

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, December 18, 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 Jess W. Bradfield and Councilmember Herm Olsen. 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 18 in attendance at the beginning of the meeting.

### **OPENING CEREMONY:**

Pastor Derek Forbes from the First Presbyterian Church gave the opening prayer, and led the audience in the pledge of allegiance.

**Meeting Minutes.** Minutes of the Council meeting from December 4, 2018 were reviewed and approved with minor changes.

**ACTION. Motion by Councilmember Olsen seconded by Vice Chair Simmonds to approve the December 4, 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, January 15, 2019.

He also announced the upcoming meetings as follows:

January 1 – Cancelled

January 14 – Cost of Service Study/Net Metering – 5:30 p.m.

January 15 – Regular Meeting

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

Logan resident Gail Yost addressed the Council and asked if the Net Metering meeting scheduled on January 14 a public hearing.

Mayor Daines responded the January 14 meeting is open to the public and a written invitation has been sent to all those who have solar energy installed on their homes. This will be an informational meeting about solar rates and will not be a public hearing.

Vice Chair Simmonds added that each month the Light & Power Department offers a free workshop for residents who are interested in installing solar on their homes. The next meeting is Monday, January 7 beginning at 9:00 a.m. and is held at the Logan City Light & Power building. For more information contact Dixie Swenson at 716-9700.

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

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

#### **Board Reappointments (Parks and Recreation Advisory Board) – Mayor Daines**

Mayor Daines asked for ratification to reappoint Michael Timmons and Brandon Halaufia to serve on the Parks & Recreation Advisory Board which, are three year terms.

**ACTION. Motion by Councilmember Olsen seconded by Vice Chair Simmonds to approve ratification of Michael Timmons and Brandon Halaufia as presented. Motion carried unanimously.**

No further items were presented.

### **COUNCIL BUSINESS:**

#### **Planning Commission Update – Vice Chair Simmonds**

Vice Chair Simmonds reported on the Planning Commission meeting held on December 13, 2018. The Commission discussed density bonuses and the discussion was continued to the January 10, 2019 Planning Commission meeting.

#### **2019 Council Chair and Vice Chair – Chairman Jensen**

Chairman Jensen announced that with the start of a new year it's time to select a new Council Chair and Vice Chair for 2019.

**ACTION. Motion by Councilmember Olsen seconded by Councilmember Anderson to nominate and approve Jeannie F. Simmonds as Council Chair beginning January 1, 2019 as presented. Motion carried unanimously.**

**ACTION. Motion by Councilmember Bradfield seconded by Chair Jensen to nominate and approve Amy Z. Anderson as Council Vice Chair beginning January 1, 2019 as presented. Motion carried unanimously.**

No further items were presented.

**ACTION ITEMS:**

**PUBLIC HEARING - Budget Adjustment FY 2018-2019 appropriating: \$2,500,000 funds the Public Works Department was awarded from the Cache County Council of Governments (CCOG) for a road improvement project at 1400 North; \$5,040 for a reimbursement the Police Department will receive from the US Department of Justice for overtime the police officers will work; \$6,350 funds received from events for Police Department overtime - Resolution 18-52**

At the December 4, 2018 Council meeting, Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustments.

Chairman Jensen opened the meeting to a public hearing.

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

**ACTION. Motion by Vice Chair Simmonds seconded by Councilmember Olsen to approve Resolution 18-52 as presented. Motion carried unanimously.**

**PUBLIC HEARING - Consideration of a proposed ordinance vacating Public Utility Easements between Parcels 05-107-0029 and 05-107-0030 in the Westfields Subdivision Phase 2 located at approximately 100 South 1200 West in Logan, Utah – Ordinance 18-22**

At the December 4, 2018 Council meeting, Public Works Director Paul Lindhardt addressed the Council regarding the proposed request to vacate Public Utility Easements located at approximately 100 South 1200 West in Logan. Both parcels are owned by the same property owner. In conjunction with the vacation the property owner has also made application for a boundary line adjustment to combine the parcels into one for the purpose of expanding his business.

Chairman Jensen opened the meeting to a public hearing.

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

**ACTION. Motion by Councilmember Olsen seconded by Councilmember Anderson to adopt Ordinance 18-22 as presented. Motion carried unanimously.**

**PUBLIC HEARING - ZONE CHANGE – Consideration of a proposed zone change. Visionary Homes, authorized agent/owner, requests a zone change from Neighborhood Residential to Mixed Residential (MR-9) on approximately 33-acres located at 2200 South 1400 West, Meadow Creek Subdivision – Ordinance 18-23**

At the December 4, 2018 Council meeting, Planner Russ Holley addressed the Council regarding a proposed zone change.

## **REQUEST**

The proponent is requesting to rezone approximately 34 acres (8 parcels) north of 2200 South and west of 1600 West from NR-6 to MR-9. This area was annexed into the City in 2005 and previously approved as the Spring Creek Village PUD Subdivision in 2007. Spring Creek Village had only the first phase constructed, with some of the lots later being re-platted differently than the original design. Subsequently in 2014, the 80-lot Meadow Creek Subdivision was approved but a final plat was never recorded and has since expired. This area contains a pond (Spring Creek Reservoir) and the Spring Creek waterway that defines the northern border of the project site. A second ditch/canal traverses the site to the southwest corner. The area is generally flat and currently used for agricultural purposes.

## **GENERAL PLAN**

The Future Land Use Plan (FLUP) adopted in 2008 identifies this area as Detached Residential (DR). DR areas are describes as being designated for single family residential homes built at 4-6 units per acres. New development must create traditional neighborhood character with homes oriented towards streets with front porches. Subdivision streets should create block patterns similar to that of historic Logan neighborhoods. Mixed Residential (MR) areas are described in the General Plan as areas being designed to provide a range of housing options for all stages of life. Structures in MR will range from small single-family homes to townhomes and apartments.

## **LAND DEVELOPMENT CODE**

The Land Development Code (LDC) describes the NR-6 zone as being Logan's most established residential areas. Detached single-family homes are permitted at no more than six (6) dwelling units per acre and with 6,000 SF minimum lot sizes. The MR-9 zone is described as allowing a mix of detached and attached housing structures. This zone will also provide a transition between commercial and higher density residential areas to lower density single-family zones. The MR-9 zone allows attached housing units (townhomes) at a maximum density of nine (9) units per acre of land.

## **ZONING HISTORY**

In 2005, this property was zoned Agriculture. In 2007, the zoning was changed to SFT. In 2012 the property was zoned NR-W and in 2014 to the present it has been zoned NR-6.

## **SUMMARY**

Considering the location of this property and comparing the future land use designations, current developments and approved projects within a ¼ mile radius, single-family detached homes are significantly outnumbered by multi-family attached and mobile home units. (approximately 700 multi-family units, 250 mobile/manufactured homes & 200 single family homes). The expired Meadow Creek Subdivision approved in 20014 would have added 80 single family home sites, but this proposal is for that same property. The FLUP indicates this area as detached single-family land uses. There are additional MR areas identified on the FLUP near 1000 West and 2200 South for future multi-family housing possibilities.

The MR-9 zone allows attached housing at a maximum of nine (9) units per acre of land. When considering rezone applications, the entire range of development possibilities should be anticipated. If the entire 34 acres where to be developed with multi-family attached

housing at maximum densities, it would create over 300 units. Given the adjacent proximity to the existing homes within the Spring Creek Village phase one and the fact that this area would not be considered a transitional zone as explained in the LDC, staff would recommend against this proposal.

### **AGENCY AND CITY DEPARTMENT COMMENTS**

No comment.

### **PUBLIC COMMENTS**

Several phone calls and one written comment has been received from area residents, all of which have expressed concerns or opposition to the rezone proposal. A copy is attached for your review.

### **PUBLIC NOTIFICATION**

Legal notices were published in the Herald Journal on 10/28/18, posted on the City's website and the Utah Public Meeting website on 11/01/18, and noticed in a quarter page ad on 10/21/18, and a Public Notice mailed to property owners within 300' were sent on 10/8/18.

### **RECOMMENDED FINDINGS FOR DENIAL**

The Planning Commission bases its decision on the following findings supported in the administrative record for this project:

1. The location of the subject property is not considered a transitional area between higher and lower intensity land uses.
2. The subject property was never identified in the General Plan and Land Development Code as an area for future multi-family development or MR zoning.
3. The existing single family residential homes in the vicinity are anticipating additional single-family uses not multi-family uses.

Staff recommended that the Planning Commission recommended denial to the Municipal Council for a Rezone of approximately 34 acres of property located at 1500 West 2200 South from Neighborhood Residential Traditional (NR-6) to Mixed Residential Transitional (MR-9).

On November 8, 2018, the Planning Commission recommended that the Municipal Council deny the Meadow Creek Rezone project that amends the Official Zoning Map.

Mr. Holley stated that staff and the Planning Commission recommended denial but there are several things that have changed since the Planning Commission meeting. He explained that the property is currently zoned NR-6 and a lot of comments were received by phone and in writing and there were concerns because the MR-9 allows townhomes. There was an inventory/analysis completed of the area which shows a total of approximately 700 multifamily units. There could be 250 mobile homes and only 200 single family homes and staff was concerned about these ratios. There were several people that spoke at the public hearing and expressed they would like single family detached housing. Logan City School District Superintendent Frank Schofield attended the Planning Commission meeting and also expressed the need for single family homes.

Mr. Holley stated that he did some research and found that the area where the Meadow Creek Subdivision is located is not within the Logan City School District boundaries even though it's located in Logan City boundaries.

Mr. Holley continued and said that since the Planning Commission meeting, the developer approached staff and presented updated plans and a voluntary deed restriction on the property which includes a maximum of 150 detached single-family homes and would be the only structures built with a 4,000 SF lot size. The homes will be 3 bedrooms, 2 bath homes with no basement and a two-car garage. This is a similar project to the Amber Fields Subdivision with the difference being the lot size which will not be as deep.

Vice Chair Simmonds stated that in the past there have been Planned Unit Developments (PUD's) and streets and utilities that were not up to code.

Mr. Holley responded yes, there have been problems with previous PUD's and is the reason that Logan City abandoned doing them in the future.

Vice Chair Simmonds stated that she is concerned about this proposed housing development because there are no sidewalks.

Mr. Holley responded that the City has adopted standard street requirements that include sidewalks, parkstrips, curb, and gutter on both sides of the street. Also adopted are the number of travel and parking lanes and the proposed development will include all of these elements. Some of the smaller streets might have narrower parking areas but they will all have sidewalks. The deed restriction will run with the land and the only way to remove the restriction is to have the City and the owner mutually agree to remove it.

Mr. Holley said there will be open community space maintained by an HOA and it will not be open for public use outside of the HOA. There will be agreements in place for all public access and use of the trails.

Mr. Housley said access to the trails would have to be voluntary on the part of the developer. If the City owns the trail and it has public access then, it will be maintained by the City.

Councilmember Bradfield asked if the Council would be open to sending the proposed rezone back to the Planning Commission for further review.

Mr. Housley responded this is just a rezone and even if it were to go back to the Planning Commission they would not be approving.

Craig Winder with Visionary Homes addressed the Council and stated that it was never their intention to build townhomes in this area. The only reason they requested the MR-9 zone was to have a smaller lot size for single family detached homes. They would like to use the extra space from the lot size and create 12 acres of open space including pocket parks and a trail system which, will be open to the public. He said Visionary Homes has been very open about the deed restriction and it will run with the land. The minimum lot

size will be 4,000 SF. Visionary Homes currently does not own the property and is under contract at this time.

Mr. Housley explained that Visionary Homes will own the property before they file the deed restriction. He is not concerned about the deed restriction not being filed.

Mr. Winder said the reason they like the 4,000 SF lot size is there will be 12 acres of open space, preservation of natural features and a trail system which, will accomplish what the City of Logan is trying to do as well.

Chairman Jensen opened the meeting to a public hearing.

Logan resident Gail Yost addressed the Council and asked will this new subdivision be restricted to owner occupied so they cannot be rented at a later time.

Vice Chair Simmonds responded the City cannot restrict to owner occupied and any homeowner can purchase a home and rent it at a later time.

Mayor Daines added that an HOA can have a requirement that only a certain percentage of homes can be rented. It's not something the City can mandate and would have to be put in place through an HOA.

Logan resident Joe Tennant addressed the Council and asked why can't the City require everyone to meet City standards.

Mr. Housley responded that the prior PUD's met the code and it wasn't that they were violating the building code, they just didn't meet our standard specifications for a public road or sidewalk. The current code no longer allows private roads and we now require all the roads to be public and City owned.

Woodruff Neighborhood resident Melissa Dahle addressed the Council. She feels the roads will be too narrow for parking and residents to place their garbage cans.

Mr. Holley responded the roads will accommodate two travel lanes and two parallel parking lanes. The Planning Commission has allowed some of the smaller roads two travel lanes and parking on one side or the other. Travel lanes are approximately 12 feet and parallel parking is approximately 10 feet.

Ms. Dahle said it's been stated that this subdivision is located in Logan City but the school district boundary is Cache County. She asked if this will affect Woodruff Elementary.

Vice Chair Simmonds responded it will not affect Woodruff Elementary unless the City can figure out a way to make this area be part of the Logan City School District.

Mayor Daines said open enrollment is allowed so even though this area is located in the Cache County School District they could choose to attend a Logan City School. This is

something the City would like to change but the State Legislature is not interested in changing at this time.

Vice Chair Simmonds responded open enrollment is allowed, only if there is availability.

Councilmember Olsen added that the property tax goes to the Cache County School District and not the Logan City School District.

Ms. Dahle said at a recent Woodruff Neighborhood meeting there were concerns about the already crowded streets and crowded Woodruff Elementary. She said it's a concern to see this many homes being built.

Vice Chair Simmonds added that the Planning Commission is very thorough and they look at the width of roads, sidewalks and parkstrips. Overtime, there have been different codes which affects what is built at the time the codes were in place.

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

Chair Jensen said this project follows the Vision of Cache Valley Plan to cluster housing and create more open space. He feels this is an efficient and attractive development.

Councilmember Bradfield feels that the MR-6 zone is not a realistic plan.

Councilmember Anderson commented that she is in favor of the zone change because of the current lack of affordable housing and the desire that people have to own a home. She also feels this is an appealing project because of the open space.

Vice Chair Simmonds asked if Visionary Homes was planning all along to build the development they are now presenting. She also asked why Visionary Homes didn't do the deed restriction before the Planning Commission heard the presentation the first time.

Mr. Winder responded they did propose the deed restriction to the Planning Commission but what they didn't have before them was the form/deed restriction for them to review at that time and it was not part of their packet that went out. He said it was the intention of Visionary Homes all along to have a deed restriction in place.

**ACTION. Motion by Councilmember Bradfield seconded by Councilmember Olsen to send the proposed Meadow Creek Subdivision Rezone back to the Planning Commission for further review based on the new information that was been presented in regards to the deed restriction. Motion failed 3-2 (Jensen, Simmonds and Anderson vote nay to send back to the Planning Commission).**

Councilmember Olsen commented that we do have an obligation to encourage affordable housing in Logan where we can and the proposed subdivision seems to fit what is needed. He appreciated the comments made by Woodruff resident Melissa Dahle and her concerns about traffic and Woodruff Elementary.



Councilmember Anderson read from the Planning Commission meeting minutes and the reasons why the Planning Commission voted for denial which, are the following:

- The location of the subject property is not considered a transitional area between higher and lower intensity land uses.
- The subject property was never identified in the General Plan and Land Development Code as an area for future multi-family development of MR zoning.
- The existing single family residential homes in the vicinity are anticipating additional single family uses not multi-family uses.

Councilmember Anderson said she feels the deed restriction satisfies the reasons listed by the Planning Commission.

Mr. Housley commented the Planning Commission had the concept in regard to the deed restriction but they did not have the actual document.

Vice Chair Simmonds said the Planning Commission won't see this zone change again until they have project drawings and its ready for project approval. She feels that no developer is going to prepare project drawings when they don't have the zoning to support it. If Mr. Winder is willing to do the deed restriction and it specifies that he will only build single family and the only thing they are asking for is a smaller lot size she is in favor of approving. She feels this gives the Council more assurance than sending it "in concept" back to the Planning Commission.

**ACTION. Motion by Vice Chair Simmonds seconded by Councilmember Anderson to adopt Ordinance 18-23 and that it be stated that the Council is not going against the Planning Commission's recommendation for denial but, in light of the new information that Visionary Homes will provide a deed restriction the Council feels this will be a quality addition of single family homes in the Southwest area of Logan City and approval is based on Visionary Homes filing a deed restriction as presented. Motion carried 4-1 (Bradfield voted nay).**

**Approval of an Interlocal Agreement for Tax Increment from the South Main River Community Reinvestment Project Area between the City of Logan and the Redevelopment Agency of the City of Logan – Resolution 18-54**

Economic Development Director Kirk Jensen addressed the Council and explained that Logan City is currently meeting with the other two taxing entities (Cache County and Logan City School District). It is required that all taxing entities enter into an Interlocal Agreement. The Redevelopment Agency Board contracts with the Logan City Council to consent that for fifteen (15) years the Agency shall receive 70% of the tax increment proceeds. This was also presented to Cache County and the Logan City School District and both approved.

Mr. Jensen stated that Logan resident Bronwyn O'Hara asked the question, when a project area is created by an RDA can the residents in that area be forced out of their homes to accommodate the new businesses coming in. Mr. Jensen respond no, the City has eminent domain powers that can be used for infrastructure or a new road going in

but, imminent domain rarely occurs. When a project area is created by an RDA, homeowners cannot be forced out.

**ACTION. Motion by Vice Chair Simmonds seconded by Councilmember Olsen to approve Resolution 18-54 as presented. Motion carried unanimously.**

**Approval of the Project Area Budget for the South Main River Community Reinvestment Project Area – Resolution 18-55**

Economic Development Director Kirk Jensen explained that associated with the creation of any RDA project area, a creation of a budget is also required. He presented the Council with a budget which, shows projected development that could occur. The revenue distribution between taxing entities and the Redevelopment Agency was also presented to the Council.

**ACTION. Motion by Vice Chair Simmonds seconded by Councilmember Bradfield to approve Resolution 18-55 as presented. Motion carried unanimously.**

**WORKSHOP ITEMS:**

**Budget Adjustment FY 2018-2019 appropriating: \$187,732 additional funding received from CCEMS; (\$1,000,000) accounting correction to the budget in the Water Fund for water line constructed by the Sewer Treatment Fund for the Sewer Treatment Plant; \$10,000,000 bond proceeds from the Community Impact Board Bond for the Sewer Treatment Plant; \$20,000,000 bond proceeds from the State Water Quality Bond for the Sewer Treatment Plant - Resolution 18-56 – Richard Anderson, Finance Director**

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

Logan Fire Chief Brad Hannig explained that the City was able to successfully renegotiate our Cache County Emergency Management Services (CCEMS) agreement to accommodate better service delivery and a more equitable distribution of workload and funding. This increase to our budget is \$413,200, which will add \$375,464 to our existing fire budget annually. Our new agreement and funding will give us the ability to add 3 new FTE Paramedic positions, additional funding for overtime staffing needs, ability to send current firefighters to paramedic school, and fund other operational increases. These new positions will be utilized in a joint inter-local shared services agreement with North Logan Fire Department to combine a employee with their employee to put another Ambulance in service in our communities daily. This shared service agreement will be a cheaper option and a benefit for both communities by adding a 24/7 ambulance unit for emergency responses, as well as support the entire CCEMS service. We are also sharing additional responsibilities with North Logan to help keep this agreement mutually beneficial.

Councilmember Bradfield thanked Chief Hannig for his work on the CCEMS agreement

The proposed resolution will be an action item and public hearing at the January 15, 2019 Council meeting.

**Consideration of a proposed ordinance enacting Title 8 Chapter 36 of the Logan Municipal Code, Prohibiting the Distribution of Disposable Plastic Bags – Ordinance 18-21 – Councilmember Olsen**

Councilmember Olsen addressed the Council and showed a power point presentation regarding the proposed ordinance Prohibiting the Distribution of Disposable Plastic Bags. He said the plastic bags that are distributed in Logan City constitute a problem. He said it's fair to say that the town of Clarkston hated being the new location for the County landfill for multiple reasons and one of the reasons is they don't like dealing with the large amount of plastic bags blowing around. Clarkston is our neighbor and he feels that Logan City should step up and do what we can to help. The proposed ban on plastic bags is not going to address the greater issue of plastics in our environment. He said there is no market for the recycling of single use plastic bags and more people need to start using reusable bags. Logan City will hopefully build a wind fence to try and capture the blowing plastic bags at the landfill which, will be helpful but will not solve the problem to the neighboring farmers in other areas of the County.

Councilmember Olsen explained the “disposable plastic bags” do not include: bags provided by pharmacists to contain prescription drugs; newspaper bags, door hanger bags, laundry-dry cleaning bags, or bags sold in packages containing multiple bags and intended for food storage, garbage, pet waste, or yard waste. The ban would affect retail stores which are a place of business that sell any goods or household items to consumers including, but not limited to: grocery stores; convenience stores; drugstores; hardware stores; and similar outlets selling general merchandise of any kind, apparel, food (whether prepared or not), beverages, tools, recreational products, or the like. Retail stores include premises that may be operated temporarily, seasonally, or for a nonprofit purpose.

It is proposed that the owners of retail stores are encouraged to provide recyclable paper bags, reusable bags, or boxes to customers and establish an at-store recycling program that provides customers the opportunity to return clean carryout bags. Retail stores distributing paper bags to customers shall use bags containing a minimum of forty percent recycled paper content. The City Code Compliance Inspector shall have the primary responsibility for enforcement of this proposed code. A person violating the proposed code shall be liable for a civil penalty as follows:

1. A fine not exceeding two hundred fifty dollars (\$250.00) for the first violation following a written warning within a one-year period.
2. A fine not exceeding five hundred dollars (\$500.00) for the second and each subsequent violation within a one-year period.
3. The City may obtain civil injunctive relief, without requirement of bond, upon proof of three or more violations within a one-year period. In any civil injunctive proceeding the City may also recover its reasonable attorney's fees and court costs.

Councilmember Olsen said change is hard but when it's good for the community and good for our children and grandchildren sometimes we need to make those changes and prohibiting plastic bags is just one of those things where we can make a small difference.

Councilmember Anderson said she has looked at how other communities and states are implementing their bans on single-use plastic bags. Some of the exempted bags are used in restaurants, farmer's market, hardware and retail stores. The bags were banned from being used in grocery, convenience and liquor stores. She is not sure how they came to determine where to ban the use of bags but that is something that she would like to further review. She also feels that those who receive special state funding assistance such as WIC, be exempt from being charged for a bag and include this in the ordinance.

Councilmember Olsen asked if Logan City has a program that distributes reusable bags.

RECAP Coordinator Emily Malik responded that the City generally gives out reusable bags away at different public events throughout the year.

Chairman Jensen said he feels the proposed ban on single use plastic bags should be a countywide ordinance. He asked if a merchant meeting has been held and if so, how they felt about the proposed ordinance. He also asked about other plastic wrap that goes into the landfill and is not addressed in the proposed ordinance.

Councilmember Olsen said Logan City has no jurisdiction to approve, mandate or prohibit any ordinance outside the boundaries of Logan City. The Solid Waste Advisory Board took the proposed ordinance under advisement and he hopes at their next meeting they approve a proposed ordinance and present it to the Cache County Council and then each municipality will have to make their own decision. He feels there is value in Logan City showing leadership in regards to the ordinance and we should encourage other towns and cities to adopt the same ordinance in their communities.

Mr. Housley said the Cache County Council has certain authority to adopt countywide ordinances and usually they are tied to the Bear River Health Department. He talked to representatives in the Cache County Attorney's Office and they do not feel the Cache County Council will adopt a countywide ordinance prohibiting the use of plastic bags.

Councilmember Olsen said that County Executive Craig Buttars indicated the Cache County Council could adopt a countywide ordinance but it would only apply to the jurisdictions the County controls and not the unincorporated areas of the County.

Mr. Housley said each state has their own laws. Last year, the Utah Legislature introduced two bills in regards to plastic bags. One to prevent the use of bags statewide and the other was to prevent municipalities from preventing a ban. He feels there will be more legislation introduced this year in regards to the use of plastic bags.

Councilmember Olsen said there are exceptions in the proposed ordinance and if the bags are made from biodegradable material they would not be prohibited. Retailers would still be able to use plastic for bulk items and other items where moisture may be a problem.

Councilmember Bradfield said his biggest concern is he would like to have more information and he would like to know what the costs to businesses would be, the after effects and unintended consequences.

Councilmember Anderson would like to know what type of retail businesses would be banned. The proposed ban in Logan would be different than in California which only narrows the ban to certain retail businesses, not all.

Councilmember Olsen said as he has talked with merchants about the plastic bags, some support it and some don't. He does not understand why everyone feels they are entitled to a free bag when they make a purchase and we all need to work on changing how we think when it comes to the use of plastic bags. He feels we should all do what we can, fix what we can fix, and help our neighbors downstream.

Councilmember Bradfield asked if Councilmember Olsen would be willing to wait until February 5 to hold a public hearing so more information can be gathered.

Councilmember Olsen said he has reached out and talked to several merchants and plastic bag use this may be new for many people in Logan but this is not a new concept for merchants in general. He will consider waiting until February to hold a public hearing.

The proposed ordinance will be an action item and public hearing with a date yet to be determined.

#### **OTHER CONSIDERATIONS:**

No further considerations were addressed by the Council.

#### **ADJOURN TO MEETING OF THE LOGAN REDEVELOPMENT AGENCY**

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

#### **ACTION ITEM:**

##### **PUBLIC HEARING - Consideration of a proposed resolution approving Agency assistance for the City of Logan's Housing Rehabilitation Assistance Program – Resolution 18-53 RDA**

At the December 4, 2018 Council meeting, Community Development Director Mike DeSimone addressed the Council regarding the proposed resolution. He said the Housing Rehabilitation Assistance Program is administered by the City of Logan's Community Development Department. This program provides grants for minor home repairs, excluding repairs to and replacements of appliances and other unattached personal property. The allocation from the Agency's affordable housing reserves is not to exceed \$50,000.

Chairman Jensen opened the meeting to a public hearing.

Logan resident Bronwyn O'Hara addressed the Council and said she has never heard of this program before and asked where she can find more information.

Economic Development Director Kirk Jensen responded that more information about the program can be found on the Logan City Website under the Community Development page. The program started in 2011 and the RDA has contributed funding four times since 2011. The reason for the request now is the funding is almost exhausted and there are applications being considered at this time. This is an income based program and applications are submitted to the Community Development Department.

Logan resident Joe Tennant addressed the Council and asked what is the utilization of these various programs.

Mr. Jensen responded there are several people that utilize these programs to make improvements to their homes and property.

Mr. DeSimone added the program has funded nine projects which were mostly roof, window repair/replacement and bathroom repairs. The Mayor's Reinvestment Program which was implemented this year has assisted five residents with home improvements. These programs are geared towards low income residents and have mostly helped elderly widows who are on fixed incomes.

Logan resident Gail Yost addressed the Council and stated that she worked at the Bear River Association of Governments (BRAG) for eight years so she understands eligibility standards. She asked are the eligibility standards for these programs based on poverty percentages or on median income.

Mr. Jensen responded said the only exclusion is where the household median income is greater than 80% of the average median income and is also based on statistical data provided by Housing and Urban Development (HUD) and varies depending on household number. The data is published annually by HUD.

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

**ACTION. Motion by Councilmember Anderson seconded by Vice Chair Simmonds to approve Resolution 18-53 RDA as presented. Motion carried unanimously.**

**WORKSHOP ITEMS:**

**Consideration of a proposed resolution approving assistance in the Wasatch Development Group Project in the South Main River Community Reinvestment Project Area – Kirk Jensen, Economic Development Director**

Mr. Jensen addressed the Council and gave a power point presentation on the proposed resolution.

Mr. Jensen explained that its proposed that Logan Riverwalk Hotel Holdings, LLC will receive:

- 100% of available tax increment
- Cap = \$1.85 million

Available tax increment:

- Generated and received by the Agency (70% of what is generated)

LESS:

- 10% = Affordable Housing
- 5% = Administrative Costs

Condition: The creation/maintenance of the Riverside Trail which would be accessible to the public.

Costs of Redevelopment:

- Acquisition of buildings to be razed
- Demolition and blight removal
- Environmental remediation
- Flood zone/river restoration
- Public amenities

Community Benefits:

- Catalyst for additional growth
- Jobs
- Master-planned development
- New businesses
- Public amenities
- Tax base

This will be an action item and public hearing at the February 5, 2019 Council meeting.

**Consideration of approval and adoption of the South Main River Community Reinvestment Project Area Interlocal Agreements between the Redevelopment Agency and the City of Logan, Cache County and the Logan City School District for the sharing of Project Area funds - Kirk Jensen, Economic Development Director**

Mr. Jensen stated that to finalize the interlocal agreement process the RDA is required to collectively approve all three of the interlocal agreements (Logan, Cache County and the Logan City School District).

This will be an action item and public hearing at the February 5, 2019 Council meeting.

**Consideration of adopting the Project Area Budget for the South Main River Community Reinvestment Project Area - Kirk Jensen, Economic Development Director**

Mr. Jensen stated that the Council acting as the Redevelopment Agency now needs to consider and then adopt the budget for the South Main River Community Reinvestment Project Area. He stated there is not a requirement to place a cap on the overall budget which, hasn't been done in the past. The budget is just over six million dollars and is the maximum during the 15-year time period that the Agency can receive from the taxing entities.

This will be an action item and public hearing at the February 5, 2019 Council meeting.

**OTHER CONSIDERATIONS:**

Councilmember Bradfield requested that in 2019, he would like the Council to review the General Plan. He has reviewed General Plans from other cities and feels that Logan's plan is hard to understand and he feels it can be improved.

Vice Chair Simmonds stated that the Council reviewed the General Plan chapter by chapter and it might be time to consider a revision. The current General Plan was completed in 2005.

Mayor Daines said if the Council is interested in reviewing/changing the General Plan they might also want to consider and discuss in the upcoming fiscal year budget. If the Council wants to complete a major revision of the General Plan they might have to hire a consultant to help with the process.

Vice Chair Simmonds said generally, the Planning Commission reviews and updates the General Plan as needed but the Council can encourage them to start the process.

Mr. DeSimone said staff is considering an update to the General Plan either in-house or through a consultant. He agreed with Mayor Daines and said the Council would need to plan for this during the upcoming fiscal year budget.

**ADJOURNED.** There being no further business to come before the Council, the meeting of the Logan Municipal Council adjourned at 7:40 p.m.

Teresa Harris, City Recorder