

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, October 18, 2016 at 5:30 p.m. in the Logan City Municipal Council Chamber, 290 North 100 West, Logan, Utah. Chairman Olsen conducting.

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

Chairman Olsen welcomed those present. There were approximately 30 citizens in the audience at the beginning of the meeting.

### **OPENING CEREMONY:**

Dayton Crites offered a reflection, that throughout his worldly travels, our citizens are lucky to live in this beautiful valley. He commended those who were in the audience as well as the Council and public servants for working together to find better solutions locally. He led the audience in the pledge of allegiance.

**Meeting Minutes.** Minutes of the Council meeting from October 4, 2016 will be reviewed and approved at the November 1, 2016 Council meeting.

**Meeting Agenda.** Chairman Olsen announced there are four public hearings scheduled for tonight's Council meeting.

**ACTION.** Motion by Vice Chairman Daines seconded by Councilmember Simmonds to **approve the October 18, 2016 agenda.** Motion carried unanimously.

**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 1, 2016.

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

Chairman Olsen opened the meeting to questions and comments for Mayor Petersen or the Municipal Council.

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

### **MAYOR/STAFF REPORTS:**

#### **Updates on Projects/Issues – Mayor Petersen**

Mayor Petersen gave an update on construction projects occurring within the City. East/West roads in the cemetery have been paved. The remaining roads will be improved next summer.

Construction on the connecting trail at Rendezvous Trail has begun. This will connect the river trail at Rendezvous Park to Trapper Park.

100 North Main will be closed periodically over the next two weeks. Additionally, the road projects at 800 West and 350 South continue.

Mayor Petersen advised the council that the 311 telephone number to contact Logan City on a nonemergency issue is now working. There will be a very short telephone tree offering the caller to press a button for Utility Billing, or another button for City related matters. A large amount of calls into the City are for Utility Billing and this will send the calls directly there as opposed to being transferred through an operator.

Mayor Petersen reported the Tour of Utah has expressed interest in coming back July 31-Aug 6, 2017. He invited Council input on this event. The routes will be the same as it was previously, however, there will not be a women's' criterion race. Mayor Petersen expressed the need to make sure this event does not conflict with the Festival Opera and the Small Satellite Conference held at Utah State University.

Mayor Petersen advised the Council he is working with Dayton Crites on the middle canal located near 600 East from 400 North to 1400 North. He is hoping to open that up to a trail which can be utilized for walking or bicycling. Dayton has assembled a brochure to advise residents in the area and to get their input.

Mayor Petersen expressed gratitude to those members of the Council who joined in and helped with the employees' appreciation lunch which was held last week.

Mayor Petersen reported the external auditors have completed their work. They did have a few suggestions that will be evaluated and decided what to do. The financials on this will be presented at the next Council meeting.

Mayor Petersen asked Jed Al-Imari, Street Maintenance Manager, to join him for the presentation. Mr. Al-Imari reported some of the Street Department equipment operators were sent to Hurricane City to an "Equipment Operation Dig-off" competition. Approximately 60 of the best equipment operators in the state participated. Logan City's operators who did very well were recognized. They are Brad Jensen, who took third place in two events; Whit Wilcox, who took second place in one event, and Jerome Mercado, who took first place in one event. Hal Dean took first place overall in the state competition, taking first place in three events, second place in two events, and third in two events.

Mayor Petersen addressed the over occupancy issue. Based upon previous meetings with neighbors involved therein, there were a number of policies they suggested which he felt might be a step in the right direction. In the future, he is going to ask that occupancy limit information be provided on all MLS listings when homes go up for sale within

Logan City. Also, for new customers who sign up for utilities in August and September, the City would provide the parking information in the “message” space provided on the September utility bills. Additionally, the City is in the process of creating a searchable map wherein a person can go to the City website and type in an address. A map will appear with the legal number of occupants for that property. Finally, with regard to over occupancy, Mayor Petersen wanted the citizens of Logan to know the system is complaint-based. When citizens call, they can request to remain anonymous. Every complaint will be investigated with a report given back to the caller, if requested.

Mayor Petersen introduced and welcomed Sean Dolan, who is a new reporter for the Herald Journal. He moved to Logan from Roanoke, Virginia last week.

### **Board Reappointment (Parks and Recreation Advisory Board) – Mayor Petersen**

Mayor Petersen asked for ratification of Tanya Rice and Andy Corbett to the Parks and Recreation Advisory Board which is a three year term.

**ACTION.** Motion by Councilmember Simmonds seconded by Vice Chairman Daines to **approve ratification of Tanya Rice and Andy Corbett** as presented. Motion carried unanimously.

### **Board Appointment (Logan River Golf Advisory Board) – Mayor Petersen**

Mayor Petersen asked for ratification of Kaycee Hunt to the Logan River Golf Advisory Board which is a three year term.

**ACTION.** Motion by Councilmember Simmonds seconded by Vice Chairman Daines to **approve ratification of Kaycee Hunt** as presented. Motion carried unanimously.

### **Eccles Ice Center Presentation – Dave Kooyman, Director, Eccles Ice Center**

Mayor Petersen introduced Dave Kooyman to the Council. Mr. Kooyman provided a brief history of the Eccles Ice Arena. When the Ice Arena was first proposed, four entities stepped up and took ownership in the Ice Arena. Logan City was one of those entities as well as Cache County, Hyde Park and North Logan. In doing so, they dedicated an Olympic tax the legislature put in place to help fund the Olympics. The Ice Arena was able to use that tax for ten years beginning in 2004 to fund the bond that paid for the Ice Arena. Two entities that had a lot to do with the Ice Arena were NPIC and the Bridgerland Ice Arena Board of Trustees. The Board of Trustees contracts with the NPIC to run the day to day operations of the Ice Arena through fund raising and so forth. Floyd Naegle, executive director of the Ice Arena and Steve Larsen, president of the board of the Bridgerland Ice Arena were then introduced to the Council.

An additional 13 entities in the valley joined with the original four contributors over the years in designating that Olympic tax for the Ice Arena. The Ice Arena bonds were paid in ten years. At that time, the Ice Arena directors went to the original four entities to ask them to extend that tax. Logan City determined it needed that tax for other purposes, but encouraged Ice Arena directors to continue to utilize what the RAPZ tax offered. The other three entities did continue to contribute the 1/64% Olympic tax which was

combined with the RAPZ tax and the Belva Hansen Trust given to the Ice Arena by Del Loy Hansen to help take care of the maintenance and funding of the endowment at \$250,000. The goal of the Ice Arena directors is to continue to build the endowment to a \$2 Million amount, which will help with maintenance as the Ice Arena ages, and to continue on by putting the finances in place so it will remain an icon to the community. Over 50,000 people use the Ice Arena annually and multiple programs are occurring there.

Presently, the endowment is just over \$800,000. Under the direction of Mr. Naegle, they now have 60% of the funds coming in from operations and 40% from donations. In order to get to the \$2 Million, they need to continue to receive the resources they presently have. They are in the process of approaching the other three original entities, and are asking Logan City to reconsider putting some of that tax money back into the Ice Arena to help reach the \$2 Million goal.

Mr. Naegle provided for review a handout showing the mission and vision of the Eccles Ice Center. It also continued the names of the Board of Trustees, the 4-Phase Plan and success of the Ice Center to this point in time. The Ice Center is now 16 years old and maintenance expenses are becoming larger. They have obtained a grant to install new LED lighting, to put controls on some motors and capacitors so they can control starts on the motors to keep the electricity from spiking in them.

Mr. Naegle reported he writes about 35 grants per year to raise funds for the Ice Center to supplement expenses. He felt the right management team is in place to be successful. They have grown the endowment to \$814,000 through the Hansen Trust and RAPZ funds.

Mr. Naegle felt the other three original entities will support the 1/64% tax for the Ice Center. He asked the Council to consider pledging a smaller portion of funds in the amount of \$25,000 annually to the Ice Center to help accelerate the endowment goal of \$2 Million two years sooner. In addition, the Ice Center donates a free annual skating pass to every K-5<sup>th</sup> grade student in the Logan School District. Annually, this would equal \$22,462. Mr. Naegle reviewed the Endowment Plan Proposed Payment Schedule.

Mr. Kooyman asked the Council to consider committing funds for this purpose. He expressed his gratitude for Logan City's support of the Ice Center through the years.

### **Housing Rehabilitation Request – Kirk Jensen, Economic Development Director**

Mayor Petersen introduced Dave Anderson of the LDS Logan East Stake and Doug Hyldahl of the LDS Logan Central Stake to the Council. He invited Kirk Jensen to explain their request to the Council. Mr. Jensen reported Mr. Anderson and Mr. Hyldahl are seeking RDA participation in a community affordable housing rehabilitation project. This project basically mirrors one that was done in 2013 in the Mt. Logan Stake area.

Mr. Hyldahl reported the previous project invited local contractors, adults and youth from Mr. Logan and Logan Stakes to work on 60-70 projects involving rehabilitation and redevelopment of private properties, mostly in the boundaries of those two Stakes.

Private donations from members of the two Stakes were also used in this project to feed those who participated while they worked and provide T-Shirts to participants. A few projects were even completed for individuals who did not meet the City criteria, with the money coming from private donations. He and Mr. Anderson are planning a similar project for the two Stakes in June of 2017. They are hoping to utilize funds from Logan City as was previously done.

Mayor Petersen pointed out the project is nondenominational and will be for income qualified recipients and based upon need. It will also include youth of other faiths along with the LDS church from ages 14-18. All funding provided would go to the assistance to rehabilitate the homes involved in the projects. The work will go wherever a need is identified and is not limited solely to the boundaries of both LDS Stakes. The project itself is slated for June 8, 9 and 10, 2017.

Vice Chairman Daines pointed out that City funds provided for the previous project were matched by donations from contractors and private donations. This benefitted the City greatly and strengthened the core neighborhoods. Councilmember Jensen expressed support for the project.

Councilmember Needham inquired as to whether this project was specific to location. Mr. Hyldahl replied the project will go where a need is identified within the City. Some project requests have been received, however, no decisions have been made presently.

Chairman Olsen thanked Mr. Hyldahl and Mr. Anderson for their time.

With regard to Item 6C of the agenda, Mr. Anderson advised the Council that Logan originally dedicated 1/64% of the tax for brick and mortar of the Ice Arena. It was the hope that the Ice Arena would support itself. When additional funds were requested, the City decided it was not good to be only one of four entities within the valley supporting the continued operations of the Ice Arena. It was hoped there would be monetary support from the entire county through RAPZ and other revenue sources. The 1/64% tax was olympic based and is no longer available and was only from what Logan City was entitled to receive at that time.

Chairman Olsen noted this matter will be placed on a future Council agenda.

### **COUNCIL BUSINESS:**

Vice Chairman Daines distributed to the Mayor and Councilmembers, an invitation to the Cache Summit where leaders will meet and discuss the visions of Cache Valley such as how to deal with more prominent issues. She mentioned the tremendous growth anticipated in the valley as one issue. She encouraged the Mayor and Council to attend and invited the citizens of Logan to attend as well. There is information about the Summit on-line.

## **ACTION ITEMS:**

**PUBLIC HEARING – Budget Adjustment FY 2016-2017 appropriating: \$64,574 to account for the cost of a change in benefit plans; \$15,635 for a Logan City Healthy Living Grant from the Bear River Health Department for signage; \$17,279 for a grant the Logan Library was awarded from the State of Utah. The funds will be used to buy a self checkout machine for citizens to use – Resolution 16-56**

Chairman Olsen opened the meeting to a public hearing.

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

**ACTION.** Motion by Vice Chairman Daines seconded by Councilmember Jensen to **approve Resolution 16-56** as presented. Motion carried unanimously.

**PUBLIC HEARING - (Withdrawn) Consideration of annexation of real property as filed by Dan Larsen for annexation of approximately 42.61 acres located at 1000 West & Highway 90.**

**Code Amendment – Consideration of a proposed ordinance amending section 10.52.285 of the Logan Municipal Code Regulating Private Booting and Towing Practices – Ordinance 16-23**

Councilmember Jensen expressed concern for Section C.3.d. The problem is the booting companies hire students who arrive five to six days before school. The process of hiring, interviewing, and vetting, and thereafter orientation, training, fingerprinting, and waiting for the BCI approval to arrive could take from one week to upwards of three weeks to complete. He recommended amending the second sentence to read, “the foregoing information must be submitted to Logan City within twenty one (21) days before a new officer, agent or employee is permitted to engage in any towing or booting related activity.” Chairman Olsen countered that he originally agreed to support 14 days, however, he would not support 21 days. Councilmember Jensen moved to amend the ordinance to require 21 days. There were no seconds to the motion. The motion failed.

Councilmember Needham questioned why there is even a need to have background checks. Vice Chairman Daines replied the purpose for background checks is to make sure there is no one with a criminal background authorized to do this type work, which is going through parking lots in the middle of the night, checking windows for parking permits, encountering men or women alone in the night, and other like situations.

**ACTION.** Motion by Councilmember Simmonds seconded by Vice Chairman Daines to **adopt Ordinance 16-23** as presented. Councilmember Jensen again expressed concern for the 21 day time period to be allowed to receive the criminal background check before the employee is allowed to work. He felt it put an undue regulation on the booting companies where there has not been an incident of this type in ten years. Vice Chairman Daines replied if the applicant were willing to drive to Salt Lake City to get the background check in person, it could generally be done in one day.

Mayor Petersen advised Councilmember Jensen that he previously had support for a 14 day timeframe. Councilmember Jensen felt that 14 days is better than zero and involves a criminal violation on the part of the booting company if the background check is stalled by those who perform the checks.

Mr. Housley replied this is a practical matter. The threat of criminal prosecution in this type of incident is not really the issue.

Councilmember Jensen moved to amend the ordinance to allow a timeframe of 14 days of hiring an employee for the background check to be received by the employer in section C.3.d. Councilmember Needham seconded the motion. The second sentence in paragraph “d” will read as follows, “The foregoing information must be submitted to Logan City within fourteen (14) days after a new officer, agent or employee is permitted to engage in any towing or booting related activity.” Motion carried 3-2 (Daines and Simmonds voted “Nay”).

Mayor Petersen posed a question to the Council of how to resolve enforcement between parties in the event of a conflict with the 90 minute timeframe for boot removal as was previously amended in Section E.2.b. Chief Jensen advised that his department’s position would be to keep the peace between the parties without interceding in the civil situation. If a determination cannot be made, the bootee would need to pay to have the boot removed, then prove or disprove the conflicted timeframe by suing the booting company in a court of law. There is also a possibility of proving when the boot was placed with a text message via cell phone from the bootee to the booting company. Mr. Housley noted the city can still take action on the business license of the booting company, if necessary.

Councilmember Simmonds suggested enacting the ordinance with a follow-up in six months.

Motion having been made by and seconded to **adopt Ordinance 16-23 as amended.** Motion carried unanimously.

### **Consideration of a proposed ordinance adopting Winter Parking Permit Fees – Ordinance 16-33**

Councilmember Simmonds asked about moving the effective dates from November 1 through the end of March. Mr. Housley replied the Public Works Department suggested November 15 through March 15.

Chairman Olsen inquired as to raising of annual fees for parking permits. Mr. Housley replied fees change on a regular basis and are not usually part of the ordinance. Council can set fees by resolution. Fees will fall under the enforcement arm of the ordinance, however, this does not fix all of the issues. It does address who qualifies for the permit fee itself.

Vice Chairman Daines advised that Community Development notify those who they provide permits to this year that there may be an increase in the permit fees for next year.

Chairman Olsen request a resolution increasing the winter parking permit fees from \$50 to \$200 annually and that it be placed on the Council Meeting agenda for November 1, 2016. Chief Jensen stated the City is now taking a different approach to enforcing winter parking with an active enforcement attitude, and asked the Council if they want to first enact the increased enforcement, with feedback before structuring a fee increase.

Chairman Olsen advised his request for a resolution was directed to the annual fee, however, it could be looked at cooperatively with enforcement. Councilmember Jensen noted he would rather see an increase in fines and enforcement than an increase in permit fees. He felt the people who are violating the situation should pay rather than the people who have a hardship.

Councilmember Simmons felt it is possible this could end up involving two different ordinances since Community Development recommends a permit fee, and the Police Department would require funds to enforce the ordinance.

Mayor Petersen advised the Council that the City is working with Utah State University on allocating permits for on campus use on a temporary basis. They have allocated 200 permits for on-campus use. The problem is the location of the permitted parking is on the east side of the stadium rather than the west side which is where the need for parking exists most. This conversation is ongoing with Utah State University.

Mayor Petersen asked the Council what it's intent was as far as enforcement of the parking plan. The Councilmembers each expressed their support to enforce the law between November 15 and March 15, even when snow is not falling.

**ACTION.** Motion by Councilmember Simmonds to amend the ordinance to state the effective dates would be November 15 through March 15 seconded by Vice Chairman Daines to **adopt Ordinance 16-33** as amended. Motion carried unanimously.

### **WORKSHOP ITEMS:**

**Rezone – Consideration of a proposed rezone Logan City/Bernston LLC, authorized agent/owner, requests a rezone of 3.42 acres North of 1400 North and East of 1200 East from Commercial (COM) to Mixed Residential (MR-9); TIN 05-011-0006 – Ordinance 16-34**

Community Development Senior Planner, Russ Holly, reported the Planning Commission approved this rezone on October 15, 2016 with a vote of 5-0. The intent is to develop townhomes at nine units per acre. The site is triangular in shape and has no structures on it. It has a gas station/convenience store and car wash directly adjacent to the property and slopes from east to west. Logan City boundary runs just north of the property. This is the current zoning in the area. Mr. Holly explained why previous zoning of this property would not be good for the area and why the MR-9 zone is much more compatible with the general neighborhood character. He noted the Planning Commission recommended approval of the rezone to the Council.

The proposed ordinance will be an action item and public hearing at the November 1, 2016 Council meeting.

**ADJOURNED to meeting of the Logan Redevelopment Agency**

Chairman Olsen welcomed those present. There were approximately 13 citizens in the audience at the beginning of the meeting.

**ACTION ITEMS:**

**PUBLIC HEARING - Consideration of a proposed resolution approving the Quayle Meadows Community Reinvestment Project Area Plan – Resolution 16-58 RDA**

Chairman Olsen opened the meeting to a public hearing.

Dean Quayle, a resident of the area, updated the Council on the planned progress for this project. He thanked the council for their consideration of the resolution.

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

Vice Chairman Daines expressed her feelings that this is a great opportunity and project to help the Bridgerland Neighborhood with single family residences. She looks forward to the project moving forward.

Councilman Jensen added his support for the project and inquired as to the size of the building lots. Mr. Quayle replied the lot sizes are around 12,000 square feet with some being larger. The entire project size is approximately 100 acres. Price ranges will be \$250,000 to \$350,000 for the homes. The overall objective is to get families to move into the project and stay there to provide quality and stability in the neighborhood. They have set aside property and are hoping the School District will still come in and want some land. There is also property set aside for an LDS church building, if wanted. The area is located conveniently to places like WalMart and the Hospitals. It is a nice place to live with beautiful views of the mountains.

**ACTION.** Motion by Councilmember Jensen seconded by Vice Chairman Daines to **approve Resolution 16-58 RDA** as presented. Motion carried unanimously.

Mr. Housley explained the procedure for this RDA resolution. At the next Council meeting, this will come to the Council to adopt as the official plan. If it becomes official, the City needs to notice it and allow a 30 day protest period.

**PUBLIC HEARING - Consideration of a proposed resolution approving Agency Assistance in the Bear River Association of Governments' First Time Home Buyer Assistance Program – Resolution 16-55 RDA**

Mr. Joe Tenant wanted to know what the assistance involved. Kirk Jensen explained BRAG is requesting \$10,000 as a one time request they are making for the RDA to commit a portion of its affordable housing reserves. This provides assistance in the first

time homebuyer program, specifically it fills a funding gap for the home ownership workshop that BRAG co-sponsors with Utah State University's Family Life Center. There are education courses, one-on-one counseling and other items. BRAG will come before the City again in February to request the same funding. They currently have a funding gap of \$10,000. The reason that gap occurred is due to the State deciding that 58% of the people who participate in that program are Logan City residents. Therefore, the State disallowed any more than \$10,000 for BRAG to commit toward that program.

Vice Chairman Daines clarified this money is to run a class for first time homebuyers, and is also used by the Neighborhood Nonprofit Housing Corporation. Anyone who applies for these funds to get into a first time home is required to attend workshops regarding home ownership, budgeting and so forth. Mr. Jensen advised that others may take the class as well. The class is hosted monthly at the Logan Library and includes one-on-one counseling. This resolution is strictly for funding the educational component.

**ACTION.** Motion by Councilmember Jensen seconded by Councilmember Simmonds to **approve Resolution 16-55 RDA** as presented. Motion carried unanimously.

**WORKSHOP ITEM:**

**Consideration of a proposed resolution approving Agency Assistance in the Community Affordable Housing Rehabilitation Project administered by the Logan Central and Logan East Stakes of the Church of Jesus Christ of Latter-Day-Saints – Resolution 16-57 RDA – Kirk Jensen, Economic Development Director**

Mr. Jensen advised that this was previously discussed this evening and asked if there were any additional questions. He noted that the amount being sought is \$50,000. Mayor Petersen clarified this matter needed to be covered in a workshop session as an RDA and this is the reason it was placed on the workshop agenda.

The matter will be moved to a public hearing at a future date.

Mayor Petersen also clarified with the Council that the Ice Arena matter should be placed on the November 1, 2016 Council Meeting Agenda as a discussion item.

**ADJOURNED.** There being no further business to come before the Council, the meeting of the Logan Municipal Council adjourned at 7:18 p.m.

Sylvia Tibbitts, Deputy City Recorder