

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, June 20, 2017 at 5:30 p.m. in the Logan City Municipal Council Chamber, 290 North 100 West, Logan, Utah. Chairman Holly H. Daines conducting.

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

Chairman Daines welcomed those present. There were approximately 36 citizens in the audience at the beginning of the meeting.

OPENING CEREMONY:

Mayoral Candidate Hayden Nielson gave the opening prayer/thought and led the audience in the pledge of allegiance.

Meeting Minutes. Minutes of the Council meeting from June 6, 2017 were reviewed and approved with no changes.

ACTION. Motion by Councilmember Olsen seconded by Councilmember Simmonds to **approve the June 6, 2017 minutes and approve tonight's agenda.** Motion carried unanimously.

Meeting Agenda. Chairman Daines announced there are fourteen public hearings scheduled for tonight's Council meeting.

Mayor Petersen announced that Resolution 17-31-Proposed Option Sales Tax has been removed from the agenda. The County Council determined they want to wait a year on this issue.

Meeting Schedule. Chairman Daines announced that regular Council meetings are held the first and third Tuesdays of the month at 5:30 p.m. The next regular Council meeting is Tuesday, July 18, 2017. She also announced the July 4, 2017 regular Council meeting has been cancelled.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL:

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

MAYOR/STAFF REPORTS:

Updates on Projects/Issues – Mayor Petersen

Mayor Petersen reported the following:

1. Construction
 - a. The area of 300 South from 100 West to 300 West will be closed periodically until the end of August for street and sidewalk improvements.
 - b. Road Chip/Seal will take place in July.
2. A short list of three applicants has been identified by the Library Board for the position of director. References are being checked and the first two interviews are scheduled for Thursday and Monday.
3. The Library Steering Committee met Thursday and made selected a firm to provide architectural services. Negotiations are underway with the firm.
4. The County Council has officially approved the following RAPZ/Restaurant Tax awards.

Tour of Utah	\$ 25,000
Angel's Landing Playground Surface	\$ 59,000
Freedom Fire	\$ 45,000
Pedestrian Bridge at Stewart Nature Park	\$190,000
Pickleball Courts	\$ 20,000
Bridger Park Phase IV Construction	\$ 50,000
Canyon Road Trail (500 East to 600 East)	\$ 75,000
5. Logan City experienced minor flooding and the peak has passed. Logan River remains dangerous and people need to exercise caution.
6. The Wastewater Rate Setting Committee approved an amendment to the agreement that adds River Heights to the committee. The next step is to negotiate city-specific agreements with each of the six cities for which Logan provides wastewater treatment.
7. There will be a Primary Election for both mayor and city council candidates on August 15, 2017.
8. The Fire Chief position is being re-advertised.
9. Availability of parking on the Emporium block has been a matter of concern and speculation. Based on 61 separate counts over the last month, the actual data is the following:

Total number of stalls available:	244	
Average # of stalls used:	127 or 52%	
Morning average:	110 or 45%	Morning maximum: 164 or 67%
Noon average:	149 or 61%	Noon maximum: 172 or 70%
Afternoon average:	123 or 50%	Afternoon maximum: 148 or 61%

Board Appointment (Planning Commission) - Mayor Petersen

Mayor Petersen asked for ratification of Sandi Goodlander (new appointment) to serve on the Planning Commission which is a four year term.

ACTION. Motion by Vice Chairman Jensen seconded by Councilmember Olsen to **approve ratification of Sandi Goodlander** as presented. Motion carried unanimously.
COUNCIL BUSINESS:

Planning Commission Update – Councilmember Simmonds

Councilmember Simmonds reported on the Planning Commission meeting held on June 8, 2017.

July Council Meeting Schedule – Chairman Daines

Chairman Daines announced that the July 4, 2017 council meeting has been cancelled. The next council meeting will be held on July 18, 2017.

Chairman Daines stated that regarding parking, the Council's intent following several discussions is the City will install signage to further regulate neighborhood parking in the Adam's Neighborhood. She would like to have the signage in place by August 1, before students start arriving to attend school at USU.

Public Works Director Mark Nielsen said he will order the signs and they will be installed in August. He added that road painting has been completed on several corners in the area of 600 East indicating no parking/red zones.

Councilmember Simmonds said she is in the process of scheduling another meeting with the Parking Committee.

No further Council business items discussed at this time.

ACTION ITEMS:

PUBLIC HEARING - Budget Adjustment FY 2016-2017 appropriating: \$30 donated funds from the Griffin's to the Bridger Park Pickleball Complex – Resolution 17-26

At the June 6, 2017 Council meeting, Finance Director Richard Anderson addressed the Council and explained the proposed budget adjustment.

Chairman Daines opened the meeting to a public hearing.

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

ACTION. Motion by Vice Chairman Jensen seconded by Councilmember Simmonds to **approve Resolution 17-26** as presented. Motion carried unanimously.

PUBLIC HEARING - Consideration of a proposed ordinance vacating a Public Right of Way on Parcel 06-097-0028 at 1020 East 100 North, Logan, Utah – Ordinance 17-12

At the June 6, 2017 Council meeting, Public Works Director Mark Nielsen addressed the Council regarding the proposed vacation. The City received a petition to vacate a portion of public right of way located at 1020 East 100 North. The existing public right of way being vacated is to provide a right of way width that is in line with current curb and gutter and provides City standard for park strip and sidewalk.

Chairman Daines opened the meeting to a public hearing.

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

ACTION. Motion by Councilmember Olsen seconded by Councilmember Simmonds to **adopt Ordinance 17-12** as presented. Motion carried 4-1 (Vice Chairman Jensen recused himself due to the fact that he previously owned the property located at 1020 East 100 North).

PUBLIC HEARING - Consideration of a proposed ordinance vacating a portion of Public Utility and Walkway Easements on Parcel 07-052-0011 located at 1595 Sumac Drive, Logan, Utah – Ordinance 17-13

At the June 6, 2017 Council meeting, Mr. Nielsen explained the proposed vacation and said the City received a petition to vacate a portion of public utility easements and right of walkway easements at 1595 Sumac Drive. The existing public utility easements being vacated are in locations which do not match existing utility locations and existing walkway easements are being re-established on the parcel with new walkway easements. This is the property that will allow the trail to go through by the USU Water Lab.

Chairman Daines opened the meeting to a public hearing.

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

Councilmember Simmonds asked for confirmation from Public Works Director Mark Nielsen that there will still be public access on the described property.

Mr. Nielsen responded yes, there will be public access and this has been noted on the plat map.

Chairman Daines said signage should be posted indicating this is part of our trail system.

City Attorney Kymber Housley said once it has been established as a public right of way there is no such thing as adversely possessing public access or right of way. The only way it can be vacated is to come to the Council and go through the process.

Councilmember Simmonds said this area is heavily used by people walking and biking and she doesn't want that to end for people who use it. She also suggested that it be designated as part of the trail system.

Mr. Nielsen said he will talk with the property owner and determine if the City can post signage indicating this as a trail for public use.

Chairman Daines suggested at the next City Council meeting that Parks & Recreation Director Russ Akina present a plan to add this area to the trail system.

Parks & Recreation Director Russ Akina said he spoke to the property owner's and they are in support of the easement for public access but would like to see this as a single track

which would be just a narrow path that a bike or person can use for walking and not as a trail as wide as others we have throughout the City. In terms of what we are trying to accomplish, he would like to try and work out something with the property owner that still provides public access for recreational trail use.

ACTION. Motion by Councilmember Olsen seconded by Vice Chairman Jensen to **adopt Ordinance 17-13** as presented. Motion carried unanimously.

PUBLIC HEARING - Consideration of a proposed ordinance vacating a portion of Public Right of Way on Parcel 02-058-0056 located at approximately 500 South 500 West, Logan, Utah – Ordinance 17-14

At the June 6, 2017 Council meeting, Mr. Nielsen explained the proposed vacation of a portion of public right of way located at approximately 500 South 500 West. The existing public right of way being vacated supported a sewer dump station which is being removed to support future access to the County parcel where a new fairground building will be built. The RV Dump will be removed and those who use the RV Dump are those participating in the County Fair. He's had discussions with the County about the RV Dump and they are not interested in relocating it somewhere else because there are commercial entities that can take care of it.

Chairman Daines opened the meeting to a public hearing.

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

ACTION. Motion by Councilmember Simmonds seconded by Vice Chairman Jensen to **adopt Ordinance 17-14** as presented. Motion carried unanimously.

PUBLIC HEARING - CODE AMENDMENT – Consideration of a proposed code amendment to the Land Development Code Chapters 17.57 Appeals and 17.27 Historic District Overlay Zone to establish a Historic Preservation Appeal Board – Ordinance 17-08

At the June 6, 2017 Council meeting, Community Development Director Mike DeSimone addressed the Council regarding the proposed code amendment. Changes made to State law during the 2017 legislative session now require local governments to adopt an appeals process specifically for appeals within a Historic District. The proposed modifications to 17.27 create a Historic Preservation Appeals Board, which in this case is the Municipal Council, as well as the procedures for the appeals process. These subsections generally mirror the existing language and procedures established for the broader Land Use Appeal board in 17.57. The proposed modification to 17.57.060 is new language taken from State law that was included to ensure clarity in the standard of review for appeals.

Staff recommended that the Planning Commission recommend approval to the Municipal Council.

On May 25, 2017 the Planning Commission recommended that the Municipal Council approve the proposed amendments to the Land Development Code.

Chairman Daines opened the meeting to a public hearing.

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

Community Development Director Mike DeSimone further explained the purpose of the proposed amendment is to establish a Land Use Appeals Board for the Historic District and the appeals board consists of members of the City Council.

ACTION. Motion by Vice Chairman Jensen seconded by Councilmember Simmonds to **adopt Ordinance 17-08** as presented. Motion carried unanimously.

PUBLIC HEARING - CODE AMENDMENT – Consideration of a proposed code amendment to the Logan Municipal Code Section 5.20 regarding Mobile Food Vendors – Ordinance 17-09

Mr. DeSimone explained the proposed code amendment to the Logan Municipal Code Chapters 5.20 dealing with mobile food vendors. The State Legislature adopted new rules regarding how local municipalities may regulate and license mobile food vendors (food trucks) through Senate Bill 250.

Chairman Daines opened the meeting to a public hearing.

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

Councilmember Simmonds asked for clarification that mobile food vendors will have to move their trucks every day to another location.

Mr. DeSimone responded that is correct and the food vendor will need to indicate the location on their permit. The current rule requires the food vendor to move their truck nightly. Once the Council adopts the proposed ordinance we will no longer license the location but will license the food truck based on the State law so it will truly be a food vendor. Food trucks run off a generator, they are not connected to the City sewer or water system and are designed to be portable. Our current standard is they are supposed to be mobile, move around and the City has not been very diligent about enforcing this rule. The trend statewide is if the truck is mobile, they need to move.

Finance Director Richard Anderson said in terms of utility fees, there are consumptive charges and those would be paid by someone who is a mobile vendor. There are also flat charges that are tied to connections and are per business.

Mr. Housley said this is just one way of being licensed and if the person wants to be a mobile food vendor, the ordinance requires them to be mobile. If they don't want to stay in the same location semi-permanently they can apply for a transient merchant license which allows them to stay overnight but there are limitations in regards to time span.

Mr. DeSimone said currently the food vendors are required to move every night and that is not happening in most cases. The proposed ordinance will make them a true mobile food vendor and their vehicle should be drivable and move around to different locations where they can restock and refuel. There are some food vendors who are dumping their wastewater in the gutter and car washes and this is not allowed by city ordinance. We want the vendors to manage their wastewater and this is something we are trying to regulate.

Mayor Petersen asked why someone would choose to be a mobile food truck rather than an itinerant merchant.

Mr. DeSimone responded that a lot of the food trucks want to move around.

Mayor Petersen said regarding the taco truck at the “Y” on South Main, would they be better off as an itinerant merchant.

Mr. Housley responded if they comply with the statute, an itinerant merchant does not allow overnight parking or outdoor storage so there are some limitations.

Councilmember Olsen said the taco truck on South Main is a very busy place and he is concerned that we are not hearing from the food vendors regarding this issue.

Mr. DeSimone said we are not changing the ordinance that they need to move every night because that is already in the existing ordinance. The proposed code amendment is changing the way we regulate the food trucks regarding licensing and the inspection process and to comply with State law. The City intends to start enforcing the current ordinance requiring the food trucks to move every night.

Chairman Daines said that is something the Council chose to do and is not mandated by the legislature.

Councilmember Olsen said he would like the opportunity to hear from the mobile food vendors and consumers on this issue before he makes a decision.

Mr. Housley said there is no deadline with the State for this ordinance to be adopted. We can send the current licensed food vendors a notice and ask for comments before the next council meeting.

ACTION. Motion by Councilmember Olsen seconded by Councilmember Vice Chairman Jensen to **continue Ordinance 17-09 to the July 18, 2017 council meeting** as presented. Motion carried unanimously.

PUBLIC HEARING - CODE AMENDMENT – Consideration of a proposed code amendment to the Logan Municipal Code Section 5.18 regarding Itinerant or Transient Merchants – Ordinance 17-10

At the June 6, 2017 Council meeting, Mr. DeSimone explained the proposed code amendment to the Logan Municipal Code Chapters 5.18 dealing with Itinerant of

Transient Merchants. These rule changes clarify the licensing of multi-vendor events, eliminates the requirement for background checks, aids the City in sales tax collection, and helps simplify the licensing requirements for itinerant or transient merchants.

Chairman Daines opened the meeting to a public hearing.

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

Mr. Housley said the proposed code amendment will make it easier for people to get licensed rather than more difficult. It will also help capture sales tax.

Mr. DeSimone further explained the proposed amendment is to address the larger, special events that require a temporary license such as Summerfest.

ACTION. Motion by Councilmember Simmonds seconded by Councilmember Olsen to **adopt Ordinance 17-10** as presented. Motion carried unanimously.

PUBLIC HEARING - CODE AMENDMENT – Consideration of a proposed code amendment to the Logan Municipal Code Section 12.24.040 Logan City Skate Park, Tobacco and Smoke Free Zone – Ordinance 17-11

At the June 6, 2017 Council meeting, Parks & Recreation Director Russ Akina addressed the Council regarding the proposed code amendment. He explained the following:

History

In 2001, the City of Logan constructed a 17,000 square foot concrete skate park facility for use by the general public. The skate park was designed specifically for skateboards, roller skates, and in-line skate use only. An ordinance was created for the facility to regulate use and protect the integrity and functionality of the skate park, protect the City from risk exposure, and provide safety protocols as recommended by liability professionals and the skate park industry. The current ordinance (12.24.040) prohibits the use bicycles, scooters, similar devices, and motorized vehicles in the skate park.

Public Inquiry

The Parks and Recreation Department has received inquiries from the general public requesting that scooters be permitted at the Logan Skate Park. After additional research and consultation with the skate park architect firm hired by the City in 2000 to design the facility, City staff learned that the use of human-powered kick scooters similar in size to that of a skateboard is now an acceptable use by the skate park industry and supported by the architect firm hired at the time by the City (see attachment titled as Exhibit A). While staff's research discovered that there are many variations of human powered kick scooters, it is the Department's recommendation that kick scooters be restricted to those with a wheel diameter no greater than twelve (12) inches.

Proposed

The Parks and Recreation Department is seeking approval to amend City Ordinance 12.24.040 Subset A, B, and C to include the permitted use of human-powered kick

scooters with wheels no wider than twelve (12) inches in diameter in the Logan Skate Park facility.

Chairman Daines opened the meeting to a public hearing.

John Leake – He said scooters are currently not allowed at the skate park and the concern is that scooters will cause damage which he said will not happen. He was recently at the skate park and witnessed skate boarders who were smoking and cussing which is not allowed by city ordinance. He feels scooters should be allowed and asked the Council to approve the amendment.

Zack Shepherd - He owns a board shop in Logan and he is not opposed to scooters at the skate park but the current design does not accommodate scooters. He said the handle bars of the scooters can cause damage. He recently hurt his wrist to avoid a scooter's handle bar.

Dave Smellie - He said scooters at the park are a safety issue. The majority of scooter riders are younger and do not understand the safety measures that need to be observed at the skate park. He understands the frustration of the kids who ride scooters but he fears if scooters are allowed at the skate park it will push those who ride skateboards back onto the streets to ride.

Ryan Orduno – He rides a scooter and said he has more control on his scooter than his skateboard. He asked the Council if scooters are not allowed at the skate park, where can they ride.

Cody Helms - He said the park was built for skateboards and over the years, scooters have become more popular but he feels the use should remain for skateboarders. He said if any riders are not wearing the proper safety equipment they can get hurt. He strongly feels that we are wasting the resources of police officers who respond to the skate park several times a week of kids riding their scooters and it can be handled differently.

Michelle Allen – She has a son who rides a scooter and as a mother, she is concerned that her son cannot use the skate park and her son is also afraid of the police coming. She has also witnessed people smoking at the park and she would like to have a safe place for her son to go. She would like a solution where scooters and skateboards are allowed at the park.

Harold Pace Roghaar - He has been going to the park since he was a teenager and riding his skate board. He said the park is older and he has personally witnessed pieces of concrete breaking off which is caused by BMX bikes and scooters. He appreciates the City taking care of the skate park and he feels scooters being allowed will cause more damage. He would like to see a park designed for scooters.

Hillary Lundahl - She has two sons who skateboard and ride scooters. She feels we need a place for the scooter riders to go and asked the Council to consider this request.

Laura and Andy Oppermann - Andy said he rides a scooter and enjoys it very much. Laura said she would like to see the ordinance changed to allow scooters.

Austin Rupp – He grew up using the skate park and does not feel the park is designed for scooters. He said not all skateboarders are there smoking and cussing.

Zane Allen – He rides a scooter and feels the skateboarders can cause just as much damage to the park as a scooter.

Dawson Griffin – He rides a skateboard and feels scooters should not be allowed because it causes a safety concern for everyone.

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

Councilmember Simmonds asked Parks & Recreation Director Russ Akina to address the issue of concrete breaking off and what is the usage of the skate park.

Mr. Akina responded there are different things on the frame of a BMX bike that can cause damage to the skate park. In the process of designing a new bike area those concerns will be addressed and there are only so many resources and locations for recreational facilities such as a skate park to go. When the park was built 17 years ago there were skateboarders involved in the design. There are concerns that have validity regarding scooters using the park. He proposed an idea to designate certain days of use for skateboarders and scooters. Doing this will avoid encounters of the two different users of the park.

Councilmember Simmonds said she is the one who brought the scooter issue to the Council. She asked is there a way to create a multi-use atmosphere with additional signage on how the skate park should be used.

Mr. Akina said scooter riders understand the rules and the park is designed for three different skill sets. He doesn't have the resources to build another park area at this time and again proposed designating certain days for use although it might not address the overcrowding issues that occur. He said there is open space next to the skate park that is used for soccer but is already well used. He said that 17 years ago the cost of the park was \$200,000 to build and would cost more if another park is built today.

Vice Chairman Jensen said he definitely sees a conflict and suggested that the scooter and skateboard users get together and work out a solution.

Councilmember Olsen said he has enjoyed hearing the comments from the scooter and skateboard users. He suggested that because there are users from outside Logan City it would be ideal if RAPZ funds be requested because there are multiple jurisdictions that use the park.

Councilmember Simmonds said her concern is there could be scooter and skateboard riders who go to the park at the same time so designating certain days might not work.

She said scooter riders are skateboard riders “in training” and feels the two groups should work together on a solution. She said a BMX bike park should be separate.

Chairman Daines suggested that a decision be continued until there is more information and the two groups have a chance to meet.

Councilmember Simmonds asked if it would be possible that the police not respond to the park if there are kids riding scooters.

Mayor Petersen said if the Council delays making a decision until August or September then the scooter riders cannot use the park. He also does not feel that designating days will be helpful and the City’s insurance providers do not feel scooters will damage the park.

Councilmember Simmonds said she would like to see a group formed with scooter and skateboard users who meet together and work out these issues. She would like to have a trial period this summer and after that time reevaluate and see what changes need to be made from that point.

Mr. Akina said signage can be posted at the park that scooters will be allowed on a temporary basis. He will also have staff at the park who will evaluate the comments coming from both sides and see what is working and what is not working.

The Council indicated by a head nod there will be a trial period throughout the summer months and see how things are working with scooters and skateboards being allowed in the park.

Chairman Daines said the ordinance of no smoking and cussing at the park will not be changed and said if that occurs it should be reported to the police through dispatch.

Mr. Leake apologized to the skateboarders for the comments he made at the beginning of the meeting in regards to smoking and cussing. He has nothing against the skateboarders and would like to see everyone be able to use the park.

No decision was made at this time and no continuation date in regards to Ordinance 17-11.

PUBLIC HEARING - Consideration of a proposed resolution approving Elected Official’s Wages FY 2017-2018 – Resolution 17-22

At the June 6, 2017 Council meeting, Finance Director Richard Anderson addressed the Council and proposed the Elected Official’s Wages for FY 2017-2018. He proposed that the Mayor’s be adjusted to a base salary of \$88,866 plus \$6,000 car allowance for a total compensation of \$94,866. Mayor Petersen is not seeking re-election so he feels this is a good opportunity for the proposed 3% increase to the Mayor’s salary. He also proposed that no adjustments be made to the wages of the elected City Council Members. Their annual salary will remain at \$14,291 plus a \$300 car allowance. Human Resource Director Greg Cox provided the Council with a wage study but it’s impossible to get an

“apples for apples” comparison and what the Council was provided is the best that can be done. What the wage study shows is the Mayor’s salary is somewhere between 25-35% under market and the Council salary is somewhere between 10-12% under. He said this is not terribly unusual for elected officials. He feels we should try the best we can to pay these positions something that helps to attract interest not only for those who are not seeking office for compensation but for those who want to serve but don’t have the ability without the compensation.

Councilmember Olsen said that he received an email from City Attorney Kymber Housley which referenced a City Wage and Benefit Committee that has not been active for a very long time. He feels it would be a good idea to reinvigorate the committee.

Finance Director Richard Anderson stated that what the Council received was a recommendation from the Human Resource Director Greg Cox regarding wages and compensation for elected officials and others in the City. A committee can also make a recommendation but they will be getting the information from Mr. Cox and it would be his recommendation that the Council ask questions and continue to get information from Mr. Cox. The Council can listen to the information and make a determination at that point.

Councilmember Olsen said we also have a mechanism within the City for determining wages and compensation and we should use it or rescind it.

Human Resource Director Greg Cox commented that the Wage and Salary Board that was organized several years ago was never designed to address wages for elected officials. The committee met a few times and discussed employee wages and the market. At that time, the discussion was how we compare our wages to other businesses in the community and the City’s retirement program. The market information he gathers comes from almost every city and county within the State of Utah and he compares the market data to determine where wages are and if they are within the current market. He sent out an email to various cities in Utah asking about elected official wages for Mayor and Council. He feels a separate committee is not necessary but will support whatever the Council would like to do. At this time, he recommended that the Mayor’s salary be adjusted to \$88,866 base salary plus \$6,000 for a car allowance for a total compensation of \$94,866. He recommended that no adjustments be made to the wages of the City Council wages at this time.

Councilmember Simmonds said the Council is very reticent to give themselves a raise at this time but if the City employees are receiving a 3% raise then possibly the Council should also receive a 3% increase. She doesn’t want the elected official wages to “lag” behind other elected official wages in the State of Utah.

Vice Chairman Jensen said the decision regarding elected official wages should be taken out of the Council’s hands.

Mr. Housley said ultimately the Council will always have to approve any increase to elected official wages.

Mr. Anderson suggested that the Human Resource Director make an unbiased recommendation to the Council regarding wages for employees, Mayor and Council during the budget year and the Council can decide at that time whether or not to accept the recommendation.

Chairman Daines opened the meeting to a public hearing.

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

7:15 p.m. – Councilmember Simmonds left the meeting at this time.

Chairman Daines asked that a discussion and vote on Resolution 17-22, Resolution 17-23 and Resolution 17-32 be delayed until Councilmember Simmonds returns to the meeting.

WORKSHOP ITEMS:

Consideration of a proposed resolution adopting the Community Development Block Grant (CDBG) Annual Action Plan (Program Year 2017) for the City of Logan – Resolution 17-33 – Aaron Smith, CDBG Coordinator

CDBG Coordinator Aaron Smith addressed the Council regarding the proposed resolution.

Application Period

The Logan City CDBG Program held an application period from February 9, 2017, to March 9, 2017. During the application period, two application workshops were offered to provide potential applications with an opportunity to learn about application requirements. City Departments and nonprofits serving low/moderate income residents were invited to make application.

CDBG Program Year 2017 Funding Recommendation

Logan City’s CDBG program is estimated to receive \$432,777 in CDBG funding for PY2017. In addition, \$175,145 in previous year funding must be reallocated from completed or cancelled project. The total CDBG funding allocated in this plan is \$607,922. The CDBG Steering Committee met on March 16, 2017, and June 13, 2017 and made the following funding recommendation:

Activity	Funding Amount
100 W Golf Course Road Corners	\$35,000
1400 N 200 E Sidewalk	\$50,000
Canyon Road Trail	\$135,588
Park Access and Mobility Improvements in Low/Moderate Income Areas	\$250,000
English Language Center Roof	\$17,500
Bridgerland Literacy Labs and Groups	\$2,000
Homebuyer Education Program	\$10,000
Whittier Center Window Construction	\$17,000

Assistive Technology Demo and Loan	\$5,000
Program Administration	\$64,196
Program Planning	\$21,638
Total Funding	\$607,922

It is recommended that any PY2017 funds awarded by HUD in excess of the estimate or any funds recaptured from any other CDBG activity from any program year will be automatically reallocated to the Canyon Road Trail up a total project funding of \$250,000.

Public Review and Comment Period

A public review and comment period regarding the proposed PY2017 Annual Action Plan runs from June 16, 2017 to July 18, 2017.

Public Hearing

A public hearing is scheduled for July 18, 2017, for the purpose of receiving public input by Logan residents regarding the proposed plan. The hearing takes place as part of the regularly scheduled City Council meeting, which begins at 5:30pm.

ZONE CHANGE – Consideration of a proposed zone change from Neighborhood Residential (NR-6) to Mixed Residential (MR-12) of 6.17 acres for the second phase of Meadow Valley Senior Living development located at 200 West 1600 South – Ordinance 17-15 – Russ Holley, Planner

Planner Russ Holley addressed the Council regarding the proposed Zone Change. The project site consists of one vacant 5.82 acre property located South of 1600 North and West of 200 West. The irregular shaped property is relatively flat with a canal running along the East side. It is proposed that 1600 North be widened along the North boundary to match the streetscape currently developed on either side. The Family Place (community service) was recently developed on the Southeast corner of the site.

In 2008, Logan City approved the Meadow Valley project that consisted of two phases and 75 total single family homes. The zoning at that time was Single Family Residential Planned Development which allowed clustering and reduced road requirements in exchange for additional open space. Phase One was constructed with 30 single family homes. Phase two was never recorded or constructed and has since fully expired.

The applicant is proposing to construct 52 attached single level dwelling units. The side-by-side attached structures consist of unit counts between three and six. The project is designed and planned to be a 55 and older retirement community with each condominium unit sold individually. The units have a front porch, double car garage and small private back patio area. The remainder of the property is planned as common open area and landscaping. The looping street pattern has to connect onto 1600 North and one emergency connection through the Family Place project onto 200 West.

Mr. Holley added that the storm water issue will be addressed by the City’s Engineering Department and the developer agreed to place a deed restriction on the property that would tie the rezone to the project itself.

Staff recommended that the Planning Commission conditionally approve a Design Review Permit and recommended approval for a rezone from Neighborhood Residential (NR-6) to Mixed Residential (MR-12), Meadow Valley Phase 2 located at 200 West 1600 North.

On June 8, 2017, the Planning Commission recommended that the Logan Municipal Council approve the proposed rezone.

Mr. Holley said each unit will have a two car garage and a double-wide driveway. The Planning Commission requested that parallel parking be available on at least one side of the street. The developer proposed a private street and the City will still service the garbage, ambulance and fire. The City did away with PUD's but still allow private streets if they are built to public specifications.

Public Works Director Mark Nielsen said he does not have a problem with the private street as long as it complies with public specifications and standards. If they are a public street he would to know that information upfront and it would remain a public street and could not be changed to private later on. The roads are concrete and the standard has been met regarding the road.

Mr. Holley said when the City did away with PUD's; language was added in the Land Development Code that states a private street shall be built to public specifications.

Vice Chairman Jensen said he has concerns about parking.

Mr. Holley responded on some of these smaller neighborhood projects, the Planning Commission has established that 28 feet is an acceptable width for a road which allows someone to park on one side of the road and still allows a car to drive back and forth in the roadway.

The proposed ordinance will be an action item and public hearing at the July 18, 2017 Council meeting.

Consideration of a proposed resolution regarding the Designation of a Historic Theatre District – Resolution 17-27 – Mayor Craig Petersen

Mayor Petersen addressed the Council regarding the proposed resolution. He stated that visionary Cache County settlers invested in cultural infrastructure, counting performance spaces among the first structures they built and municipal, university and private interests have combined to renovate and preserve three historic facilities originally constructed in 1913, 1923 and 1936. These venues have fostered and housed significant countywide artistic activity, economic vitality and community engagement and cultural activities have been identified as a competitive advantage of Cache County, serving residents and attracting cultural tourism and summer citizens. He asked the Council to designate the block bounded by Center Street and 100 South and Main Street and 100 West as the Logan City Historic Theatre District and added there is no cost associated with this designation.

Wendi Hassan, Director the Cache Valley Center for the Arts addressed the Council and commented that she would put Logan up against any community in the State of Utah for the number of artists, venues and the wealth of audiences that we have to support the arts. She asked the Council for their support of this designation and will use this as a marketing tool if approved.

Councilmember Olsen asked if the Dansante building should be included in the Historic Theatre District.

Mayor Petersen responded the Dansante began as a factory and later became a theatre; he does not feel it qualifies as a historical building. The County Council supports the Historic Theatre District Designation.

The proposed resolution will be an action item and public hearing at the July 18, 2017 Council meeting.

Consideration of a proposed resolution indicating the intent to adjust the boundary between the City of Logan and the City of Nibley – Resolution 17-30 – Mike DeSimone, Community Development Director

Mr. DeSimone presented the proposed boundary adjustment. He explained that Logan and Nibley have been working to modify our common City boundary South of 2200 South to a new line more manageable for both jurisdictions, one which correlates with the Highway. This proposed action includes 21 parcels with 13 different owners. If the Council agrees with the direction, the City will work with Nibley and the larger landowners to have a new legal description prepared as required. Excluded from this proposal is the area around 3200 South as Nibley is not contiguous to that area. That area will be considered in a separate request once Nibley annexes property to the East.

Chairman Daines said the South Corridor Plan was not officially adopted by Nibley City although Logan City did adopt the Plan. Her concern is that Logan was willing to adhere to the recommendation in the South Corridor Plan and she is not opposed to a boundary adjustment but asked for discussion on the corridor because it is the gateway to the City and would like to have some kind of shared agreement with Nibley City regarding the gateway.

Mr. DeSimone said we have an agreement which is the South Corridor Plan. We have met with Cache County, Nibley and other entities interested in the South Corridor for the last two years. He said we are 50 years too late in trying to protect the corridor because of development but what we can do is look at the areas still left as open space and purchase the properties which he feels will be a challenge.

Chairman Daines said we should also have conversations with UDOT because this is the main arterial road into the Valley.

Mr. DeSimone said UDOT will limit direct access onto the Highway and they are working with Nibley on a frontage road near the area of Camp Saver.

Chairman Daines referenced the South Corridor Plan which talks about connecting points. The Plan indicates that it really isn't economically smart to try and develop everything along this area.

Mr. DeSimone said there are identified areas where connecting points/signals will be located.

Chairman Daines asked Mr. DeSimone to send the Council more information on where the connecting points will be located and she would like to talk with Nibley about future development.

Mr. DeSimone said there are 12 property owners and approximately 109 acres involved in the proposed boundary adjustment. He feels that Nibley is faced with the practical issue of trying to agree to a plan that has excessive setbacks which is one of the reasons they have never adopted the South Corridor Plan.

Mr. Housley said the Council needs to give guidance on what they would like to see in regards to the boundary adjustment and the Council has the leverage to make that decision.

Chairman Daines said she would be interested in a discussion regarding the connecting points and if Nibley would be willing to commit to development at these points. She would also be willing to discuss a 500 ft. setback. She feels a boundary adjustment is wise but Logan and Nibley should decide on some common terms.

Mr. DeSimone said there is an issue with one of the landowners because they have an existing sewer line that is owned by Nibley and for Logan to service this line, we would need to extend infrastructure several 100 feet down the road to make the connection to Logan City.

The proposed resolution will be an action item and public hearing at the July 18, 2017 Council meeting.

8:00 p.m. Councilmember Simmonds rejoined the meeting at this time.

Consideration of a proposed resolution adopting Revised Sewer Collection Rates for Utah State University – Resolution 17-34 – Mark Nielsen, Public Works Director

Public Works Director Mark Nielsen addressed the Council regarding the proposed revised Sewer Collection Rates.

RESIDENTIAL: All single family, duplex, and multi-family living units that are individually or jointly water metered.

COMMERCIAL and INDUSTRIAL: All non-residential water users including each business, professional office or other office and all other non-residential water users.

UTAH STATE UNIVERSITY: All Utah State University (USU) facilities connected to the Logan City sewage collection and treatment system.

CONTRACTUAL CITIES: Cities connected to the Logan City Sewage Treatment System for treatment of their domestic sewage.

USU RATE SCHEDULE

Table 3						
Utah State University Rate Schedule						
	Present Rate	July 1, 2017	July 1, 2018	July 1, 2019	July 1, 2020	July 1, 2021
Volume Charge (\$/1,000 gal.)^[1]						
Treatment	\$1.02	\$1.12	\$1.23	\$1.36	\$1.49	\$1.64
Collection	<u>\$0.40</u>	<u>\$0.48</u>	<u>\$0.69</u>	<u>\$0.69</u>	<u>\$0.76</u>	<u>\$0.76</u>
Total	\$1.42	\$1.60	\$1.92	\$2.05	\$2.25	\$2.40

[1] Volume is billed as 100% of the culinary water usage, as measured by the water meter.

1. Water measurements shall be used to determine consumption to compute sewer consumption rates unless a sewage meter is installed. Sewage shall be billed as 75 percent of the culinary water usage, as measured by the water meter, with the exception of Utah State University who is billed 100% of the culinary water usage in lieu of charging base rates.
2. If a facility has a sewage meter, sewage will be billed based on the amount of sewage recorded by the sewage meter, but no less than the applicable Commercial Fixed Monthly Charge.
3. Commercial irrigation-only water meters shall not be billed sewer consumption charges.
4. Upon application to and approval by the Public Works Director, and with adequate justification, commercial users who use a substantial amount of culinary water for irrigation purposes and who do not have a separate irrigation-only water meter may be granted the irrigation rate adjustment. The irrigation rate adjustment will be based on the winter usage (November through April) and will be computed each year. The monthly bill will be calculated by multiplying the applicable commercial rate by 100% of the winter usage. Users applying for this rate adjustment must have at least one acre of irrigated grounds to qualify for this rate adjustment.
5. Utah State University sewage bill shall be computed from water consumption recorded from all USU water sources.
6. If any person or entity desires to connect to a sewer main installed in an existing street, which costs of installation has been paid in full or in part by the City, then

such person or entity shall pay their share of the then current estimated cost of the installation of main line according to the amount of frontage owned or controlled directly or indirectly by the person or party requesting the hookup. The Public Works Director or his representative shall estimate and determine the then current cost to be paid, based on current bids of similar projects, in addition to the standard connection fee.

Mr. Nielsen has sent this to Utah State and they came back with the following proposed rate increase and are within 10% of the increases he proposed.

July 1, 2017 - \$0.50

July 1, 2018 - \$0.55

July 1, 2019 - \$0.62

July 1, 2020 - \$0.69

July 1, 2021 - \$0.72

Mr. Nielsen said there are several different ways to respond to USU and their biggest issue with what he proposed is the end year is at \$0.76. After July 1, 2021 they have met the same revenue so the rate will drop to \$0.69 and USU feels they are getting less at \$0.76. He suggested adding July 1, 2022 with a rate of \$0.69 which is what the cost of study shows and makes us even on revenue.

Mr. Anderson added that USU is a large customer so we should consider their proposed rates and suggested that we increase some of the interim years by a few cents. He would like to get within 1% if possible.

Mr. Nielsen said the proposed rate increase has nothing to do with the shared facilities and the contractual agreements and is strictly Logan's rate. They each have their own wastewater collection rates which we don't see. The proposed rate is only collection rates. He will meet with USU and see if they will slightly raise their proposed rates closer to what we have proposed.

Chairman Daines said she is willing to adjust from year to year as long as we get within 1% at the end.

The proposed resolution will be an action item and public hearing at the July 18, 2017 Council meeting.

PUBLIC HEARING - Consideration of a proposed resolution approving Elected Official's Wages FY 2017-2018 – Resolution 17-22

8:15 p.m. ACTION. Motion by Councilmember Olsen seconded by Vice Chairman Jensen to **approve Resolution 17-22** as presented. Motion carried 4-1 (Daines abstained due to the fact that she is currently a mayoral candidate) unanimously. Details of the resolution were discussed earlier in the meeting.

8:15 p.m. PUBLIC HEARING – Consideration of a proposed resolution approving the Certified Tax Rate for FY 2017-2018 – Resolution 17-32

Chairman Daines stated we are not increasing the Certified Tax Rate so a Truth and Taxation hearing is not required.

Finance Director Richard Anderson commented that Utah law is structured such that cities get the exact same dollar amount that they received the previous year. Any new buildings that are built, generated more revenue but for the customers we had last year, we get the exact same dollar amount. That is not true for individual homeowners because their rate changes based on value. He added that our tax dollars are being reduced a little bit each year by inflation and that is not a good thing. We have been able to do this for the past several years and since 2008, we have not increased the general fund tax rate mostly due to the recession and that equalized inflation over the past several years. In the near future we are going to have to contemplate whether we raise taxes because we can't carry on forever. He is not recommending a tax increase at this time but in future tax years we need to contemplate small tax increases on a more consistent basis.

Councilmember Olsen asked about the frequency of tax increases from other municipalities.

Mr. Anderson responded most delay a tax increase until they have to raise it by a large amount which is not well received by the citizens. School districts raise their rates incrementally over time because it's their main source of revenue. Cities have other sources of revenue so we try and rely on those but, there are negative consequences in doing it that way. Property tax is the only revenue source of which we have any significant control and the only one we can turn to if we need something done in the City such as more towards roads or other projects. It's very important that we maintain that as a viable revenue source for the City.

Councilmember Olsen suggested that in the next budget year, the Council consider a small property tax increase so a large increase does not occur in the future.

Chairman Daines opened the meeting to a public hearing.

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

ACTION. Motion by Vice Chairman Jensen seconded by Councilmember Olsen to **approve Resolution 17-32** as presented. Motion carried unanimously.

PUBLIC HEARING - Consideration of a proposed resolution approving Member Contributions to the Utah Retirement Systems Contributory Retirement Plan FY 2017-2018 – Resolution 17-23

At the June 6, 2017 Council meeting, Mr. Anderson addressed the Council regarding the proposed resolution. The City formally agrees to fund “pick-up” 100% of the required member contribution for all eligible employees required to contribute to the Utah Retirement Systems Contributory Retirement Plan for the 2017-2018 Fiscal Year (effective July 1, 2017) according to the applicable Utah Retirement Systems Retirement Contribution Rates.

Chairman Daines opened the meeting to a public hearing.

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

ACTION. Motion by Vice Chairman Jensen seconded by Councilmember Olsen to **approve Resolution 17-23** as presented. Motion carried unanimously.

8:20 p.m. PUBLIC HEARING – Consideration of a proposed resolution adopting the Final Revenues and Expenditures Budget for FY 2017-2018 in the amount of \$143,595,945 – Resolution 17-28

Finance Director Richard Anderson explained three changes that have been made to the Mayor's proposed budget. The Council requested that \$19,000 be added to the Parking Enforcement Budget. Property tax numbers finalized by the County and are slightly different from what was initially proposed. Lastly, there was a mistake made where a trailer purchase was added to the Environmental Department budget and is an additional \$233,000.

Vice Chairman Jensen asked about the additional \$19,000 for parking enforcement and is concerned this is specific to the Adams Neighborhood.

Councilmember Simmonds added the additional parking enforcement personnel will also enforce winter parking which is a citywide issue.

Chairman Daines opened the meeting to a public hearing.

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

ACTION. Motion by Councilmember Simmonds seconded by Councilmember Olsen to **approve Resolution 17-28** as presented. Motion carried unanimously.

WORKSHOP ITEMS CONTINUED:

Consideration of a proposed resolution approving a County Option Sales Tax – Resolution 17-31 – Mayor Craig Petersen

Chairman Daines announced that Resolution 17-31 was withdrawn from the agenda. The County Council will consider this issue next year.

OTHER CONSIDERATIONS:

No further considerations were discussed.

ADJOURN TO MEETING OF THE LOGAN REDEVELOPMENT AGENCY

Chairman Daines welcomed those present. There were approximately 5 citizens in the audience at the beginning of the RDA meeting.

ACTION ITEMS:

8:25 p.m. PUBLIC HEARING - Consideration of a proposed resolution approving Agency Assistance to JC Jones Land Holdings, LLC for its Community Reinvestment Project in the Quayle Meadows Community Reinvestment Project Area – Resolution 17-25 RDA

At the June 6, 2017 Council meeting, Economic Development Director Kirk Jensen addressed the Council regarding the proposed resolution. JC Jones Land Holdings, LLC (“Developer”) has proposed the development of a 203 lot, highly-amenitized, single-family subdivision located at 1800 North, between 200 and 600 West in the Quayle Meadows Community Reinvestment Project Area (Quayle Meadows CRPA). This project contributes significantly to the achievement of the City’s economic goals, including the revitalization and enhancement of the Northwest area of Logan, with the project serving as a catalyst to attract further development, as well as helping to diversify housing options in the area by adding quality single-family housing as part of a subdivision that will include a trail system with public access, a community park and attractive landscaping. The development of larger, single-family lots will add to the diversification of housing choices within the broader Bridger Neighborhood, thereby providing a level of stability to the local Bridger Elementary School, as well as other civic and/or social organizations in the area and the proposed investment will assist in the development of this project. The Economic Development Committee has reviewed the proposed investment and recommends its approval.

Mr. Jensen further explained that JC Jones Land Holdings, LLC will receive \$9,500 per constructed building lot for each of the 22 lots comprising Phase I, lots of the Quayle Meadows subdivision with a maximum reimbursement equaling \$209,000 during the period commencing as of May 1, 2017 and continuing through December 31, 2018, conditioned upon the following:

1. The Developer will construct all 22 lots comprising Phase I, with construction plans to be approved by the City of Logan Planning Commission.
2. The Developer will construct trail segments as part of Phase I, allowing for connection to that portion of the 400 West sidewalk that is part of the Logan City Trails network.
3. The Developer will construct landscaping enhancements along 1800 North as approved by the City of Logan Planning Commission and/or the City Community Development Department, as appropriate.
4. The Developer will establish CC&Rs, to be approved by the Community Development Department, that promote high quality construction with minimum square-foot thresholds of the individual homes to be built on the lots.

Chairman Daines will the park and/or the trails be installed as part of Phase One.

Mr. Jensen responded the park will come later but there are some trail segments that will be included in Phase One.

Chairman Daines said she feels the park will be a significant selling point for this housing development and would like to see it developed sooner than later.

Mr. Housley added that 1800 North will be developed which will include a linear park that will have a buffer and some playground equipment. At this point we are not certain what Phase Two will be and the incentive is only tied to Phase One. The hope is there won't need to be incentives for future phases. Phase One will connect to the trail system on 400 West.

Councilmember Olsen said the only regret he has about the project is the failure to persist in the grid system for roads.

Mr. Housley responded that the property to the North is in a conservation easement that was put in by the Quayle family so there is really no opportunity to continue the grid road system to the North.

Chairman Daines opened the meeting to a public hearing.

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

ACTION. Motion by Councilmember Simmonds seconded by Vice Chairman Jensen to **approve Resolution 17-25 RDA** as presented. Motion carried unanimously.

PUBLIC HEARING – Consideration of a proposed resolution approving the Final Redevelopment Area Budget FY 2017-2018 in the amount of \$3,557,900 – Resolution 17-29 RDA

Mr. Jensen presented the proposed Redevelopment Area Budget in the amount of \$3,557,900.

Chairman Daines opened the meeting to a public hearing.

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

ACTION. Motion by Councilmember Olsen seconded by Councilmember Simmonds to **approve Resolution 17-29 RDA** as presented. Motion carried unanimously.

ADJOURNED. There being no further business to come before the Council, the meeting of the Logan Municipal Council adjourned at 8:35 p.m.

Teresa Harris, City Recorder