

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

Councilmember's present at the beginning of the meeting: Chairman Tom 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 22 in attendance at the beginning of the meeting.

OPENING CEREMONY:

Keith Schnare gave the opening thought about volunteerism and led the audience in the pledge of allegiance.

Meeting Minutes. Minutes of the Council meeting from May 15, 2018 were reviewed and approved with minor corrections.

ACTION. Motion by Vice Chair Simmonds seconded by Councilmember Olsen to approve the May 15, 2018 minutes and approve tonight's agenda. Motion carried unanimously.

Meeting Agenda. Chairman Jensen announced there are five 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, June 19, 2018.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL:

Logan resident and business owner Bill Peterson addressed the Council regarding the South Logan McDonald's, located at 1035 South Highway 89/91.

He received a letter from Utility Billing Manager Tyson Griffin about a year ago, stating that sewer rates would be going up significantly because McDonald's no longer qualified for the Winter Quarter Average Sewer Rate. In short, his sewer rates would go up by 407% during the months of May through September of 2018, from \$530 to an estimated \$2,694.

Mr. Peterson said he is losing his Winter Quarter Average Sewer Rate and will be changed to the Commercial Sewer Rate. His sewer bill is now based on actual water usage rather than the average winter usage.

His concern is the building just barely misses the 1 acre of watered grounds requirement and is just barely under one acre. He was told the City would or could add an irrigation meter for several thousand dollars, thus allowing him to back out the water usage for his landscaping irrigation use. He said that if he is paying for every gallon of water he uses for sewer usage, he is significantly overpaying and that 75-80% of his water consumption is during the winter and even higher in the summer and it never goes down the sewer, it goes out in 30 ounce cups of soda, in coffee, in ice, in smoothies, etc.

He has asked if there is a simple way to compute his actual water going down the drain sewer usage. Aside from adding an irrigation meter, Public Works Director Paul Lindhardt mentioned that he could try to add meters or measuring devices of some kind to each of the fountains but, to him it seems nearly impossible and he feels there needs to be a better way.

Mr. Peterson asked, is there a meter he could attach to his sewer line to see how much water goes down the sewer? He asked the Council if they would consider letting him stay on Winter Quarter averaging until he can find and add such an output meter. Until then, he is paying a high price for water that never goes down the drain.

Mr. Peterson also expressed his appreciation to the Council and feels they have the best interest of the City in mind.

Mayor Daines responded that City staff will follow-up with Mr. Peterson regarding his concerns.

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

MAYOR/STAFF REPORTS:

Board Appointment – Golf Course Advisory Board – Mayor Daines

Mayor Daines asked the Council for ratification of Dawn Drost to serve on the Golf Course Advisory Board which, is a three-year term.

ACTION. Motion by Councilmember Olsen seconded by Vice Chair Simmonds to approve ratification of Dawn Drost to serve on the Golf Course Advisory Board.
Motion carried unanimously.

Potential Center Street Assessment Area – Mayor Daines

Mayor Daines reported on the two recent meetings that were held with the Center Street business owners regarding a potential assessment area for Center Street. She stated there is approximately 75% of the business owners that support the assessment area and others are considering the proposal. One of her goals coming in as Mayor is to strengthen downtown and she also noted the Downtown Specific Plan which refers to various goals for the downtown. The proposed assessment area includes all properties located on the

frontage of Center Street between Main Street and 100 West. The improvements proposed will include the following:

- Install new curb, gutter, and wider sidewalk along both sides of Center Street
- Install storm drainage as needed to manage storm water runoff
- Improve existing corners to meet ADA requirements
- Install landscaping and street furnishings
- Relocate decorative lighting
- Install a mid-block crossing
- Re-grade and asphalt the street
- Install water utility upgrades
- Upgrade traffic signal on 100 West

Mayor Daines said the total estimated costs for the improvements have been estimated by a project engineer and are based on recent prices on construction in Logan. The estimated total costs for the project improvements are \$1,466,060.00 and \$350,000.00 of it will be paid by an assessment to be levied against the properties abounding, abutting upon or adjacent to the roadway area which will be benefited by said improvements. Assessment shall be levied based on linear feet of frontage immediately adjacent to Center Street. The estimated cost of \$288.19 per foot of frontage of the real property adjacent to said improvements is the basis of assessment for each parcel. The total estimated costs of the proposed improvements to be paid by the City of Logan are \$1,116,060.00.

Mayor Daines disclosed that she has family members who have investment properties along Center Street. She is not involved in any decision making on these investments and has no financial interest. She also said that Cache Valley Bank will be renting one of the suite's in the former Wells Fargo building which is declared on her Conflict of Interest form that is on file with the City and has been for the past eight years. Mayor Daines asked for a head nod from the City Council to move forward with noticing the assessment area and to start the process.

Councilmember Anderson said she attended the meetings with the Center Street business owners and feels they support the assessment and she supports moving forward.

Mayor Daines said the numbers presented tonight are estimates and formal bids will go out. The number of parking stalls will be increased in the proposed plan.

Chairman Jensen complimented the business owners on Center Street for moving forward to make improvements and make this a vital area of downtown.

The Council all gave a head nod in approval of moving forward.

COUNCIL BUSINESS:

Planning Commission Update – Vice Chair Simmonds

Vice Chair Simmonds reported she did not attend the last Planning Commission meeting.

City Attorney Kymber Housley said the Planning Commission did not have a quorum at their last meeting so most of the agenda items were continued to the next meeting to be held on June 14, 2018.

July Council Meeting Schedule – Chairman Jensen

Chairman Jensen announced that the July 3, 2018 Council meeting has been cancelled due to activities centered around the July 4 holiday.

No further Council items were presented.

ACTION ITEMS:

***(Continued from May 15, 2018)* PUBLIC HEARING - Town Center Rezone – Consideration of a proposed rezone. Logan City requests to rezone multiple parcels on approximately 173 acres from Town Center (TC), Neighborhood Residential (NR-6) and Public (PUB) to Town Center 1 (TC-1), Town Center 2 (TC-2), Public (PUB) and Recreation (REC) – Ordinance 18-07**

At the May 1, 2018 and May 15, 2018 Council meetings, Community Development Director Mike DeSimone and Planner Russ Holley addressed the Council.

Mr. DeSimone said what will be presented tonight are two separate items, but are somewhat related. Part of the Town Center Rezone includes aspects of the Land Development Code Updates. The Council will act on the Town Center Rezone Map on its own merit and the Council will also act on the Land Development Code Updates which includes the Town Center information as a separate item.

Mr. DeSimone reviewed the following information regarding the Town Center Rezone.

REQUEST

The Logan City Community Development Department is requesting to create two new zoning districts (TC-1 & TC-2) and rezone approximately 173 acres of property located in various areas, in and around Downtown Logan from TC, NR-6, PUB & REC to TC-1, TC-2, PUB & REC. The fundamental reason for this proposal is the creation of two new zoning districts (TC-1 & TC-2), that create a two-tier downtown. TC-1 is designed to be higher intensity urban development areas positioned along the Main Street and 400 North corridors. TC-2 is designed to be a lower intensity zone for areas positioned around the edges of downtown. Both TC-1 and TC-2 would be considered commercial zoning districts, with the main difference being that TC-2 requires lower building heights, larger setbacks and would allow stand-alone multi-family residential projects.

The majority of properties under consideration currently contain some form of development, with most being commercial uses and structures. Many of the properties are considered historic, with buildings dating back to the early 1900's. This proposal also includes several civic, public and recreational properties located in various areas throughout downtown. In one area along 100 East, the proposal includes an up-zone of NR-6 properties to TC-2.

GENERAL PLAN

The Future Land Use Plan (FLUP) adopted in 2008 identifies the entire downtown area as TC with the exception of Garff Wayside Gardens and Pioneer Park shown as REC. In 2008, the General Plan did not contemplate a tiered or step-down Town Center pattern. With numerous debates in recent years focused on development compatibility, a step-down transition to lower intensity neighborhoods should increase compatibility while remaining consistent with the General Plan. And the creation of the TC-2 zone should spark additional multi-family residential development around downtown, which is something the General Plan identifies as important for downtown vibrancy and a way to reduce the demand and pace of outward sprawling suburban development.

ZONING

The TC-1 zone is proposed as being the inner core of Logan City with a mix of retail, office, commercial, entertainment and residential land uses. Projects must contain commercial space and are prohibited from stand-alone residential. The TC-1 zone is proposed with building heights at 80', front yard setbacks at 0' and 70 residential units per acre. The TC-2 zone is proposed in areas off Main Street and 400 North, with a mixture of commercial and residential uses encouraged. Projects in the proposed TC-2 zone could be commercial or stand-alone multi-family residential. The TC-2 zone is proposed with building heights at 45', front yard setbacks at 25' and 50 residential units per acre. Residential bonuses are proposed in the TC-2 zone. The PUB and REC zones are described as areas for public use, such as parks, civic and governmental projects.

SUMMARY

As proposed, the TC-1 and TC-2 concept should preserve prime commercial properties for commercial uses and tax base along Main Street and 400 North within downtown. The TC-2 zone should spark additional housing, being in high demand, in areas around downtown that will create vibrancy, better walk-ability and contribute to downtown business development. With such high demand for housing, Cache Valley is seeing unprecedented amounts of agricultural land, green space, bench land and low-land wildlife habitat being consumed for suburban residential development. This type of development pattern increases reliance on the automobile, worsens traffic congestion and degrades air quality and natural environments. This pattern does not supply a wide-ranging housing stock that meets the wide range of household types and various stages of life for the citizens of Logan. This proposal is attempting to fulfil the saying, "Keep the country, county and the city, city".

AGENCY AND CITY DEPARTMENT COMMENTS

No comments.

PUBLIC COMMENTS

Notices were mailed to property owners within 300 feet of the subject property. As of the time of this report, numerous phone calls and comments have been received.

PUBLIC NOTIFICATION

Legal notices were published in the Herald Journal on 1/14/18, posted on the City's website and the Utah Public Meeting website on 1/14/18, and noticed in a quarter page ad on 1/14/18 , and a Public Notice mailed to property owners within 300' was sent on 1/9/18.

RECOMMENDED FINDINGS FOR APPROVAL

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

1. The location of the subject properties is compatible in land-use with the surrounding commercial, residential and civic uses.
2. The subject properties can fulfill the purpose of the General Plan, Downtown Specific Plan and Land Development Code by providing a compact vibrant and urban downtown.
3. The surrounding streets and infrastructure are sufficient in size and capacity to handle uses permitted in the TC-1 and TC-2 zoning districts.

RECOMMENDATION

Staff recommends that the Planning Commission recommend **approval** to the Municipal Council for a Rezone of approximately 173 acres of property located in and around Downtown Logan from Town Center (TC), Traditional Neighborhood Residential (NR-6), Recreation (REC), and Public (PUB) to Town Center 1 (TC-1), Town Center 2 (TC-2), PUB and REC.

On April 12, 2018, the Planning Commission unanimously recommended that the Logan Municipal Council approve the Town Center Rezone project that amends the Official Logan City Zoning Map.

Planner Russ Holley addressed the Council and reviewed several proposed maps for TC-1 and TC-2. He stated that staff looked at other cities such as Provo and Ogden and how they are developing and what types of densities and heights they require. Also considered were how these cities are handling the "fringe" areas and how they interface with lower density residential. Logan has single family neighborhoods adjacent to downtown or lower density neighborhoods adjacent to the downtown, a step-down or buffer is appropriate. Doing this will preserve and keep the neighborhood vibrant. He said one area of slight contention was the religious properties and how they should be designated. Originally it was thought that TC-2 would be appropriate, Commissioner Butterfield was adamant about rezoning all of the religious properties to a Recreation Zone. Staff had some hesitation with changing to a Recreation Zone because this zone is geared toward public uses such as a golf course or a park. The other Planning Commission members voted to keep the way they are as NR-6 or Town Center.

Mr. Holley reported that staff received 80 written comments with the majority being in opposition. Over the course of the Planning Commission meetings that were held, there were more favorable comments but they were mostly 70/30 in opposition in comparison to the written comments. The proposed Garff Garden project was the main topic of a lot of the comments with others referring to density and other issues. He will provide the Council with a summary of the top comments received.

Mr. DeSimone referred to the Comparison Chart of Town Center (TC), TC-1 and TC-2.

Comparison of Town Center (TC), TC-1 and TC-2

	Town Center (TC)	TC-1	TC-2
Density	70	70	30
Lot Coverage	100%	100%	80%
Building Frontage	75% Main/40% Other	75% Main & 4 th /50% Other	50%
Ground Floor Commercial	Unclear (Policy language yes - regulatory language no)	Required on Main & 4 th North only/Other streets no	No
Free Standing Residential	Unclear	See above	Yes
Commercial Setbacks	Front: 0'-5'; Side: 0'-5'; Rear: 0'	Front: 0'-5'; Side: 0'; Rear: 5'	Front: 0'-10'; Side: 0'-8'; Rear: 5'
Residential Setbacks	Same as above	Front: 0'-10'; Side: 0'-8'; Rear: 10' with design flexibility based on project/location	Front: 0'-10'; Side: 0'-8'; Rear: 10' with design flexibility based on project/location
Height/Setback Transitions	Yes	Yes	Yes
Building Heights	68' – Main/45' other streets	55' all street frontages & up to 80' internal to block	45'
Ground Floor Height	15' – 20'	Commercial/MU – 12'	None
Transparency/Fenestration	Ground Floor 60%/Upper 20%	Same	Same
Parking (Residential)	0.5 stall/unit – 2.0 stalls/unit	Studio/1 BR – 1.5 stalls/unit & no shared parking 2 + BR – 2.0 stalls/unit & with up to 50% shared	2.0 stalls/unit & with up to 25% shared
Parking (Commercial)	Based on Use Type	Based on Use Type & with up to 50% shared	Based on Use Type & with up to 50% shared
Land Set-asides	No	No	Open Space - 10% & Useable Outdoor Space – 10%

Chairman Jensen opened the meeting to a public hearing.

Logan resident Tim Chenette – Mr. Chenette said the first notice he received in January did not include any information regarding a proposed rezone of his block on 200 East between 300 and 400 North. The first time he heard about the proposed rezone was two weeks ago. He asked is it legal to rezone property without informing the property owner.

City Attorney Kymber Housley responded there is a State requirement for noticing which, the City has followed.

Mr. Chenette said he spoke with Planner Russ Holley who said that a new notice has not been sent out since his block was added to the proposed rezone.

Mr. Housley said no changes have been made to the rezone and a new notice was sent when the meeting was scheduled with the City Council.

Planner Russ Holley stated that in the beginning of the rezone process, Mr. Chenette's block area was not included in the map but, as the Planning Commission went through their process they made adjustments near 300 North and the property was included at that time.

Mr. Housley stated doing it this way was a legal process and residents have to allow the decision makers to make changes and once those changes are made, they are noticed. He said that Mr. Chenette would not receive a mailed notice but it was noticed by publishing in the newspaper, the Utah Public Notice Website which, is a State requirement for noticing but nothing mailed to the residents.

Mr. Chenette said the rezone might have met the legal noticing requirements but he still feels that it's completely wrong and nobody on his block has heard a word about the proposed rezone. He would appreciate if someone from the City would knock on a few doors and contact the residents. He said it's very drastic going from Neighborhood Residential to Town Center 1 on the North and Town Center 2 on the South. He feels it's wrong to make changes without better notification and discussion with the residents who live in this area. He said that on his block there are some problem properties and he was told that part of the idea for the rezone is to give a reason to redevelop these problem properties. The people who own the problem properties are investors and developers so it seems to him that it might be better to ask the investors to make improvements to their properties instead of rezoning.

Logan resident Gail Yost – Ms. Yost said the Council is trying to finalize these big changes without knowing what is going to happen several years from now. She said plans cannot be made so specific that the next generation cannot add to those plans. She feels the Council should have a referendum on the rezone and let the citizens vote on what they really want and give several choices. She feels the area should be medium density and we need to control how much Logan grows.

Logan resident Patrick Singleton – Mr. Singleton lives in the Ellis Neighborhood. He expressed his appreciation to the Council and staff for all the work they have done with the rezoning process and said there are residents who support the project. He expressed concern about the residential parking requirements and feels they are too high for the downtown area. He feels that too much parking will increase the cost of development and it will get passed on to the tenants or in other ways. He recommended that the Council retain the original proposal of one parking stall per studio apartment and two stalls for other apartments.

Logan resident Marty Moore – Mr. Moore said he feels we have a dying downtown and it's up to the Council to allow the downtown to develop. He supports the plan by Mayor Daines for Center Street and hopes to also see improvements made in the Central block area. He said if the Council doesn't make changes to Town Center, they will not see development in the downtown because there is not a commercial push for private developers to build in the downtown. He supports the Garff Garden project being proposed by Trent Cragun and feels we need higher density between 100 East 100 West, 100 South to 400 North which, is our downtown.

Logan resident Keith Schnare – Mr. Schnare said in the Vision 2050 Plan in Town Center there are three parking areas, two parking terraces and a medium level parking. If parking is not provided, people won't walk because they won't walk a mile to a location and we need to provide adequate parking.

Logan resident Janice Bird – Ms. Bird addressed the Council and said she has walked through the neighborhoods and has received a lot of signatures from people who are not in favor of the rezone. A list of those signatures was provided to the Council.

Logan resident Sara Bakker – Ms. Bakker is opposed to the proposed rezone on her block and to the notification process. She said the idea of increased density does not automatically mean increased walkability or decreased traffic. She chose to live on 200 East so she could walk to the grocery store, transit station and other locations. She said the timer on 400 North needs to be longer so she can get across with her two children and a stroller. She also feels there should be more trees in the park strips.

Logan resident Marilyn Griffin - Ms. Griffin asked the Council to take into consideration those who already live in the area of the proposed rezone. She feels we need to have details in place that would make any new buildings in this area look like they belong and enhance the area.

Logan resident Mary Ellen Robertson – Ms. Robertson has family who have owned a home on 100 East for the past 99 years. She asked how is the Council going to approach the big issues such as parking, infrastructure, the added density of people, safety issues of crossing the street on 100 East which, is not safe at this time. She also asked on what topics does the Council anticipate some debate and will the Council make changes to what the Planning Commission has recommended. She is not in favor of the massive zoning changes and feels more could be accomplished in other ways.

Logan Downtown Manager Gary Saxton – Mr. Saxton said the only way to have a long-term affect is to have more reinvestment in downtown and to preserve what is there and add to it. He feels we need to have zoning that is not so restrictive and to allow developers to bring new uses to downtown.

Logan business owner Mark Fjeldsted – Mr. Fjeldsted expressed his support for the rezone and said his family has owned a business on Main Street for over 70 years He said the downtown needs an environment where things will change. He also referenced downtown Ogden which has changed with a lot of reinvestment and is full of restaurants, retail, office space and housing. He would like to see the same thing happen here in Logan.

Logan resident Luann Harris – Ms. Harris is concerned about the traffic that the rezoning will bring.

River Heights resident Dianne Rhoton – Ms. Rhoton asked the Council to read through the list of over 400 names that signed the petition against the rezone. She asked the Council to allow more time for the citizens to voice their concerns about the rezone as well.

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

Chairman Jensen said there is a lot of misinformation about the proposed rezone. If no action is taken, this area can be high density as its currently zoned. The reason for the proposed Town Center 2 is to try and create a transition. He said the Council will not take action on this tonight. He created a summary of the issues regarding Town Center 2 and asked the Council to review the summary.

Councilmember Anderson said she has spent time reading through the public comments audio recordings and minutes regarding the discussions of Town Center 1 and Town Center 2. She found that the General Plan advocates for increasing space by 300% in the central core of downtown Logan. She agrees there is a lot of misinformation about what is high density and the proposed rezone is decreasing density from where it is currently. She appreciates the desire to take things slowly, but if a project were to come before the Council it falls under the zoning currently in place and something even bigger can be built. She asked about the density in Town Center 2 from 30-40 units per acre and are there things we want in terms of incentives that would allow someone to build at a higher density.

Councilmember Olsen said he is concerned about parking and feels the modeling that was done on campus residential does not work. It now seems clear that there should have been two parking stalls per unit and the Council allowed less. He does not want this to happen in the downtown or on 100 East. He said the Council has to trust staff who have recommended approval of the rezone and also the recommendations that the Planning Commission has made.

Councilmember Jess Bradfield said he has concerns with the 30 units per acre and he would like to see it lower with a higher bonus. He is fine with higher density if it's done right and he is flexible in regard to setbacks. Regarding parking, he would like to see no shared parking in Town Center 2 and a maximum of 25% shared for two bedrooms or larger in Town Center 1.

Vice Chair Simmonds said when she purchased her home on 100 North 100 East it was zoned Town Center. She understands, appreciates and can sympathize with the concerns of the neighborhood with the proposal of going from Neighborhood Residential 6 to Town Center 2. She is concerned about some of the comments the Council received stating the rezone is vital to downtown redevelopment. In reviewing the chart for Town Center is shows that density used to be 70 and Town Center 1 is still 70. Lot coverage in Town Center 1 was 100% and it will remain 100%. Also in Town Center 1, it was 75% building frontage on Main Street and is still 75%. The only thing that was unclear was ground floor commercial which, was made clear in Town Center 1. The setbacks are the same, high transitions, and building height in Town Center 1 are now 55' and they were 68' but, now they can go up to 80' internal to the block. She is concerned that if we are creating Town Center 2, that we are thoughtful and careful about the fact that it's being created. She doesn't know where it's going to hurt more or less than in Town Center as it stands. With, the exception of those small pieces that are going from a residential zone up to a zone whose acreage has the capacity for more people according to our current zoning

codes. We have addressed quantity in our code but, she doesn't feel we have addressed quality, character and relationship in one part of the town to another. She understands that if we do nothing we will have Town Center and it could be buildings with a height of 68', and the same density. Somehow, we have to come to an understanding or a belief to determine do we want a transition, a core that looks like a downtown, and do we want something that transitions to the neighborhoods or do we want all downtown and then neighborhoods on the side. She is not ready to vote on Town Center 1 and 2 and would like to have more discussion.

Chairman Jensen said that Logan and Cache Valley are only going to have more and more people in the coming years and we need to ask the question, where are we going to put people? There are a lot of protests against a potential project that would be 300 to 400 feet from Main Street. The big issue for him is we are dealing with the interface between the downtown and neighborhoods. He feels that neighborhoods can be enhanced with what we are trying to do. He questions the 80' height on Town Center 1 and recommended a height of 75' instead. There has been a lot of discussion about the park in Garff Garden and there is a ½ acre space in the park that is unusable. He would like to enhance the park that is contiguous between the canal and road. He has heard from many people who want nicer, quality buildings. We need to create new structures and do a design bonus for a quality design. He has suggestions for a design bonus such as a full-time property manager rather than an absentee landlord. Also, upgraded landscaping, sustainable projects, create living spaces on the site for interaction and recreation that is open to the public and upgrades to the façade and exteriors.

Mayor Daines said one example that was brought to her attention is the Ellen Eccles Theatre. On the Main Street side of the Theatre its two stories and in the back it goes up to a height of 90'. She said discussions have been held for almost a year now. She feels the Council should take the time to consider everything and she supports their efforts in this process.

Councilmember Bradfield asked what is the maximum number of units that Logan infrastructure can handle.

Public Works Director Paul Lindhardt responded it depends on the location and he doesn't have a citywide number.

Vice Chair Simmonds asked as we develop in the older part of Logan, are there mechanisms in place to assess the current infrastructure prior to construction. Mr. Lindhardt responded yes, the current infrastructure (water and sewer) can handle the proposed development in the area of 100 East (Garff Garden).

ACTION. Motion by Vice Chair Simmonds seconded by Councilmember Olsen to continue Ordinance 18-07 to the June 19, 2018 Council Meeting as an action item/public meeting, no public hearing. Motion carried unanimously.

PUBLIC HEARING - Land Development Code 2018 Updates – Consideration of proposed code amendments. Logan City requests to amend and update the Logan Land Development Code as follows: Delete Chapters 17.07-17.11; re-number and update 17.12-17.61; consolidate 17.12 & 17.15; consolidate 17.16 & 17.19; divide

Town Center Zone into TC-1 & TC-2 and add TC-1/TC-2 language into 17.10-17.12; amend 17.09 & 17.12 to add building orientation, massing, length and articulation standards; update 17.36 Home Occupations; amendment includes minor grammatical corrections throughout the entire document; update 17.60 Administrative Enforcement to increase civil fee for over occupancy – Ordinance 18.08

At the May 1, 2018 and the May 15, 2018 Council meeting, Community Development Director Mike DeSimone addressed the Council regarding the 2018 Land Development Code Updates. The proposal is to update and re-adopt the entire Land Development Code as amended. The amendments can be divided into either “general” changes and “specific” changes. The general changes including formatting or grammatical corrections, chapter consolidation, document renumbering, and overall document content streamlining and are considered relatively minor. The specific amendments include eliminating vague or general policy language from the regulatory document, eliminating multiple references to specific development standards or regulations, clarifying building design standards regarding orientation, massing, articulation and building length, and replace Town Center (TC) with two separate and distinct (TC-1 & TC-2).

The proposed “general” amendments or changes to existing LDC Chapters are as follows:

Preface: Changed dates, eliminated Amendment/Rezone Tables and updated Table of Contents.

Chapters 17.01 – 17.11, 17.13, 17.20 - 17.35, 17.37, 17.39 – 17.42, 17.44 – 17.59, 17.61 – 17.62. Minor grammatical corrections, updated references and eliminated reserve chapters.

The proposed “specific” amendments or changes to existing LDC Chapters are as follows:

Chapters 17.12 & 17.15. Consolidate these two chapters by eliminating the general descriptions for each specific residential zone, adding a purpose statement to each spec sheet, and eliminating the redundant regulations from the spec sheets already listed elsewhere in the LDC, e.g., fencing, parking, etc. The general language for each of the different zones in Chapter 17.12 is non-regulatory language, or General Plan language, is generally very subjective, difficult if impossible to apply and enforce, and has created confusion when applying the regulatory provisions of the code.

Chapter 17.14. Add building length standards targeted to each of the different multi-family zones to replace the generic spec sheet maximum building length language of 120’ (note: this is in wrong location in draft, should be inserted at 17.14.040.C.3).

Chapter 17.15. Residential Spec Sheets. Eliminate this chapter and move refined spec sheets into Chapter 17.12 (old) or Chapter 17.07 (new).

Chapters 17.16 & 17.19. Consolidate these two chapters by eliminating the general descriptions for each specific commercial/industrial zone, adding a purpose statement to

each spec sheet, eliminating the redundant regulations from the spec sheets already listed elsewhere in the LDC, and replacing the existing Town Center (TC) zone with both a Town Center 1 (TC-1) and a Town Center 2 (TC-2) zones.

Chapter 17.17. Add TC-2 to the Use Table and define those uses appropriate for this zone. We also have proposed to eliminate some of the specific uses listed in the table as they can be accommodated under the more general sales/service category. A number of the uses formerly permitted in the Town Center zone are outright permitted in the TC-1 zone while listed as a conditional use in the TC-2 zone.

Chapter 17.18. Delete redundant language found elsewhere in the Code, e.g., design, parking landscaping, etc. as well as include specific commercial design language regarding building orientation, four-sided architecture, building massing and building articulation. The following proposed changes have already been workshopped with the Planning Commission.

Section 17.18.010.D. Eliminate 17.18.010.D as these items are codified elsewhere in the code.

Section 17.18.020.C.2. Clarify that 4-sided building design is required for all projects.

Section 17.18.020.C.4. Change Subsection C.4 to clarify this section is about regulating Building Mass through two subcategories (1) Horizontal Articulation and (2) Vertical Articulation.

Horizontal Articulation – changed language to require at least 3 of the 6 different elements. Changed the square feet of surface area and distinct planes listed in subsection a and went to a maximum wall plan length of 40 feet instead, which means that a building shall be broken up into individual components no greater than 40' in length using at least 3 of the 6 different horizontal articulation elements.

Vertical Articulation – added limitations on the vertical height of a blank wall to 12 feet.

Removed the language regarding adaptive reuse in subsection 5 as it isn't regulatory and not any different than rest of design standards.

Section 17.18.030. Building Orientation

Section 17.18.030.A. We think it is important to keep the overall purpose of orienting buildings towards a public street, but also need to address the reality that each project is different, each site is different, each location or setting is different, each property owner's preference is different, so it is not always realistic to expect that the front door will face the street. The movement away from only requiring that the primary door face the public street allows for flexibility for all parties engaged in the design and review processes.

Section 17.18.030.C. Same concept. The City believes that the best side of a building should be oriented towards the street and this can be done regardless of where the front door is located. So, if a developer wants to orient his front door towards the parking lot,

which by code is located either to the side or rear of the building (not between building and street), we want to ensure that the side of the building facing the street is equally as attractive.

Section 17.18.040. Transition Areas. Included changes to 17.18.040.C by removing references to the height transition standards in the residential section and instead putting those same standards in the commercial section.

Chapter 17.19. Commercial Spec Sheets. Eliminate chapter and move refined spec sheets into Chapter 17.16 (old) or Chapter 17.10 (new).

Section 17.36.020. Removed figures/drawings of typical cross sections and instead referenced Public Works to eliminate confusion between the LDC and actual engineering requirements which are based on adopted MUTCD and City road standards.

Section 17.38.040. Added a parking standard for call centers of one stall per one employee at largest shift.

Chapter 17.43. Simplifying the Home Occupation language to line up with recent changes to the Logan Municipal Code and State Law. We are proposing to eliminate the listing of types of Home Occupations, consolidated 17.43.040 with 17.43.050, and eliminated 17.43.150 and 17.43.160.

Section 17.60.440. Increased the civil penalty fee for over occupancy violations from \$50.00 to \$250.00.

Also proposing to add a new Chapter on Residential Density and Height Bonuses (17.37) which is discussed under a different memo.

GENERAL PLAN

The Land Development Code was prepared and adopted to implement the vision expressed in the General Plan. The proposed amendments to update the Land Development Code, along with specific changes to the commercial design standards and the modification to the Town Center zone, are consistent with the General Plan.

STAFF RECOMMENDATION AND SUMMARY

The proposed changes to the Land Development Code will help eliminate ambiguous and conflicting language, works to streamline the implementation of the Code, provides additional flexibility to both applicants and the City in designing and reviewing commercial projects, and works to better execute both the Logan General Plan as well as the Downtown Specific Plan. Staff would recommend that the Planning Commission forward a recommendation of approval to the Council for their consideration.

PUBLIC COMMENTS

As of the time the staff report was prepared, no public comments had been received.

PUBLIC NOTIFICATION

Legal notices were published in the Herald Journal on January 14, 2018, posted on the City's website and the Utah Public Meeting website on January 14, 2018, and noticed in a quarter page ad on January 14, 2018.

Planner Russ Holley said there is an addition is Footnote #4 to the Land Use Table that restricts alcohol in the Neighborhood Commercial Zone.

Mr. Housley said the Neighborhood Commercial Zone is designed to serve the surrounding neighborhood and the Community Commercial Zone is a destination and serves neighborhoods outside of where it's located.

Mr. Holley said examples of Neighborhood Commercial locations are Herm's Inn, Island Market, and Tandori Oven. Community Commercial locations are Fredrico's Pizza, area next to Dwell Realty, and the Family Place on 200 West.

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 Anderson to continue Ordinance 18-08 to the June 19, 2018 Council Meeting as an action item/public meeting, no public hearing. Motion carried unanimously.

PUBLIC HEARING - Consideration of a proposed resolution approving an adjustment of Solid Waste Collection, Disposal Fees and Mandatory Curbside Recycling – Resolution 18-21

At the May 15, 2018 Council meeting, Environmental Director Issa Hamud proposed the adjustment of Solid Waste Collection, Disposal Fees and Mandatory Curbside Recycling.

It is proposed to implement the recommended one-time rate increase, effective FY19 (July 2018). If rates are not increased until January 2019 there will be an additional \$500,000-\$750,000 reserve deficit.

Mr. Hamud also recommended the following:

- Inform incorporated cities and unincorporated areas about rate impacts as soon as possible
- Update full costs annually and track financial performance
- Update this study every 3 to 5 years
- Convert multi-family rates to align with single family rates (\$/unit)

Mr. Hamud stated that Logan City provides critical, Countywide service through its vertically integrated waste management system. The one-time rate increases identified in the study provide:

- Long-term financial stability
- Continued conservative management of the system
- Equitable rates for customers that are reasonably aligned with underlying costs

Mayor Daines commented that she received a letter from Cache County Executive Craig Buttars stating that the Board of Trustees for the Cache County Service Area Number 1 (Cache County Council) approved the new Solid Waste rates effective July 1, 2018.

Chairman Jensen opened the meeting to a public hearing.

Logan resident Keith Schnare said he read in the newspaper that there were farmers who were upset about garbage from the North Valley Landfill blowing onto their fields. He asked if the rate increases, will it go towards fencing or netting to help with this problem.

Environmental Director Issa Hamud responded that the North Valley Landfill has a fence in place but some of the winds that we've had recently are beyond the landfill's control. He said the inmates that are cleaning up the area are not throwing garbage onto the fields and the Mayor of Clarkson said himself there is no garbage in the fields. He said the Environmental Department can do better and will install additional litter fences to help with this problem.

Mayor Daines said she will also contact Cache County Councilman Erickson and see if he has additional questions that Logan City can answer.

Councilmember Olsen asked how much of the blowing debris from the landfill are plastic grocery bags.

Mr. Hamud responded that 90% of the debris is plastic bags and suggested that people start using reusable bags to carry their groceries.

Councilmember Olsen said that is a concern to him and he feels that Logan owes it to ourselves to do some proactive things to minimize the use of plastic bags.

Logan resident Deborah Jolley addressed the Council. She has lived in several different areas and said we need to take care of our environment and we need to encourage people not to use plastic bags.

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

ACTION. Motion by Councilmember Olsen seconded by Councilmember Anderson to approve Resolution 18-21 as presented. Motion carried unanimously.

Councilmember Bradfield stated at the last Council meeting he asked if Finance Director Richard Anderson could budget an annual rate increase rather than a large increase. It was his understanding this would not require a vote from the Council, just a head nod to include this in the annual budget.

Mr. Anderson responded that he will need direction from the Council to pursue this option. The actual approval of a rate increase is a Council action.

Chairman Jensen stated that further discussion regarding this suggestion from Councilmember Bradfield will be placed on a future agenda.

Consideration of a proposed resolution approving the Firework Restrictions Map in accordance to HB38 – Resolution 18-26

Fire Chief Brad Hannig stated that as the Chief Fire Official for the City of Logan, he has determined that the existing or historical hazardous environmental conditions necessitate controlled use of any fireworks in certain areas within the City of Logan. Pursuant to Utah Code Annotated 15A-5-202.5, the Municipal Council is required to designate said hazardous areas as a “Closed Area” defined by readily identifiable features and a written description and a map. He asked the Council to review the map he provided and to approve the appropriate locations for areas closed to fireworks.

The proposed 2018 Fireworks Restriction Areas are the following:

East Bench Closure – East of 1600 East and Gibbons Parkway, including North and South slopes of the Island area

- East side of 1600 East from the North City Boundary to Hwy 89
- South side of Hwy 89, from 1600 East to 600 East, North side of Canyon Road from 600 East to 1600 East
- South side of the Logan River from 1600 East to 1600 Center Street, the North side of Center street from the Logan River, East along Center Street than East on Cliffside Drive, then East on Quail Way to Gibbons Parkway.
- East of Gibbons Parkway from Quail Way to South City Boundary

Gravel Pit Closure

- South side of North City Boundary from 1200 East to 1400 East
- West side of 1400 East from the North City Boundary to 1000 North
- North side of 1000 North from 1400 East to 1200 East
- East side of 1200 North from 1000 North to North City Boundary

West Closure

- West side of 600 West from the North city boundary, to 200 South.
- North side of 200 South from 600 West to 1000 West
- West side of 1000 West from 200 South to the South city boundary

North Closure

- East side of 200 West from 1400 North to 1800 North
- North side of 1800 North from 200 West to 600 West

Chief Hannig said the University enforces and regulates their own property in regards to fire restrictions.

Councilmember Bradfield asked about the wetland areas and said he does not feel this area is a high risk for wildland fires.

Chief Hannig responded this is a yearlong ban and there is potential exposure in the wetlands which is an open area.

Mr. Housley commented that if we want to have any restrictions, the Council is required to adopt the map and it has to be done annually. This is the Council's opportunity to make the designation for the coming years in regards to fire restrictions.

Chief Hannig said the fire restriction time period is based on House Bill 38 which states that fireworks are only allowed beginning July 2 – July 5, July 22-July 25, December 31 unless it falls on a Sunday and then it's on the prior Saturday and Chinese New Year's Eve.

Councilmember Bradfield asked for clarification on what is required by the State.

Mr. Housley responded the City is prohibited from regulating fireworks and these are State regulations. In order for the City to have any restrictions, we have to first adopt a map that describes the prohibited areas and the Council has to approve a resolution. Without this resolution, we cannot restrict fireworks and the State defines the criteria for the restrictions.

Chief Hannig read from House Bill 38 which states that the City shall provide a map of the prohibited areas and a countywide map must also be provided showing the restrictions.

Chief Hannig said the West side of Logan is considered open lands and would be under the restricted area. The Council can be more restrictive but not less restrictive.

Councilmember Bradfield commented that he loves fireworks and is willing take the complaints from residents.

Councilmember Anderson clarified the restricted areas on the West side are open areas next to neighborhoods.

Chief Hannig said the reason we restrict is because of the potential for exposure and liability.

Mr. Housley said the City has governmental immunity for the fire itself but it's the cost going out and putting out the fire.

Chief Hannig said if the fire goes onto State lands they will charge the City for fire services.

Councilmember Olsen asked about Chinese New Year and said this past January they were not allowed to have fireworks.

Chief Hannig said fireworks are not allowed outside of the restricted dates which are set by the State. The group that Councilmember Olsen referred to, asked to do their fireworks six days earlier than the designated Chinese New Year date which is not allowed by State law.

Chief Hannig said he will notify those involved with the Chinese New Year celebration and let them know the dates they can have fireworks.

ACTION. Motion by Vice Chair Simmonds seconded by Councilmember Anderson to approve Resolution 18-26 as presented. Motion carried 4-1 (Bradfield voted nay).

PUBLIC HEARING - Consideration of a proposed resolution establishing Public Treasurers Investment Fund (PTIF) Changes Authorization within the City of Logan – Resolution 18-20

At the May 15, 2018 Council meeting, Mr. Anderson addressed the Council and explained that this is the first year the State of Utah has required this resolution. It defines who exactly is authorized by the Municipal Council and the City of Logan to make changes to the Public Treasurers Investment Fund (PTIF). Mr. Anderson asked the Council to authorize Tyson Griffin, the City Treasurer, and Brent Bodily, Assistant City Treasurer as the only individuals who will be authorized to make changes in the Fund. This will define Mr. Anderson as the person responsible for changes with Mr. Griffin and Mr. Bodily being authorized to actually make the changes. They will be authorized only to create a PTIF account and move monies out of the PTIF account and into the bank account, which has its own separate controls. It is a good internal control measure.

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 18-20 as presented. Motion carried unanimously.

PUBLIC HEARING – Logan City Budget Transfers Fiscal Year 2019

Finance Director Richard Anderson addressed the Council regarding the Logan Budget Transfers and Administrative Fees for Fiscal Year 2019.

In accordance with Utah State Law and Logan City budgeting practices, Logan City will hold a public hearing on June 5, 2018 at 5:30 pm in the Logan City Council Chambers located at 290 North 100 West, Logan Utah, to discuss proposed transfers from and administrative fees charged to enterprise funds. Anyone desiring to address the Logan Municipal Council on this issue is invited to this public hearing.

A transfer is the movement of cash or other resources from one fund to another. Logan City has utilized transfers from enterprise funds as a General Fund financing mechanism for many years. If budgeted and planned for correctly, transfers from enterprise funds can help to defray the cost of services such as public safety, public works, parks and recreation and general governmental services, and consequently, keep property taxes low. But for transfers, Logan City would either must raise property taxes significantly or cut services significantly. Where private sector utility companies are in business to provide a return on investment to its shareholders, Logan City's shareholders, its taxpayers and citizens, receive this return on investment as a transfer to the General Fund.

The transfer from the Environmental Health Fund to the 911 Fund is composed of the garbage can fees used to fund the 911 system and radio equipment. The transfer is simply the legal justification used to obtain the funding needed for the 911 system.

Administrative fees are not the same as transfers. While transfers are a movement of cash or resources without compensation, administrative fees are charges for centralized services provided by the general fund to the other funds of the City. Such services include but are not limited to utility billing, accounting, payroll, legal, human resources, shops and garage, and facility management. Administrative fees are allocated by the finance department in a reasonable and rational manner.

The following are the Fiscal Year 2019 transfers and administrative fees:

Fund	Proposed Expenditures		Transfer	% of Expenditures	Admin Fees	% of Expenditures
	FY 2019	Transfer To				
Water & Sewer	12,568,000	General Fund	879,270	7.0%	1,280,609	10.2%
Sewer Treatment	7,745,000	General Fund	421,025	5.4%	194,752	2.5%
Electric	35,473,000	General Fund	2,824,560	8.0%	1,333,884	3.8%
Environmental Health	14,312,026	General Fund	1,008,880	7.0%	1,443,547	10.1%
Environmental Health	14,312,026	911 Fund	775,000	5.4%	-	0.0%
Golf Course	1,148,355	General Fund	-	0.0%	22,355	1.9%
Storm Water Management	2,423,161	General Fund	-	0.0%	512,257	21.1%

Chairman Jensen opened the meeting to a public hearing.

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

Mr. Anderson explained that no action is taken by the Council at this time and the Transfers will be approved at the time the budget is approved on June 19, 2018.

WORKSHOP ITEMS:

Budget Adjustment FY 2017-2018 appropriating: \$75,000 for a grant the Parks & Recreation Department received from the Utah League of Cities and Towns. The funds will be used to promote and encourage healthy activities: \$6,594 funds to reimburse Logan City for Airport snow plowing for FY2018; \$14,835 for a grant the Police Department received from the State of Utah. The funds will be used to purchase camera equipment for police vehicles – Resolution 18-25 – 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 June 19, 2018 Council meeting.

Consideration of a proposed resolution approving Elected Official's Wages FY 2018-2019 – Resolution 18-23 – Ambrie Darley, Human Resource Coordinator

Human Resource Coordinator Ambrie Darley addressed the Council regarding the proposed resolution. She stated that the City has established a pay program which has been adopted and implemented by the Logan Municipal Council. The City annually surveys other local government positions throughout the State of Utah which includes an annual market study in order to identify prevailing wages for comparable positions in Logan City. This survey also includes wage data for local government elected officials.

It is proposed that the annual salary of the Mayor be adjusted to \$93,310 base salary plus a \$6,000 car allowance for a total compensation of \$99,310 per year. The current salary is \$88,866

It is also proposed that the annual salary of the elected City Council Members be adjusted to \$15,006 plus a \$300 car allowance for a total compensation of \$15,306 per year. The current salary is \$14,291.

Mr. Anderson said a market study was done but the market is skewed because elected officials typically have a lower salary simply because they are elected.

Mayor Daines commented that it's difficult for public officials because they get criticized for increasing their own salary. Her personal solution is that if the Council approves the increase for the Mayor position, she will donate her increase back for the remainder of her term as Mayor towards a project of her choosing.

Vice Chair Simmonds suggested that the Mayor should vote on the increase for the Council and the Council vote for the Mayor increase.

Mr. Housley said that can be done but would have to go to the State legislature because our form of government is defined by State law.

Councilmember Bradfield commented that the compensation ratio for the Council is on par and is constantly a moving target for anyone. He asked, would it be wise that based on trends of things going up each year that salaries are increased a small percentage each year rather than having a discussion about salaries for the Mayor and Council each year.

Mr. Anderson stated there is a State law in place stating that the wages of the Mayor and Council must be reviewed and voted on each year. The last pay increase for the City Council was in 2008.

Councilmember Bradfield feels that at some point the position of Council could be someone's only source of income and we should not take the wages of the Council lightly.

Ms. Darley said based on population and the compensation study that has been done, the Council puts in a lot of time and she feels we should keep up with the market. She does not have the information on what increases have been given to other City Mayor's and Council's.

The proposed resolution will be an action item and public hearing at the June 19, 2018 Council meeting.

Consideration of a proposed resolution approving Member Contributions to the Utah Retirement Systems Contributory Retirement Plan FY 2018-2019 – Resolution 18-22 – Ambrie Darley

Ms. Darley addressed the Council regarding the proposed resolution. The City formally agrees to fund "pick-up" 100% of the required member contribution for all eligible employees required to contribute to the Utah Retirement Systems Contributory Retirement Plan for the 2018-2019 Fiscal Year (effective July 1, 2018) according to the applicable Utah Retirement Systems Retirement Contribution Rates.

The proposed resolution will be an action item and public hearing at the June 19, 2018 Council meeting.

OTHER CONSIDERATIONS:

Mr. Anderson said the water and sewer rate increase of 35% was a very different situation than what we've had in any other fund with the exception of the general fund. All of our other rates sustain our services as we go and in the general fund, that is the one area that we have a significant backlog of deferred maintenance. The only solution we really have is to raise property taxes. In all of our enterprise funds, we are at that level and they can come back every year and propose whatever is sustainable.

Vice Chair Simmonds said in our enterprise funds, they carefully map out what needs to be done, how much it's going to cost and when a rate increase is needed. She feels the City tries hard not to have a rate increase but if they do, they make it specific to an actual need.

Councilmember Bradfield commented that Cache County does some type of annual increase such as 2% then, if more is needed it must be justified.

No further considerations were addressed by the Council.

ADJOURNED. There being no further business to come before the Council, the meeting of the Logan Municipal Council adjourned at 8:00 p.m.

Teresa Harris, City Recorder