

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, October 17, 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. Gene 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 64 citizens in the audience at the beginning of the meeting.

OPENING CEREMONY:

Council Candidate Steve Thompson gave the opening thought and led the audience in the pledge of allegiance.

Ellee Hogan gave a presentation titled "The Year I Lost Myself" which is her personal story of how she dealt with being bullied.

Meeting Minutes. Minutes of the Council meeting from October 3, 2017 were reviewed and approved with minor corrections.

ACTION. Motion by Councilmember Olsen seconded by Councilmember Simmonds to approve the October 3, 2017 minutes as amended and approve tonight's agenda. Motion carried unanimously.

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

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, November 7, 2017.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL:

Logan resident Joe Tenant addressed the Council. He attended the recent joint meeting with the City Council, RECAB and the Power Advisory Board. He asked for more information on the Wastewater Treatment Plant.

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

MAYOR/STAFF REPORTS:

Updates on Projects/Issues – Mayor Craig Petersen

Mayor Craig Petersen addressed the Council with the following updates on projects/issues.

1. The parking plan for the new hotel on the corner of 200 North Main needs to be clarified.
 - a. The hotel will have 102 rooms and there will be 97 hotel parking stalls on the hotel property.
 - b. Maximum hotel parking demand is in the evening and maximum City/commercial use is during the daytime hours. The City and the property owner have a cross-parking agreement for a limited number of stalls – City use of private parking during the day and hotel use of City parking at night.
 - c. The City-owned parking that was on the new hotel property was a low-use lot on average, about 25% full.
2. Parking on the City block and for City vehicles during hotel construction is adequate.
3. The Council of Government (COG) made its recommendation yesterday for use of the road tax for transportation projects.
 - a. A total of \$5,444,210 was allocated countywide.
 - b. Logan received funding totaling \$2,501,755 for two projects.
 - i. \$725,400 (100% of request) for property acquisition for 100 West extension.
 - ii. \$1,776,355 (71% or request) for 1800 North extension and intersection.
 - c. The County Council will make the final decision on funding of the projects.
4. City Recorder Teresa Harris stated that ballots have been mailed to registered voters and General Election Day is November 7, 2017.

Requisition to establish a full-time Senior Construction Management Engineer Position – Issa Hamud

Environmental Director Issa Hamud addressed the Council and stated that he is seeking approval to establish a full-time senior construction management engineer position under Logan City's Environmental Department to oversee the wastewater treatment project bidding, construction activities, and start-up of the treatment facility. The duration of this position is the same as the construction period of the project plus the start-up time (approximately 4 years). After the successful completion of the project this position will be converted to a Wastewater Treatment Manager position or eliminated from the Environmental Department employee roster. This position will be classified as an Exempt Position and he would like to hire this person by the end of the year.

All council members agreed to Mr. Hamud moving forward to hire a full-time senior construction management engineer position.

Possible Land Trade – Mayor Petersen

Mayor Petersen addressed the Council and gave a presentation on a possible land trade. The properties involved are the V-1/Wonderbread location which, is the proposed library site. Currently these two properties are owned by the Needham Family Partnership. Gene Needham III is currently a City Councilmember. Councilmember Needham's term will end January 1, 2018. He will recuse himself from all Council decisions involving his property and full disclosure is required for all city land transactions.

The City has two library property acquisition options:

- Negotiate the purchase of V-1/Wonderbread properties from the Needham Family Partnership
- Accept a land trade proposed by the Needham Family Partnership

Possible Land Trade

- The details of the possible trade
 - a. What the City would offer
 - b. What the Needham Family Partnership would offer

Logan City Offers

- Plaza 45, Emporium & Poco Loco Properties
- Up to \$300,000 in RDA funds as an incentive for Emporium properties renovation
- A primary purpose of RDA funds is to promote economic development

Conditions

- The Needham's invest \$2 dollars in renovation for every \$1 dollar of RDA support received
- RDA funds will be provided as reimbursement for actual costs of renovation

Why a Cash Incentive?

- The Emporium location has struggled financially since the mid-1970's renovation
- The Emporium is key for downtown revitalization
- Two requests for proposal were issued in 2016 & 2017
 - Both RFP's clearly stated that financial incentives "Will be available to projects that meet City redevelopment objectives"
 - Not much response from potential developers
 - The City has always expected to provide incentives to make the Emporium commercially viable

The Needham Family Partnership Offers the V-1 and Wonderbread properties plus four properties located at 300 North Main Street.

Benefits of the Trade to Logan City:

1. Logan City acquires the two library site properties
2. The Emporium will be renovated and opened for commercial activity
3. Immediate removal of blighted buildings and potential for a quality commercial project at 300 North Main Street (includes city property)

4. Logan City recoups up to \$1,400,000 of Emporium property costs by sale of Needham 300 North Main and City-owned properties
5. Logan City adds much needed parking for City vehicles (31 stalls) on 300 North

Summary

- Acquire the properties needed for the new library
- Facilitate commercial activity in the Emporium by a group with a commitment to the downtown
- Replace blighted buildings with a high quality commercial project on 300 North Main Street
- Recoup a substantial portion of Emporium costs (Plus Logan City will own the library properties)
- Gain additional parking of city vehicles (31 stalls)

Mayor Petersen emphasized that no commitments have been made at this time and both the City and the Needhams are in a “due diligence” phase.

Mayor Petersen added that the question should be, not who is the property owner, but would the trade provide clear and significant benefits to the citizens of Logan?

Possible Timetable

- Conduct an environmental assessment of 300 North Main properties
- Initiate the legal requirements for a trade – Public hearing at the November 7 Council meeting
- Request Council consideration of RDA funding
 - Workshop discussion at the November 7 Council meeting
 - Public hearing at the November 21 Council meeting
 - Because RDA funds are involved, the Council would make the final decision on the trade

Vice Chairman Jensen said strategically there is great value in these properties and he feels there will be a lot of public input. He requested that the Mayor obtain and provide fair market appraisals of all the properties involved and present them in a spreadsheet to illustrate the fairness of the transaction and to provide transparency.

Councilmember Simmonds asked, can the Mayor trade property without Council approval?

City Attorney Kymber Housley responded that if the property is valued at more than \$100,000 or larger than one acre that we hold a public hearing and the Council is informed and makes suggestions if any. Ultimately, real estate transactions are executed by the Mayor but if there is an appropriation it would require Council approval.

Councilmember Simmonds said she feels that in order to hold a public hearing, she would like to see all the costs. The City will do the demolition which, will add to the cost.

Mayor Petersen responded that he will provide additional information before the November 7 Council meeting.

COUNCIL BUSINESS:

Planning Commission Update – Councilmember Simmonds

Councilmember Simmonds reported that she was not able to attend the most recent Planning Commission meeting but she did report there are two projects that will come before the Council in the next few months.

No further Council business items discussed at this time.

ACTION ITEMS:

PUBLIC HEARING – Consideration of a proposed resolution recommending a preferred alternative for improving the traffic flow at 1000 North and 1200 East – Resolution 17-46

At the September 19, 2017 Council meeting, Logan City Public Works Director Mark Nielsen, Preston Stinger and Seishi Yamagata with Fehr & Peers addressed the Council regarding the proposed resolution. The offset intersection located at 1000 North and 1200 East has conflicts and challenges to both traffic flow and pedestrian crossings. Many alternatives to improve the situation have been discussed for several years. Utah State University and the City have studied the alternatives and how each will improve safety and traffic flow at this intersection. The following alternatives were evaluated in the analysis:

1. Ovalabout (oval-shaped one-lane roundabout)
2. Hi-T (northbound traffic is free flow, southbound traffic stops occasionally for eastbound left turns, eastbound left-turns use acceleration lane to merge into northbound traffic lane)
3. Roundabout on northern end and stop controlled on southern end with restricted westbound left-turns from 1000 North to 1200 East. This would be a one-lane roundabout.
4. 1000 North Realigned (assumes a 50/50 split in terms of land acquisition on the east and west side of 1200 East) with a signal

Mr. Nielsen said there is not a timetable for this intersection being completed and if USU were to participate it could happen sooner. The biggest issue USU will have is the property needed to make the improvements and the City will have the same concerns taking property from the cemetery. There was an extensive process going through an analysis of this property and the next step would be to determine how much property is needed.

Chairman Daines opened the meeting to a public hearing.

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

Vice Chairman Jensen commented this is a brilliant solution to this road and he likes the plan and design.

Mr. Nielsen added that several alternatives were considered and the ovalabout was the best and will now proceed to the next phase which, is to evaluate all the property that this project will affect, there will also be public meetings before a final decision is made. The timeline of the evaluation will be approximately six months and it will be 5-10 years before the project begins.

ACTION. Motion by Vice Chairman Jensen seconded by Councilmember Simmonds to approve Resolution 17-46 as presented. Motion carried 4-1 (Needham abstained).

PUBLIC HEARING - Consideration of a proposed resolution supporting one-time funding for the Utah Festival Opera and Musical Theatre (UFOMT) – Resolution 17-43

At the October 3, 2017 Council meeting, Mayor Petersen addressed the Council regarding the proposed resolution. His perspective is the opera is very important to Logan. He proposed the following resolution:

BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF LOGAN, UTAH THAT:

WHEREAS, the Utah Festival Opera and Music Theatre (UFOMT) has, for 25 years, provided a high-quality summer cultural series; and

WHEREAS, UFOMT has a significant impact on summer hotel occupancy, restaurant utilization, and the economic well-being of other businesses in Logan City; and

WHEREAS, UFOMT is an important factor for many Summer Citizens in deciding to live in Logan City during the summer; and

WHEREAS, continuance of UFOMT is important to the public image of Logan City; and

WHEREAS, UFOMT is facing an immediate cash flow problem; and

WHEREAS, the Council believes that the future economic viability of UFOMT is important to the City of Logan and will require changes in certain operating procedures within UFOMT; and

WHEREAS, Utah State Code requires that a cost-benefit study justifying the expenditure be performed and publically noticed prior to a municipal council approving funding for a non-profit entity and that the required study is included with this resolution as Attachment A.

NOW THEREFORE, BE IT RESOLVED that based on the identified benefits of the UFOMT and to facilitate its continued contribution, the Logan Municipal Council

supports providing UFOMT one-time support from the City's General Fund in the amount of \$150,000, if the following conditions are met prior to funding being received:

1. UFOMT publically announces a 2018 performance season together with a FY 2018 budget that has been approved by the UFOMT Board of Directors.
2. The UFOMT Board of Directors is expanded to include a representative jointly designated by the Logan City Mayor and the Cache County Executive.
3. The UFOMT Board of Directors enacts a "Continuity and Succession" plan that will ensure that UFOMT continues to have strong artistic and executive leadership.
4. The UFOMT Board of Directors approves changes in UFOMT bylaws that provide assurance of improved financial and operational policies.

Chairman Daines opened the meeting to a public hearing.

Doug Lemon, North Logan. Mr. Lemon stated that he is a former member of the UFOMT Board and current advisor to the UFOMT. He asked for the Council's support in funding the opera which values the cultural benefit to the City. He reported the Board reviewed the resolution and agreed with the four conditions.

Scott Biggs, Logan. Mr. Biggs feels the opera is a benefit to the community and he doesn't see why it would be so difficult to help with funding.

Levi Hopkins, Nibley. Mr. Hopkins stated that for the last year he has been involved with the opera and he feels the opera company offers a lot of great things for the community and several classes to kids. He asked the Council to approve funding.

Steve Hoedt, Logan. Mr. Hoedt stated that he does not support additional funding for the opera. He feels the majority of people in Cache Valley do not attend the opera and it should be self-supporting.

Melissa Lewis, Eden, Utah. Ms. Lewis supports the opera and spends a lot of time and money in Logan as she attends opera events. She feels the opera brings business to Logan and the Council should consider how much the opera benefits the community.

Stanton Allen, North Logan. Mr. Allen stated that his children participate in the opera and he asked the Council to approve the funding.

Tania Hopkins, Nibley. Ms. Hopkins supports the opera and is grateful that we have the opera here in Logan. She feels the opera provides quality performances for the community and she appreciates them for what they do for the youth and the programs they provide.

Steve Bower, Logan. Mr. Bower said he supports the opera and feels that Michael Ballam is a treasure in the community. He feels the opera provides a lot of opportunity for young people which, helps to keep them busy and out of trouble.

Karina Brown, Nibley. Ms. Brown said she and her family enjoy the art programs the opera provides. She feels the UFOFT and what they provide changes lives and she asked the Council to approve the funding requested.

Andy Brown, Nibley. Mr. Brown said he participated in the opera and said it was a great experience for him. He asked the Council to support funding for the opera.

Joe Tenant, Logan. Mr. Tenant feels it was appropriate for the City of Logan to look at the finances of the UFOMT. He supports funding for the opera.

Mark Woodland, Providence. Mr. Woodland is the President of the Board of Directors for Music Theatre West. He said the arts inspire the youth and said one of the core items discussed are the economics and what could happen if the opera did not provide programs one of those being that the summer citizens would not travel to Logan. He feels that is false and Music Theatre West puts on some of the best shows in Cache Valley. They have local performers and other local people to help with their programs. He said Music Theatre West can also provide programs at a dramatically lower cost than the UFOMT. He does not disagree that Cache Valley needs art but said there are better alternatives from other art companies who are financially viable and have talented staff. He urged the Council to make a decision on what is best for the citizens of Logan.

Rebecca Thorpe, Logan. Ms. Thorpe said she is neutral on this issue but, she enjoys attending the opera. She suggested the UFOMT work with the USU Business School and a temporary loan be provided.

Bronwyn O'Hara, Logan. Ms. O'Hara said it was her understanding that the reason the UFOMT had a shortfall in funding was because one of their donors was not able to meet their funding commitment. It was also her understanding that the UFOMT has had a balanced budget for 25 years.

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

Finance Director Richard Anderson clarified the comments made by Bronwyn O'Hara and said he has looked at the UFOMT's financial situation and there may have been shortfalls in the last fiscal year but the reason for these shortfalls was not related to a donation being made.

Councilmember Simmonds asked Mr. Anderson if the UFOMT has operated with balanced budgets.

Mr. Anderson responded no, they have not. That is not to say that they haven't reviewed their budgets and stayed within expenditures. Their shortfall is not because of a single year, it's because of multiple years.

Mayor Petersen reviewed the list of four conditions listed in the resolution.

1. UFOMT publically announces a 2018 performance season together with a FY 2018 budget that has been approved by the UFOMT Board of Directors.

*Mayor Petersen reported the 2018 performance season has been announced and the Board approved a balanced budget.

2. The UFOMT Board of Directors is expanded to include a representative jointly designated by the Logan City Mayor and the Cache County Executive.

*Mayor Petersen reported the Board has agreed to include a representative.

3. The UFOMT Board of Directors enacts a “Continuity and Succession” plan that will ensure that UFOMT continues to have strong artistic and executive leadership.

*Mayor Petersen reported that the Board has approved a Continuity and Succession Plan but, at this time it has not been made public because it involves individual personalities and there does need to be some confidentiality although, the Council had access to review this Plan.

4. The UFOMT Board of Directors approves changes in UFOMT bylaws that provide assurance of improved financial and operational policies.

*Mayor Petersen reported the UFOMT will have a new Treasurer who reports directly to the Board. It is proposed as pro bono at this time because the UFOMT doesn't have the funds to hire an additional person, they have a highly qualified retired person in mind.

*He also stated that previously, the Founding General Director, Michael Ballam approved expenditures up to \$100,000 but now those expenditures will be approved by the General Director and the UFOMT Board Chairman.

*The UFOMT will establish an Endowment Committee charged with creating a \$5 million-dollar endowment fund, the annual gains of which shall be used to support UFOMT operations. Scott Mietchen is a professional in the field who has previously been employed by USU as a fund-raiser. His salary will be paid by a private donor, the donation was secured in the last couple of weeks.

Councilmember Simmonds said she feels very strongly that while the arts are an amazing component of our life in Logan and not one that she wants to diminish or lose, she represents all of Logan and not just those who attend the opera. She feels that given the financial situation of the UFOMT which, is an independent 501(c)(3) and is not part of the City, we need to be thoughtful and careful about our money. She also feels that the \$150,000 will bridge a gap and she doesn't know what the sustainability is beyond that gap. She said we have in Logan something that others have in the State of Utah called RAPZ which is Restaurant, Arts Parks and Zoos and a portion of that money is allocated directly to organizations in Cache Valley. The UFOMT receives the lion's share of that money which is \$385,000 per year although that amount is different year by year because

the UFOMT has to apply for the money and funding is approved by the County Council. There is also a hotel tax that is administered strictly by the County even though most of the hotel tax is generated in Logan. She feels it's also important to note that while Logan owns the Ellen Eccles Theatre building, the Cache Valley Center for the Arts does all the administration of the Eccles building and receives the revenue from that structure and is responsible for all of the expenses. The rent from the Ellen Eccles Theatre goes to the Cache Valley Center for the Arts which, has in turn pays their employees, utilities, etc. She also understands that sometimes things get in a tight spot and she would like to be able to help the UFOMT. She created another resolution with amendments which would structure the \$150,000 as a 100% forgivable loan. This loan could be forgiven on completion of the 2018 summer season within budget. She feels this gives the opportunity for the Council to be supportive but for the opera company to be responsible as well which she knows they are and will continue to be. She offered these amendments as an alternative that she is comfortable supporting.

Chairman Daines also proposed additional friendly amendments to the resolution under Item 2 regarding the *UFOMT Board of Director is expanded to include a representative jointly designated by the Logan City Mayor and the Cache County Executive*. She would like to amend the wording and add, *a representative with financial expertise* and add an additional line stating that *UFOMT will provide Logan City and Cache County quarterly financial statements through the end of 2018*.

Vice Chairman Jensen said Councilmember Simmonds proposed loan concept is a good idea but he feels the concerns have been addressed.

Councilmember Olsen said the four conditions that have been presented by Mayor Petersen have essentially triggered the forgivability provisions of the loan. A loan could create some funding and grant application issues for the UFOMT and it could be problematic for them if there were a loan.

Councilmember Simmonds said in the resolution it states, *that the Logan Municipal Council authorizes the Mayor to execute the necessary agreements and documentation to accomplish the intent of this resolution*. She proposed a friendly amendment that the Chair of the City Council be included in this process because the Council is responsible for the budget and it's important that the Council has a voice.

Mayor Petersen commented that legally and procedurally, the Mayor can execute contracts.

Mr. Housley stated that is correct and the Mayor can't do anything the Council doesn't approve in regards to the budget.

Mayor Petersen said executing contracts is not a function of the Council Chair but can be done in consultation with the Chair.

Councilmember Olsen suggested the wording that the Mayor can *execute the necessary agreements in consultation with the Council Chair*.

The Council all agreed this should be added to the resolution.

Councilmember Olsen said there have been valid concerns about the financial situation of the UFOMT which, he feels and hopes have been addressed.

Chairman Daines said the UFOMT has a 2015 public financial document and it shows the UFOMT was in the red by \$372,000. Logan Finance Director Rich Anderson has reviewed the UFOMT's finances and it shows that in the last five years, the opera has used assets of at least \$2 million dollars. They have also put an extensive amount of money into the Utah Theatre during that time.

Chairman Daines read the following statement:

I attend the opera, have donated to the opera, and understand it's economic impact to the community. And I am DEFINITELY in favor of them receiving significant RAPZ tax – which the voters have approved and the County distributes. I most DEFINITELY would like the opera to succeed.

I have been criticized for being “penny-wise and pound-foolish” for saying I was not in favor of giving the opera \$150,000 from the general fund. But as I reviewed the finances, it appeared they were bankrupt, and would not be doing another season, as Michael announced in August at the Tabernacle. To use another saying, it seemed to be “throwing good money after bad.”

Without a serious and significant change in operations, Utah Festival Opera is doomed and any infusion of cash will have no long-term benefit. I still don't like the idea of giving money from the general fund. I wish we had the funds to give it from the economic development budget.

However, UFOMT DOES provide a significant economic infusion to our economy, and therefore benefits the taxpayers.

Their budget troubles have been building for some time, but I believe their Board now understands the seriousness of the situation, and has made significant progress over the last two weeks in making the structural changes necessary to save the opera.

- 1) Changes as Mayor suggested per resolution, with amendments by council.*
- 2) They now have a donor paying the salary for a full time, professional fund-raiser for the next year*
- 3) I hope they CAN establish an endowment – with enough restrictions in place that it can't be spent on budget deficits.*

Because of that, I have hope that a contribution from the city can actually help them move forward and not go down the drain of bankruptcy.

For 25 years, the Opera has delighted, moved, and brought audiences to their feet. But like many operas, there isn't always a happy ending. If UFOMT is to continue its

performances, it must face the reality of operating as a viable business with its partners—both public and private. These partners need the assurance that the Opera will make the difficult and sometimes painful decisions that will be necessary to make this transition.

She added that she still doesn't like taking money out of the general fund and wished there were revenues where we could take the money from instead. She feels there is overwhelming evidence that the opera benefits Logan City economically and it brings people into the Valley. She wished we could take the money from our economic development fund but, because of the changes that have been made so far, she is convinced there a good path forward and she is willing support funding for the UFOMT. She will also personally contribute to the fund-raising efforts and she wished the UFOMT the very best going forward and success getting money from Cache County as well for this one-time allocation.

Mayor Petersen asked for clarification on the position of a full-time fundraiser.

Mr. Lemon responded yes, there is a full-time fundraiser for the UFOMT.

ACTION. Motion by Vice Chairman Jensen seconded by Councilmember Needham to approve Resolution 17-43 as amended. Motion carried unanimously.

7:13 pm – Councilmember Needham was excused from the meeting at this time.

PUBLIC HEARING - Budget Adjustment FY 2017-2018 appropriating: \$5,751 funds the Police Department was awarded for bullet proof vests purchased this fiscal year; \$12,016 RDA funds to repay the Business Improvement District assessment on the Emporium property – Resolution 17-49

At the October 3, 2017 Council meeting, Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustments. He explained that the \$12,016 is for the City portion of the RDA payback. We created a Business Improvement District and we put in some improvements. The Emporium building which, the City owns in the downtown has an assessment that is still outstanding so the requests is for the RDA to pay back that assessment. The RDA will pay that to the Business Improvement District fund and the Business Improvement District will return it to the general fund.

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 17-49 as presented. Motion carried unanimously.

WORKSHOP ITEMS:

Budget Adjustment FY 2017-2018 appropriating: (\$17,054) a correction for a carry forward on the Stewart Nature Park NPS Grant; \$2,777 to allocate funding that HUD has awarded the CDBG program for this fiscal year; \$350,000 funds for the

Logan River Restoration Project; \$300,000 funds for 1000 North 800 East; \$120,000 funds for the Logan River/Canal Monitoring Stations; \$104,475 funds for the Afterschool Match Partnership Grant that was awarded to Parks & Recreation – Resolution 17-53 – 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 November 7, 2017 Council meeting.

Consideration of a proposed ordinance enacting Section 13.12.050 regarding General Provisions; amending Section 13.12.010 regarding Definitions; amending Section 13.12.150 regarding Unpolluted Drainage to be discharged where; amending 13.12.160 regarding Prohibited Discharges; amending 13.12.170 regarding Limitations; amending 13.12.180 regarding Grease, Oil and Sand Interceptors; repealing 13.12.190 regarding Oxygen Requirement; amending Section 13.12.200 regarding Modification of Wastewater or Effluent Flow; amending Section 13.12.210 regarding Preliminary Treatment Provided by Discharger; amending Section 13.12.230 regarding Reporting Requirements for Discharger; amending Section 13.12.240 regarding Manhole; amending Section 13.12.250 regarding Monitoring; amending Section 13.12.260 regarding Confidential Information; amending Section 13.12.280 regarding Enforcement of Industrial Pretreatment Program; enacting Section 13.12.285 regarding Affirmative Defenses to Discharge Violations; repealing Section 13.12.290 regarding Recovery of Costs; repealing Section 13.12.300 regarding Enforcement; repealing Section 13.12.310 regarding Emergency Powers; amending Section 13.12.340 regarding Industrial Use Permits; enacting Section 13.12.345 regarding Regulation of Waste Received From Other Jurisdictions; amending Section 13.12.350 regarding Domestic Waste Hauler Permits; and amending Section 13.12.351 regarding Liquid Waste Hauler Permits - Ordinance 17-25 – Issa Hamud, Environmental Director

Environmental Director Issa Hamud addressed the Council regarding the proposed ordinance. The Logan City Environmental Department recommended modifications and additions to Logan City Code Section 13.12 that addresses the Industrial Pretreatment program. These modifications and additions are due to an order from the State of Utah Division of Water Quality (DWQ) after an audit of the City Code in August 2013. In a report from DWQ dated January 6, 2014 he was told that “the legal authority was found to be deficient” and that “the City must revise the legal authority” according to EPA regulation. The proposed ordinance has been revised and approved by Utah DWQ for the Council’s approval. After Council consent, the State of Utah DWQ will put out a public notice on the proposed ordinance for public comments. After the public comment period, the ordinance will come back to the Council for approval.

Mr. Hamud further stated that the City of Logan has had an approved Industrial Pretreatment Program since 1983. It started with one inspector and few industries, and the implementation of an oil and grease program. The City currently employs three full-time inspectors and the wastewater treatment manager who serves as the pretreatment

coordinator. The pretreatment program service areas covers not just Logan City but the cities of Smithfield, Hyde Park, North Logan, Providence, River Heights and Nibley. The program regulates over 500 businesses, with 37 of them being in the Significant Industrial User (SIU) status under EPA designation.

Councilmember's Daines, Jensen, Olsen and Simmonds agreed to Mr. Hamud moving forward and notifying the State of Utah DWQ.

OTHER CONSIDERATIONS:

ADJOURN TO MEETING OF THE LOGAN REDEVELOPMENT AGENCY

Chairman Daines welcomed those present. There were approximately 8 citizens in the audience at the beginning of the RDA meeting.

ACTION ITEM:

PUBLIC HEARING - Budget Adjustment FY 2017-2018 appropriating: \$12,016 RDA funds to repay the Business Improvement District assessment on the Emporium property – Resolution 50 RDA

At the October 3, 2017 Council meeting, Mr. Anderson explained the proposed budget adjustment to repay the Business Improvement District assessment on the Emporium property.

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 17-50 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 7:20 p.m.

Teresa Harris, City Recorder