will sit on the concrete and if something heavy hits it then it will cause some damage and if something really heavy hits the bollards they will push back. The bollards would be a visual deterrent for drivers so they don't drive over the bulb-out and will help keep pedestrians safe. A car or a regular pickup truck can easily make a turn on this corner with no problems. The restriction would be for a UPS type truck, bus or semi-truck where they cannot make a turn without going into the other lane of traffic.

City Attorney Housley suggested that the left hand turn lane could be removed for traffic going eastbound on 100 North and only have one lane for either through traffic or those turning left and a right hand turn lane. He feels this would be better than drivers running into the bollards.

Mr. Nielsen said a lane going East and a lane going West would meet the truck radius requirements.

Chairman Olsen asked could the bulb-out be reduced by five feet on the North side.

Mr. Nielsen responded yes, the bulb-out can be reduced for larger vehicles to turn the corner.

Councilmember Simmonds said that removing a traffic lane is the least expensive of the options rather than reducing the bulb-out which will be more costly.

Mr. Nielsen stated that he will get more information on costs for reducing the bulb-out. He will also contact the Downtown Alliance and the business owners on West Center Street and get their input prior to the August 2 Council meeting regarding the bulb-out, truck restrictions and bollards.

Vice Chairman Daines recused herself from the discussion on this issue because of her association with Cache Valley Bank. She also indicated that Cache Valley Bank is the one making this request.

Chairman Olsen suggested that Downtown Manager Gary Saxton be invited to attend the next Council meeting and ask him to talk with the business owners along 100 North and report to the Council at the August 2 Council meeting.

Vice Chairman Daines stated that if the bulb-outs remain, bollards still need to be placed there because it is a safety issue with pedestrians waiting on the corner to cross the street and cars crossing over the bulb-out.

Councilmember Needham said he owns a business in this area and he does not have a concern with the proposed changes.

The proposed ordinance will be an action item and public hearing at the August 2, 2016 Council meeting.

Consideration of a proposed resolution adopting Revised Water Service Connection Fees – Resolution 16-41 – Mark Nielsen

Public Works Director Mark Nielsen addressed the Council regarding the proposed resolution. He said in preparing Resolution 16-27 for revised Water Service Connection Fees that was approved by the Council a few weeks ago, he inadvertently used an old resolution that did not reflect the current connection fees. The intent of Resolution 16-27 was to not change the fees but add three new line items to capture costs associated with water services into 1000 West, video of sewer mains to verify sewer connections, and fire hydrant flow testing. He missed a resolution in 2014 that raised the connection fees. Instead of not changing the fees, the resolution reduced the fees to 2012 levels.

The table below summarizes the history of the fees.

Fee Description	2012 Fee	2014 Fee	2016 Fee	Revised 2016 Fee
1" Developed Connection	\$450	\$450	\$450	\$450
2" Developed Connection	\$1,200	\$1,300	\$1,200	\$1,300
1" Undeveloped Connection	\$4,800	\$6,298	\$4,800	\$6,298
2" Undeveloped Connection	\$5,100	\$9,155	\$5,100	\$9,155
4" Undeveloped Connection	\$12,550	\$14,835	\$12,550	\$14,835
6" Undeveloped Connection	\$15,150	\$19,475	\$15,150	\$19,475
6" Fire Hydrant Installation	\$6,400	\$8,321	\$6,400	\$8,321

This new resolution restores the Water Service Connection Fees to their previous level. Every fee should be changed to be identical to the 2014 fee. In addition, the three new line items have remained.

The proposed resolution will be an action item and public hearing at the August 2, 2016 Council meeting.

Code Amendment – Consideration of a proposed ordinance amending Subsection (C)(2) of 10.52.285 of the Logan Municipal Code Regulating the Booting of Vehicles – Ordinance 16-23 – Chief Gary Jensen

Police Chief Gary Jensen addressed the Council regarding the proposed ordinance amendment to add the following language:

- a. Provide a notice affixed to the boot or vehicle containing the name and telephone number of the firm that placed the boot on the vehicle, as well as the amount of the fee required to remove the boot **and dispatch personnel authorized to remove the boot to the location of the booted vehicle within (1) hour of a request made by the owner or authorized agent of the booted vehicle;**

Chief Jensen said there are times when the person being booted has waited almost 2½ hours for the booting company to respond and he feels that it's unreasonable for citizens to wait with no expectation of when the booting company will respond and remove the boot.

Councilmember Jensen this is a private contract with a private land owner and the booting company. He asked why the police are involved.

Chief Jensen responded there are often times when there is a lot of anxiety of the person being booted and the booting company. There are also heated tempers and questions on how to manage the booting incident. The police are there to deescalate the situation. Chief Jensen stated that he has not talked with the booting companies regarding the proposed amendment.

Mr. Housley said when this came to the Legal Department for his review; he asked the police department to contact the booting companies so they would have an opportunity to respond. The booting companies will also have an opportunity to respond at the next Council meeting during the public hearing on August 2. Mr. Housley said the Legal Department instructed Lt. Brett Randall at the police department that any booting company who has a Logan City Business License should be contacted. He said there are two booting companies that he is aware of in Logan City.

Chairman Olsen asked Chief Jensen to make sure both booting companies are notified about the proposed amendment so they have an opportunity to respond.

Chief Jensen said he will instruct Lt. Brett Randall to contact the booting companies.

Councilmember Jensen asked what would be the consequence if the proposed 1 hour amendment is approved and the booting company takes longer than 1 hour.

Mr. Housley responded it would be a business license revocation. This is just regulation and the booting company gets to boot whether we have an ordinance or not. The amendment is the City's attempt to regulate and make some rules to try and prevent any abuses.

Councilmember Jensen said he is concerned there could be extenuating circumstances such as the Fourth of July with lots of people parking all over the place or other types of events where there are a lot of people.

Vice Chairman Daines commented that the booting companies are on call 24/7 to boot someone, shouldn't they be on call 24/7 to remove the boot.

Councilmember Jensen asked what are the limitations to respond and if the booting company is dealing with several booting calls at once, they are being punished with what they have contractually been asked to do by keeping people from violating parking regulations.

Chairman Olsen suggested it could also be a staffing issue and the booting company might need to hire more staff.

Councilmember Jensen suggested that the police, legal department and the booting companies talk together and work out something that is reasonable. He does not feel that

someone with a boot should have to wait 3 hours. The booting company might need to add more staff and in doing that, they might also need to raise their fees.

Chief Jensen said the police department also has response time requirements with tow truck companies and if the tow truck companies want to be on a rotating list they have to abide by the response time. He said the police department is responding to complaints from people who get booted and nobody is happy when it happens to them. Chief Jensen said he is not arguing with the booting business but it's an inherently difficult business to be in and the police department responds to those unhappy people and are trying to come up with solutions so the police are responding less frequently.

Mr. Housley said booting is a lawful act and is allowed in Logan City, all we can do is regulate. The issue before the Council is the response time for the boot to be removed.

The proposed ordinance will be an action item and public hearing at the August 2, 2016 Council meeting.

Code Amendment – Consideration of a proposed ordinance amending Subsection (A) of 6.12.040 and adding Subsection (C) of 6.12.040 of the Logan Municipal Code Regulating Dog Registrations – Ordinance 16-24 – Chief Gary Jensen

Chief Jensen addressed the Council regarding the proposed ordinance amendment to add the following language:

- A. Any dog which has been duly or properly trained or is in training to assist the blind, deaf, or disabled and is acting in that capacity;
- B. Any dog which has been duly or properly trained and placed in custody of a police officer and is being used in police department work;
- C. **Any dog which has been duly or properly trained as a service animal but has not been spayed or neutered is not exempt from registration fees.**

Mr. Housley stated there really isn't a clear definition of a service animal. If someone calls it a service animal we are not allowed to question them beyond that point and that is the issue before the Council. A service animal can be a comfort to someone with disabilities or it can also be a trained animal such as the police have. Currently, we have a very broad definition.

Chief Jensen said people are coming to the police department and it seems to him for the purposes of not paying the fees, some are saying these are service animals which they might not be.

Councilmember Simmonds stated there are specific training programs for service animals and she does not think it's unreasonable for the City to require that in order to waive fees that the animal must participate in a training program. She feels these animals provide a great service to their owners.

Mr. Housley said there are training programs but there are is no nationally recognized certification. There are those who privately train their animals and we have to take people at their word that it's a service animal. We can't require any type of specific certification because it's not available.

The proposed ordinance will be an action item and public hearing at the August 2, 2016 Council meeting.

OTHER CONSIDERATIONS:

There were no further considerations brought forward to the Council.

ADJOURNED. There being no further business to come before the Council, the meeting of the Logan Municipal Council adjourned at 7:00 p.m.

Teresa Harris, City Recorder