

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, August 21, 2018 at 5:30 p.m. in the Logan City Municipal Council Chamber, 290 North 100 West, Logan, Utah. Chairman Thomas C. Jensen conducting.

Councilmember's present at the beginning of the meeting: Chairman Thomas C. Jensen, Vice Chair Jeannie F. Simmonds, Councilmember Amy Z. Anderson, Councilmember Herm Olsen and Councilmember Jess W. Bradfield. Administration present: Mayor Holly H. Daines, Finance Director Richard Anderson, City Attorney Kymber Housley and City Recorder Teresa Harris.

Chairman Jensen welcomed those present. There were approximately 12 in attendance at the beginning of the meeting.

### **OPENING CEREMONY:**

Councilmember Amy Anderson gave the opening thought and led the audience in the pledge of allegiance.

**Meeting Minutes.** Minutes of the Council meeting from August 7, 2018 were reviewed and approved with minor corrections.

**ACTION. Motion by Councilmember Olsen seconded by Councilmember Anderson to approve the August 7, 2018 minutes as amended and approve tonight's agenda. Motion carried unanimously.**

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

**Meeting Schedule.** Chairman Jensen 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, September 4, 2018.

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

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

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

#### **Trust Accountability Program Award – Utah Local Governments Trust**

Utah Local Governments Trust Loss Prevention Consultant Jason Watterson presented Mayor Daines with the Trust Accountability Program Award. This award is given to cities who keep their employees safe and this is the third year that Logan has received this award. Logan City has safety committee meetings which identify those areas that need improvement. Because of the safety efforts of Logan City, they received a check in the amount of \$4,775 which is a percentage of the liability premium. He thanked the City

of Logan Risk Management staff for their hard work and congratulated Logan City on receiving this award.

### **Logan City Poet Laureate – Star Coulbrooke**

#### POEM FOR WHO WE ARE

--for Logan, by Star Coulbrooke,  
Logan City Poet Laureate, 2018

A people, close inside the valley's soul,  
in the copper light of summer.

What binds us together is fragile,  
people breathing hurt or joy  
or something in between,  
tossing down our offerings  
the color of bruised plums,  
a lavender wideness in our eyes.

We are dreamers of a better way,  
navigating by feel, by emotion,  
writing words of tufted softness  
that drift on the current like grief,  
like leaves relieved of their dry,  
brittle crunch.

We are people of desert and forest  
seeking to know our place  
in a land  
once meadow grass and dragonflies,  
people whose tiny alterations  
can change life on a grand scale,  
umber sky burning earlier and earlier.

People whose elders  
were once castaways  
shuttled from shelter to home  
who were patient and lived long  
and cached their descendants away  
in the eventual safety  
of this northern Utah hamlet.

People whose minds  
were shiny black and sharp as flint,  
their stories full of loop and flop,  
words glowing glorious,  
peach button sprouts, birds' heartbeats.

People welding pen to paper,  
words glistening and snapping  
like live-wire bouquets.

People who've waited  
for that phone call  
in the middle of the night, dreading  
what might come next  
though everyone they know  
is tucked safe  
underneath their roof.

People who walk with the weight of sky  
held Atlas-like, bearing the objects of Earth,  
summer tombstones, clouds of silver gnats  
and dreams of democracy dying.

People ferocious with power,  
who take up their pick ax, their armor,  
to shatter the loneliness,  
break down the battlements  
used to exclude,  
like children playing spooners with the  
outcasts,  
chucking spoons not rusty knives,  
children who don't have to try  
to believe, to be caring, to matter.

People are their wooden mansions,  
are the green of branches they walk under  
in the whethers of unwieldy weather,  
are the book and paper, friend and first kiss,  
games of shadow tag, the darting  
and the weaving and the choosing of a life.

We are rare symbolic squares  
of cloth sewn into little packets  
and clipped to the limbs of an old majestic  
elm.

We are the surging joy of ivy,  
sidewalk art of breezy leaves,  
our quirky personalities, our knowledge  
and its loss, how summer lasts all year  
in the longing for it, and our lives will  
sooner  
than later be elevated to ash.

Meanwhile, the bus that rolls along  
our city streets will always take us in,  
hopeful grandparent, hopeful child,  
tracing together with colored chalk  
the uncertainty of what lies ahead.

Confusion on the cusp of change  
means reaching out to shape the words  
that yearn. Polite and steady, brought to life  
in scratches and swoops,  
they line up to serve us, we who persist  
as lichens persist, free dancing,  
photosynthetic, we the clean air indicators,  
habitat ingratiate, standing with the  
children,  
deferring right-of-way.

Inside we are islands, tentacles  
in the solar current, blastocytes revolving  
through memories of water and thunder,  
our oil-slicked prayers rising  
on the surging hope of Future.

We are, at the end of the day,  
just needing to be loved, just trying  
to get home, in this city of who we are,  
this town that lifts us to one tribe.

Star Coulbrooke, Compiled 8/18/2018

Presented to Logan City Council 8/21/2018

Contributors to the poem:

Nathan Allen  
Kendall Becker  
Brenda Brunello  
Ryan T. Choi  
Gail Christensen  
Trekton Christiansen  
Chris Davis  
Brock Dethier  
Valerie J. Downs  
Terysa Dyer  
Natalie Fjeldsted  
Alisha Geary  
Mary Ellen Greenwood  
Anne Hedrich

Luke Lemmon  
Annika Lundgren  
Gable Munn  
Iris Nielsen  
Paul Rogers  
Christine Cooper Rompato  
Kika Rompato  
Jon Scoresby  
Flora Shrode  
Hannah Smith  
Anne Stark  
Aaron Timm  
Isaac Timm  
Millie Tullis

Mayor Daines thanked Star Coulbrooke for her beautiful poem and announced that the poem will be posted on the Logan City Website.

### **Opening & Public Meetings Act Update – Kymber Housley, City Attorney**

Logan City Attorney Kymber Housley addressed the Council and gave an update on the Open and Public Meetings Act. He stated the Open and Public Meetings Act was enacted upon the premise that the State, its agencies, and its political subdivisions exist to aid in the conduct of the people's business. As such, a public body should deliberate and act openly. The Open and Public Meetings Act requires that members of a public body be provided with annual training on the requirements of the Open and Public Meetings Act.

Mr. Housley indicated the 2018 Amendments to the Open and Public Meetings Act mostly impact the Transit Authority.

Mr. Housley reminded the Council about the definition of a meeting which, is a convening of a public body or a specified body with a quorum present to discuss, receive public comment about, or act upon a matter over which the public body or the specified body has jurisdiction or advisory power. A meeting does not include a chance or social gathering, a convening of a public body that has both legislative and executive responsibilities. The Council cannot deliberate as a body outside of a public meeting with more than one Councilmember if not in a public setting. This also applies to electronic correspondence. The Council should ere on the side of caution and when in doubt it should be noticed as a public meeting.

Mr. Housley reviewed the requirements for the Council to hold a Closed Session. The Council must still meet publicly with the standard noticing, they vote to go into a Closed Session which must be made publicly with individual votes either for or against the Closed Session. The main reasons for the Council to go into a Closed Session are discussion of the behavior, competence or mental health of an individual; strategy session to discuss pending or reasonably imminent litigation; strategy session to discuss the purchase, exchange or lease of real property but only if there is a finding that it could disclose the appraisal or value of the property under consideration; discussion regarding the deployment of security personnel and investigative proceedings regarding allegations of criminal misconduct. Meeting minutes are taken but they are not considered a public record and can only be disclosed with a court order.

More information regarding the Open and Public Meetings Act can be found in Utah Code Section 52-4-102.

### **Board Appointment (Planning Commission) – Mayor Daines**

Mayor Daines asked for ratification of Roylan Croshaw to serve on the Planning Commission which is a four-year term. Mr. Croshaw is replacing Russ Price who recently resigned.

**ACTION. Motion by Councilmember Olsen seconded by Councilmember Anderson to approve ratification of Roylan Croshaw as presented. Motion carried unanimously.**

**COUNCIL BUSINESS:**

**Planning Commission Update – Vice Chair Simmonds**

Vice Chair Simmonds reported from the last Planning Commission meeting there was a discussion regarding a proposed rezone by the Eliason Meat Packing Company. This rezone will be presented at tonight's Council meeting.

**Consideration of a proposed resolution authorizing the Governor's Office of Energy Development to conduct the Commercial Property Assessed Clean Energy District (C-PACE) within the City of Logan – Resolution 18-33 – Emily Malik, RECAB Coordinator**

RECAB Coordinator Emily Malik addressed the Council regarding the proposed resolution. She explained the Commercial Property assessed clean energy, or C-PACE is a private financing program for energy improvements that has been adopted by more than 20 states, including Utah. During the 2017 legislative season, rules and regulations regarding commercial property assessed clean energy, or C-PACE, financing was streamlined to make it easier than ever for businesses in Utah to participate. That legislation established a C-PACE district that is administered and operated by the Governor's Office of Energy Development (OED). Businesses within Logan City are eligible to participate in C-PACE financing only if Logan City becomes a participant of the C-PACE District.

The Council is asked to adopt the provided resolution which authorizes OED to conduct the C-PACE district in Logan City in accordance with the Participation Agreement. Mayor Daines, Rich Anderson, and Kirk Jensen have read the agreement and have no objection to joining the C-PACE District.

The City's only obligation is to assist OED in marketing efforts and outreach to the local business community to encourage participation in the C-PACE District. This may include publishing information on the website, distributing an information letter to local businesses, and conducting one or more information meetings.

City Attorney Kymber Housley further explained the City's role is for the Council to approve the resolution stating that the City supports C-PACE. This is a State run program and the City has made some commitments regarding monitoring. There is also some City staff time required, there is no risk or financial commitment to the City.

**ACTION. Motion by Councilmember Olsen seconded by Vice Chair Simmonds to approve Resolution 18-33 as presented. Motion carried unanimously.**

No further Council items were presented.

## **ACTION ITEMS:**

**PUBLIC HEARING - Zone Change – Consideration of a proposed zone change. Kevin McGaha/Michael K. Jones Trustee of Ralph L. Huber Family Trust, authorized agent, owner, requests to have a 1.54-acre parcel rezoned from Recreation (REC) to Commercial (COM) as it was previously zoned (2006-2012) located at 114 East 1000 North – Ordinance 18-14**

At the August 7, 2018 Council meeting, Planner Russ Holley addressed the Council regarding the proposed zone change. He explained the following:

### **BACKGROUND**

The proponent is requesting to rezone approximately 1.5 acres of property from REC to COM. This property was developed in 1964 as the “Municipipool” and used as a public indoor swimming pool for several decades. The ownership and management has varied over the years between the City of Logan and the Logan City School District. In 2006 the property was acquired by Lowell Huber and was operated as a scuba diving training facility. Recently, the property has been poorly maintained and is currently accruing Logan City code enforcement fines for refuse and unauthorized business activities. Based on visual inspections, used cars are being displayed and offered for sale on the property. The REC zoning district does not permit used car sales. The COM zone allows used cars sales after a Conditional Use Permit is approved. The current Cache County parcel map and recorded legal description show the southern property line on this parcel bisecting the north portion of the Middle School building creating a setback violation. In 2011, there was a property boundary dispute along the southern property line adjacent to the school. Staff was unable to locate a recorded document concerning the parcel line adjustment.

### **GENERAL PLAN**

The Future Land Use Plan (FLUP) adopted in 2008 identifies this property as REC. REC zones are described in the General Plan as areas for recreation and park facilities. They are typically publicly owned, but may also be privately owned facilities such as, but not limited to, campgrounds and golf courses. REC lands may also be designated as open space for trails and nature preserves. COM areas are intended for retail, service and hospitality businesses that serve city-wide populations. COM zoning districts allow for the widest range of commercial uses within the City.

### **ZONING HISTORY**

From 2011 to present, the zoning is REC. From 2007-2011 the zoning was COM. From 2000-2007 the zoning was SFR. From 1968-1999 the zoning was R2. Other than a short period of time between 2007-2011, the property has been zoned as lower density residential or recreation.

### **SUMMARY**

Given the proximity to existing commercial developments along Main Street and 1000 North the COM zone designation is a logical designation for this property. Aside from the Middle School interface along the southern property boundary, the neighborhood and streetscapes in the area are commercial in nature. With commercial developments and

services already established along three sides of the Middle School property (west, south, north), the City is unaware of property incompatibilities or complaints.

The property appears (cars parked on the property with writing on the windshield saying; “For Sale”) to currently operate as a used car lot, which is not permitted in the REC zone. The Planning Commission may choose to hold this action request until the apparent unauthorized use is completely removed. If the property is successfully rezoned, a Conditional Use Permit would be required prior to the legal establishment of a car sales business.

Based on a newspaper article from 2011, an apparent property agreement changed the boundary between the middle school and this property that would potential eliminate building setback violations and create a buffer between the two buildings. This agreement has not been recorded with the County Recorder and staff is unaware of its whereabouts. Again, the Planning Commission could choose to hold this request until this agreement is reviewed, considered and recorded.

Staff recommended that the Planning Commission recommend approval to the Municipal Council for a rezone of approximately 1.5 acres of property located at 114 Eat 1000 North from Recreation (REC) to Commercial (COM).

On July 26, 2016, the Planning Commission recommended that the Municipal Council approve the 114 East 1000 North rezone project that amends the Official Zoning Map.

Chairman Jensen opened the meeting to a public hearing.

Logan resident Reagan Shaw addressed the Council. He feels the property should remain as Recreation and not a Commercial zone. He said it’s very close to Mt. Logan Middle School and he does not like the idea of a used car sales business located next to the school.

Mr. Housley said the original intent when the City thought they owned the pool was to trade the pool for the corner property on 300 North. It was discovered there was a reverter clause and it was the City’s as long as it was used as a pool but if it ceased being used as a pool, it would revert back to the School District. Independent of our agreement, the School District entered into an agreement with the property owner and in their negotiations, they agreed that if they didn’t use it as a pool the School District would relinquish that reverter clause. When the application for the rezone was submitted, we reached out to the School District to find out what their position was regarding the property. Although the School District is concerned about who their neighbor might be and what will happen to the property, they support the proposed rezone in general. Mr. Hosuley said in his opinion, he feels the School District is hoping for a new neighbor. The property is currently listed for sale and if the property is rezoned, the hope is the property will be sold. A Commercial Zone will allow for a car lot but it would have to go through the permitting process and meet the requirements of City Code.

Kevin McGaha acting on behalf of the Jones Trustee and Huber Trust addressed the Council. He said he understands there is an issue with the boundary line adjustment but

asked the Council to bear in mind that this area was zoned Commercial in 2011 and then it changed to Recreation. There is an application in the process for the boundary line adjustment and he is also in the process of obtaining a formal property description. He said the School District is in favor of the zone change. His understanding is the zoning would follow the boundary line adjustment so it would not be an impediment to the approval of the rezone. Regarding the used cars, he stated that he is not here tonight regarding this issue but he understands there is enforcement going forward and should that be a violation of city code, it will be addressed. He does not feel the car issue should stand in the way of the proposed zone change. His understanding is the cars are being stored at this location which, has a large parking lot. He is unaware that cars are being sold.

Councilmember Olsen said there is presumably a dispute on the boundary and he asked why the boundary can't just be recorded which would resolve the concerns of the Council about getting it done.

Mr. McGaha responded the underlying factor with the boundary is the School District. The reverter clause that was discussed earlier was adjudicated in that case and the case settled with the boundary line being agreed upon. One of the impediments is finding a copy of the agreement that everyone involved has signed.

Councilmember Olsen said he is reluctant to act on the zone change until the boundary line issue is resolved.

Mr. McGaha responded that part of the agreement with the School District is there will be a fence that goes up on the boundary line.

Vice Chair Simmonds said the Council cannot zone something on the condition that something else happens.

Mr. Housley agreed with Councilmember Olsen and said it would be wise to know where the boundary line is before the Council approves the final zoning.

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

**ACTION. Motion by Vice Chair Simmonds seconded by Councilmember Bradfield to continue Ordinance 18-14 to the September 4, 2018 Council meeting as an action item, no public hearing as presented. Motion carried unanimously.**

**PUBLIC HEARING - Budget Adjustment FY 2018-2019 appropriating: \$10,000 to record EZ Links revenue from golf cart lease – Resolution 18-36**

At the August 7, 2018 Council meeting, Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustment.

Chairman Jensen opened the meeting to a public hearing.

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



**ACTION. Motion by Councilmember Anderson seconded by Vice Chair Simmonds to approve Resolution 18-36 as presented. Motion carried unanimously.**

**WORKSHOP ITEMS:**

**Consideration of a proposed ordinance adopting Logan Municipal Code Title 2, Chapter 65, Access to Public Records – Ordinance 18-15 – Kymber Housley**

City Attorney Kymber Housley addressed the Council regarding the proposed ordinance and said this is an ordinance that is being presented to the Council after talking with the State Records Ombudsman. Many of the Councilmembers have received GRAMA requests. He said the challenge we have isn't that we are getting GRAMA requests, it's that we are getting multiple GRAMA requests for the same items and sent to several people within the City and it's very difficult to track those requests. The person receiving the GRAMA request isn't sure who else received the request and who is responding to the request. The goal with the proposed ordinance is to have a centralized location where the GRAMA request can be sent and can either be hand delivered, mailed, or sent electronically. In the proposed ordinance, it specifies the location where the GRAMA request should be sent. If sent electronically it will go to the email [loganrecordrequest@loganutah.org](mailto:loganrecordrequest@loganutah.org). It doesn't mean that the person who sees the record request may necessarily respond to it and it might have to be sent to another department for a response but it gives us the ability to control and make sure the request is being responded to in a timely manner. It also allows us to keep record of these requests so we know if we've already responded and we don't need to respond to the same request twice.

Chairman Jensen said the proposed ordinance may not reduce the amount of GRAMA requests received, but at least it will clarify the routing of the requests and where they should be sent.

Mr. Housley said that is correct. It also allows someone if they so choose, to block an individual from their email who sends multiple requests and emails because the records request will go to a specific location. He discussed this with the State Records Ombudsman and at first there was a concern because there is the State Records Portal that can be used to submit record requests but, the way the State law is written and if we don't adopt our own ordinance the State portal is an option that someone still has to send a request. State Code 63G-2-701, specifically gives the City of Logan the ability to adopt our own ordinance and we can also extend the time we have to respond. A public record is a public record and we can't change that but we can change the manner in which we respond and the time frame. There are a few things listed in the statute that we have to comply with but the State Portal is not one of them and he talked with the State Ombudsman who said that no one has ever made that argument but she was fine with the wording in our proposed ordinance. From a legal standpoint, the proposed change doesn't make it any more difficult for any citizen to submit a record request, we are just designating where that request should go and it can't be sent to just anyone in the City. Generally, the response time for a record request is 10 business days unless, there is a request for an expedited response then it's five business days. Not just anybody can ask for an expedite response and there has to be a public interest reason which has been defined by the State Court such as the press who might be doing a story and has a

deadline. It still doesn't mean that we have to provide the record within that 5 business days, it just means that we have to respond and let the requester know how long it will take to complete the request. Sometimes the request is so voluminous there is no way we can respond within 10 business days.

Mr. Housley further explained that the City has a fee schedule for record requests which is referenced in the ordinance and the GRAMA request form. We try not to charge and if the request is something that we can obtain quickly, we want to send the information at no cost. We also try and make as many things as we can available online such as council minutes, ordinances and resolutions. We follow the State records retention schedule and there are certain documents that we have to keep permanently and others that we only keep for a few years.

The proposed ordinance will be an action item and public hearing at the September 4, 2018 Council meeting.

**B. Unspent Appropriations FY 2018 – Carry Forwards – Resolution 18-40 – Richard Anderson, Finance Director**

Finance Director Richard Anderson addressed the Council regarding the proposed Carry Forwards.

**ADMINISTRATION - \$13,275 for Impact Fee Study**  
**COMMUNITY DEVELOPMENT - \$35,000 for Center Street Project**  
**POLICE DEPARTMENT - \$23,945 for Shooting Range Cover**  
**FIRE DEPARTMENT - \$71,090 for Paramedic Training; \$39,510 for Fire Equipment**  
**PUBLIC WORKS - \$8,376 for Streets Engineering; \$1,673,830 for Streets Capital Projects; \$124,440 for Service Center Roof**  
**PARKS & RECREATION - \$14,000 for Parks & Recreation Capital Projects**  
**WATER & SEWER - \$14,850 for Impact Fee Study; \$465,000 for Grout Truck; \$1,479,950 for Water Capital Projects; \$403,548 for Sewer Collection Capital Projects; \$45,000 for the 700 North Well Generator**  
**SEWER TREATMENT – \$2,240 for Motor; \$3,915,518 for Sewer Treatment Plant Project**  
**ELECTRIC - \$7,725 for Impact Fee Study; \$22,400 for Dave Berg Consulting (cost of service analysis); \$12,928 for Semi Service Inc (Knapheide service body); \$798,184 for Virginia Transformer Corp Sub 7 Power Transformers; \$8,810,811 for the 3rd Dam Project; \$4,000,000 for the 3rd Dam Project**  
**ENVIRONMENTAL - \$450,499 for the North Valley Landfill; \$10,783 for the North Valley Landfill Monitoring; \$557,293 for Rolling Stock ordered but not received; \$25,608 for Landfill Professional Services**  
**STORM WATER - \$11,049 for Storm Water Engineering; \$37,755 for FEMA Flood Plain Maps; \$443,142 for Storm Water Capital Projects; \$150,000 for Monitoring maintenance and Storm Water Master Plan**

**Unspent Appropriations FY 2018 – Restricted:**

**POLICE ALCOHOL ENFORCEMENT - \$94,719 for Police Department Alcohol Enforcement**  
**PUBLIC WORKS - \$90,733 for Streets Projects**

**Carry Forward of Capital Projects:**

**PUBLIC WORKS STREET PROJECTS - \$1,516,189**  
**PUBLIC WORKS ROLLING STOCK - \$203,735**  
**POLICE ROLLING STOCK - \$33,539**  
**PARKS & RECREATION - \$627,604**

**Carry Forward of Reimbursement Grants:**

**FEDERAL GRANTS - \$502,761 CDBG; \$7,972 Bullet Proof Vests**  
**STATE GRANTS - \$1,580 Canyon Connector Trail-UDOT; \$117,219 Canyon Connector Sidewalk-UDOT; \$95,749 Logan Canyon Pathway-UDOT; \$12,338 Logan River 319 Agreement**  
**MISC GRANTS - \$200,000 County Road Grant Tax-1400 North 600 West Signal; \$1,456,000 County Road Grant Tax-3200 South Intersection; \$725,400 County Road Grant Tax-100 West Extension Property; \$1,776,355 County Road Tax-1800 North Extension & Intersection; \$79,527 ULCT Active and Healthy Communities Grant**  
**RAPZ GRANTS - \$458,168**

The proposed resolution will be an action item and public hearing at the September 4, 2018 Council meeting.

**Budget Adjustment FY 2018-2019 appropriating: \$110,000 grant the Parks & Recreation Afterschool Program was awarded for this fiscal year; \$180,000 grant the Parks & Recreation Department received from the State of Utah for the construction and improvement of the 1700 South Park; \$101,215 grant the Parks & Recreation Department received from the State of Utah for the construction of the Bridger Bike Park project; \$44,912 additional funding received from HUD for CDBG for fiscal year 2019 – Resolution 18-37 – Richard Anderson, Finance Director**

Finance Director Richard Anderson addressed the Council and explained the proposed budget adjustments.

The proposed resolution will be an action item and public hearing at the September 4, 2018 Council meeting.

**Zone Change – Chris McKay/Eliason Packing Company, authorized agent/owner, requests a zone change of 19.25 acres from Commercial (COM) to Mixed Use (MU) located at 607 West 200 North – Ordinance 18-17 – Russ Holley, Planner**

Planner Russ Holley addressed the Council regarding the proposed zone change. He explained the proponent is requesting to rezone six parcels that total approximately 19.25 acres of property from COM to MU. The applicant has indicated to staff that he intends

to develop a horizontal mixed-use project on the site. Five of the parcels are vacant with the one eastern parcel containing five (5) structures. The structure types range from industrial meat processing buildings to small agricultural barns and sheds. An old abandoned railroad spur, that is now owned by the City of Logan, runs along the eastern border and creates a sweeping curved boundary line. Because of this railroad border, the only street frontage is along 200 North. 400 North “dead-ends” into the northwest portion of the rezone site. The street frontage along 200 North is approximately 750 feet. The land is relatively flat and primarily consists of grass fields. The land appears to have areas of high water-table and/or wetlands near the center.

### **GENERAL PLAN**

The Future Land Use Plan (FLUP) adopted in 2008 identifies this property as Commercial Service (CS). Commercial Service areas are described as being designations that fill the need between industrial and commercial land uses. CS areas provide locations for light manufacturing, construction support and commercial service industries.

The MU designation in the General Plan is described as having high concentrations of commercial and residential uses. Structures would typically be multi-story with projects laid-out in a compact fashion that allows residents to work, play and live all within a walkable center. The MU designation can be applied to encourage re-development, especially in areas that have old or out dated one-story shopping centers.

### **LAND DEVELOPMENT CODE**

The Land Development Code (LDC) allows for up to 30 residential units per acre of land in the MU zone. It allows for a “horizontal” mixed use pattern, which does not require every building to contain ground floor commercial and upper story residential, but does specifically require both commercial and residential uses to be established on the project site. The MU zoning regulations do not specify where and how much commercial space is required. The ratios and commercial placement requirements would be approved during the Design Review Permit process. The MU zoning district permits a wide range of commercial uses that include, but are not limited, restaurants, offices, retail, hospitality and personal commercial services. The current zoning designation of COM does not allow horizontal mixed-use buildings or projects.

### **ZONING HISTORY**

From 1950-1999 the property was zoned M1, which is a manufacturing or industrial zoning district. From 2000-2018 the property was zoned CG/COM, which are both general commercial zoning districts.

### **SUMMARY**

Given the proximity to existing single family residential areas to the east and north and the light manufacturing areas to the west and south, a multi-family mixed-use project would act as a buffer between these two incompatible land use areas. With the additional railroad right-of-way along 600 West, the impacts to the single-family areas to the west would be minimal. A large comprehensive project on this site can be designed in a better manner than that of smaller piece-meal projects, and would result in improved traffic circulation, consolidated usable open space and strategic commercial/residential interfacing.

This location which is immediately adjacent to Logan City's gridded core offers better mobility and transportation choices for future residents. This location, considered an infill project, also efficiently utilizes infrastructure and surrounding utilities as compared to outer fringe areas (sprawl) that excessively burden the transportation and infrastructure networks with poor logistics, higher vehicle miles driven and lengthier pipes and lines required to be connected and installed.

Staff recommended that the Planning Commission recommend approval to the Municipal Council for a rezone of approximately 19.25 acres of property located at 607 W 200 N from Commercial (COM) to Mixed use (MU).

On August 9, 2018, the Planning Commission recommended that the Municipal Council approve the Meatpacking District Rezone project that amends the Official Zoning Map.

Councilmember Olsen said at one time there was a proposal to divert highway traffic on State Road 30 at the Cache County Jail.

Mr. Holley responded and said the proposed zone change is not associated with the project done approximately 10 years ago when an EIS was completed. UDOT would like the highway to have a four-way stop at Main and 400 North and eliminate the jog. The Cache County Jail had some concerns with that plan because of the curve of the road and speeds. Nothing further has been done and he isn't sure what the future of that plan will be. The City's Public Works Department has stated they feel this is a good connection. The proposed rezone will create two parcels so if the owners or future owners come with a project, they know that it's the intention of the City to put in the road.

Mr. Holley said the Future Land Use Plan contemplates Commercial service and the current zone is Commercial. In looking at the existing land uses, including the large City owned properties, there are a lot of them that are quasi industrial, smaller manufacturing contractor spaces, etc. The only residential use is the mobile home park. The Mixed Use has not been defined, the Code does require a mix of Commercial and Residential and it's up to the Planning Commission to decide what is appropriate as far as ratios are concerned.

Mr. Holley showed a map of the City owned properties in the area which are in the northwest quadrant of the City. There is an abandoned railroad spur line that's in this area and the remaining property is privately owned.

Councilmember Olsen asked if this area would make an appropriate walking/biking path.

Mr. Housley responded it might but we would also need to trade some of the spur for other right-of way's. The City also has a triangular piece that is South of Spindler Construction which, is City owned property and he asked if that should be included in the rezone or should it remain Commercial?

Mr. Holley responded that staff recommend waiting until a project has been proposed then, talk with Spindler Construction and the mobile home park and determine what impacts they might have.

Vice Chair Simmonds said if we ever did some kind of enhancement on 600 West we don't want to get ourselves so tight with other things that we can accommodate that enhancement.

Mr. Housley said he feels that a portion of the property, the spur or the triangular piece might have to part of a trade to make it all work.

Mr. Holley said the railroad retains the right-of-way along 600 West and that is an active line.

Chairman Jensen asked does the City have permission from the railroad at 600 West 400 North to cross that area.

Mr. Holley responded that an agreement hasn't been finalized.

Mr. Housley said one of the challenges with an expansion of 600 West will be with the railroad.

Chairman Jensen said access to the Eliason Packing Company is not only on 200 North but also on 400 North on the west side.

Mr. Holley said access is yet to be determined but in the future, there will be frontage along 200 North, frontage along the new 400 North and 800 West. The Mixed-Use Zone allows for a wider range of Commercial uses such as assisted living, residential uses, public institutional uses, utility, office, bank, medical clinics, hotel, motels, restaurants and various other uses. Mixed Use requires residential and commercial to be considered as a Mixed-Use project and would allow 30 units per acre and there is an additional 10 unit per acre bonus for a vertical Mixed-Use building. This is to be a more urban type layout so there is an actual minimum and maximum setback. It also requires high transparency so it's more of a store front style and housing would be above or behind the building. With this area being located along the highway he assumed that staff and the Planning Commission will want a substantial amount of Commercial in this area.

Mr. Housley said there were two public comments at the Planning Commission meeting, one from an adjoining property owner who has a machine shop. He supported the project but, he didn't want residents complaining about the noise coming from his shop. There was another comment from an owner across 600 West who was concerned about traffic and access.

Mr. Holley said the applicant is aware of the compatibility issues. The businesses that are there now are legally grandfathered so they can continue to conduct business. The intent if the rezone is approved is to come back in the future with a project.

Councilmember Bradfield said he likes the project and knows that people want to have Mixed Use and walkable areas in their neighborhoods and not just a densified project. He feels there is opportunity in this area and good things can happen.

The proposed ordinance will be an action item and public hearing at the September 4, 2018 Council meeting.

**Consideration of a proposed ordinance approving the Historic District Design Standards – Ordinance 18-16 – Mike DeSimone**

Community Development Director Mike DeSimone addressed the Council regarding the proposed ordinance. He said the City of Logan requests review and adoption of an update to the Historic District Design Standards for the Center Street National Historic District. The update has been guided by a Steering Committee comprised of members of the Historic Preservation Commission, Planning Commission, City Council, City Administration, historic preservation consultants and general public, and includes a comprehensive review and update of the existing guidelines with an emphasis on incorporating current best practices, technology, and materials innovations which are appropriate and acceptable under the Secretary of the Interior's Standards.

The Center Street National Historic District was adopted by Logan City and the United States Department of the Interior National Park Service in 1979. The District includes residential, commercial, institutional, and public properties. Historic Districts are designated through survey and review processes to designate an area that is worthy of preservation in the community. The properties in the District provide benefit to the community by preserving the buildings, architectural styles of times in Logan's past, and places of unique history to the valley. In 1978, Logan City undertook a survey of the area and consultants did research to determine the age, condition, history, and architecture of the homes. The area that included the most homes over 50 years old, in good condition and with contributory history or architecture was designated and adopted as the Historic District in 1979. Surveys have been done periodically, in 1999 and 2011 – to verify that the area still meets historic standards. The District currently has about 75% of the structures as contributory.

Logan City has developed design standards for Residential and Commercial buildings, sites, and signs located within the Center Street Historic District. These standards function as a benchmark for the preservation and treatment of historic properties and new construction within the historic district. The design standards provide a basis for making informed and consistent decisions by the Logan City Historic Preservation Committee and staff when reviewing applicable requests. The Historic Preservation Committee review new single-family construction, exterior modifications, and nonresidential new construction and exterior modifications within the District.

There have been standards adopted since 2003 for exterior changes to properties in the District. The update process was initiated to review the standards for compliance with State and National guidelines, get input and incorporate current best practices, technology, and materials innovations which are appropriate and acceptable under National District Standards.

The changes from the 2003 document to his proposed update are primarily in the document format and inclusion of supplemental materials and graphics. The actual standards are based on the State and National standards for historic buildings. The

document was rearranged to include all residential building aspects in one section and all commercial building aspects in another. The Standards document was modified to try and be more user friendly and provide more resources to building owners.

Staff recommended that the Planning Commission recommend approval of the Center Street National Historic District Design Standards Update to the Municipal Council.

On June 14, 2018, the Planning Commission recommended that the Municipal Council approve the Center Street National Historic District Design Standards Update.

Mr. DeSimone summarized the process, intent and overall review of the proposed changes to the Design Standards.

Councilmember Bradfield commended those who have worked on updating the Design Standards.

Councilmember Anderson reminded the Council that some of this is an overlay of the Town Center area that the Council voted on last week and there are standards for new construction that are included in the design standards.

Chairman Jensen said there were a number of comments from the neighborhood on 100 East, 200 and 300 South asking why they were not included in the Historic District.

Mr. DeSimone responded this was a political decision that was made back in 1978.

Councilmember Anderson said at the Historic Preservation Committee meeting it was mentioned that in 1978 this area of town was able to choose whether or not they wanted to be included in the Historic District and they did not want to be included because it would put regulations on how they managed their property.

Mr. DeSimone said that is why there aren't straight lines that go through the neighborhood on the West side of town. There are a lot of properties that are historic and are not included. He said staff periodically does survey work in the Historic District and to qualify if really has to be a "grass roots" effort to let the City know that the homeowner really wants to be involved in historic preservation. The residents on 100 East, 200 and 300 South are welcome to get together and talk about how they can be part of the Historic District.

Chairman Jensen asked if someone wants to change something on their home and they are in the Historic District, is it required that they follow the guidelines.

Mr. DeSimone responded yes, it is required that they meet the Historic Guidelines and there are different guidelines depending on the work that is being done. A new structure in the Historic District must also meet the guidelines but it wouldn't technically be a "historic" building but it would have to be compatible.

The proposed ordinance will be an action item and public hearing at the September 4, 2018 Council meeting.



## **OTHER CONSIDERATIONS:**

No further considerations were addressed by the Council.

## **ADOURN TO MEETING OF THE LOGAN REDEVELOPEMNT AGENCY**

Chairman Jensen welcomed those present. There were approximately 4 in attendance at the beginning of the meeting.

## **ACTION ITEM:**

### **PUBLIC HEARING - Consideration of a proposed resolution adopting a Survey Area to initiate the potential creation of the South Main River Community Reinvestment Project Area Plan – Resolution 18-34 RDA**

At the August 7, 2018 Council meeting, Economic Development Director Kirk Jensen addressed the Council regarding the proposed resolution. He explained the following is a survey area to initiate the potential creation of the South Main River Community Reinvestment Project Area Plan.

1. The area south of 400 South to the Logan River and west of 100 East to Main Street and the area south of 400 South to approximately 750 South and east of 100 West to Main Street.
2. To prepare a proposed community reinvestment project area plan for a proposed community reinvestment project area.
3. To conduct any examination, investigation, or negotiation regarding the proposed community reinvestment project area that the agency considers appropriate.
4. Eminent domain will not be used in a project area within the survey area so no blight study will be performed.

Staff has met and had early discussions with Wasatch Development/Wasatch Properties regarding a potential development which, would be on the East side of Main Street, North of the Logan River. This would be a mixed-use project and more information will be coming to the Council. Also, West of Main Street, Public Works is gathering funds for 100 West and future extension of that road going South and connecting to the Highway. There are significant future development opportunities along that section so it would make sense for staff to include that portion. If the Council approved the resolution, the next step will be to bring the Council a draft plan. The Ellis property is the southernmost extension of the survey area.

Mr. Housley said based on the preliminary concepts, the new buildings would be consistent with the Riverwoods development.

Chairman Jensen opened the meeting to a public hearing.

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

**ACTION. Motion by Vice Chairman Simmonds seconded by Councilmember Bradfield to approve Resolution 18-34 RDA as presented. Motion carried unanimously.**

**WORKSHOP ITEM:**

**Consideration of a proposed resolution approving Agency Assistance for a road median improvement project in the South Main Redevelopment Project Area (RDA) – Resolution 18-39 RDA**

Economic Development Director Kirk Jensen addressed the Council regarding the proposed resolution. He said the Redevelopment Agency previously funded landscaping improvements at the location commonly referred to as the “Y” at the juncture of Highway 89/91 and S.R. 165 and the improvements consisted of beautifying the medians by replacing the asphalt with low maintenance plants and other landscaping material. The proposed Road Median Improvement Project will effectively restore the plants and other landscaping material which is to be removed as part of a broader project to enhance pedestrian circulation along South Main Street with the addition or relocation of new sidewalks, crosswalks, light poles, and traffic signals which will impact the medians. The estimated amount of this project is \$17,178 for the work outlined in the landscape plan.

Chairman Jensen said sometimes to increase safety, the texture of the pavement or road can be changed. This is a UDOT road but he feels its extremely dangerous to try and cross the street in this area of town.

Mayor Daines said this is the location where UDOT will install a new pedestrian activated crosswalk. Once the plants are removed; this area will be a pedestrian refuge because currently there is no safe way for pedestrians to cross South Main between 300 South and the traffic light at McDonalds. The City has been working with UDOT for six years and we will finally have a safe pedestrian crossing.

Mr. DeSimone said UDOT will begin work on the crosswalk this September.

Mayor Daines said City sidewalks are part of this project and there are a number of property acquisitions that are needed to install the sidewalk. The property acquisitions are taking longer than expected.

The proposed resolution will be an action item and public hearing at the September 4, 2018 Council meeting.

**ADJOURNED.** There being no further business to come before the Council, the meeting of the Logan Municipal Council adjourned at 7:15 p.m.

Teresa Harris, City Recorder