

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, February 5, 2019 at 5:30 p.m. in the Logan City Municipal Council Chamber, 290 North 100 West, Logan, Utah. Chair Jeannie F. Simmonds conducting.

Councilmember's present at the beginning of the meeting: Chair Jeannie F. Simmonds, Vice Chair Amy Z. Anderson, Councilmember Thomas C. Jensen, 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.

Chair Simmonds welcomed those present. There were approximately 260 in attendance at the beginning of the meeting.

OPENING CEREMONY:

Logan City Finance Director Richard Anderson offered a thought and led the audience in the pledge of allegiance.

Meeting Minutes. Minutes of the Council meeting from January 15, 2019 were reviewed and approved with no changes.

ACTION. Motion by Councilmember Jensen seconded by Councilmember Olsen to approve the January 15, 2019 minutes and approve tonight's agenda. Motion carried unanimously.

Meeting Agenda. Chair Simmonds announced there are three public hearings scheduled for tonight's Council meeting.

Meeting Schedule. Chair Simmonds 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, February 19, 2019.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL:

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

MAYOR/STAFF REPORTS:

Board appointments (Logan Library Board) – Mayor Daines

Mayor Daines asked for ratification to reappoint JaDene Denniston and ratification for a new appointment of Julene Butler to serve on the Logan Library Board which, are three year terms.

ACTION. Motion by Councilmember Olsen seconded by Vice Chair Anderson to approve ratification of JaDene Denniston and Julene Butler as presented. Motion carried unanimously.

Mayor Daines reported on the Logan River Golf Course and stated that a public input meeting was held on January 29, 2019 and was well attended. After carefully weighing the public comment with the opportunities presented in the proposals, it is the City's intent to continue with golf course operations as currently constituted. The City intends to work with both Jeff John (Head Golf Professional) and Randy Oldham (Superintendent) to implement many of the ideas presented at the public hearing to increase revenues and control costs. The goal will be to run the Logan River Golf Course in the most efficient and effective manner possible and to reduce the reliance on general fund tax dollars. There will be regular reviews to assess progress. Mayor Daines added that all options remain on the table for future discussions if we cannot reduce the subsidy to the golf course. Her hope is that this approach will be successful in sustaining golf course operations well into the future and she encouraged communication from golfers on how we can best achieve the desired results.

Mayor Daines also reported on the Dogs in the Parks Pilot Program. A public input meeting was held on January 22, 2019. She said a workshop of the findings from the public input meeting will be presented to the Council on February 19, 2019. There were 10 parks proposed as being dog friendly and based on the input from the public meeting, 2 of the parks were eliminated (Dahle and Lundstrom) because they have playgrounds and pavilions. One of the parks that does include a playground and pavilion will remain in place (Jens Johansen Park) on a trial basis. She is working with staff to create an educational and clean-up campaign if Council authorizes staff to move forward with the pilot program. More details will be presented to the Council on February 19, 2019 but the request to the Council will be to authorize a one year pilot program allowing dogs in designated City parks which includes an educational campaign and if the pilot program goes well, then after the one year time period, staff will propose an amendment to the current ordinance allowing dogs in designated City parks.

No further items were presented.

COUNCIL BUSINESS:

Planning Commission Update – Chair Simmonds

Chair Simmonds reported on the Planning Commission held in January where they discussed Density and Height Bonuses. This will be presented to the Council at tonight's meeting.

No further items were presented.

Chair Simmonds explained how the public hearing process works and said it's a time for the Council to listen to both sides of an issue. It's not a time to clap, cheer or jeer. The purpose of a public hearing is for the public to have an opportunity to share their thoughts.

ACTION ITEMS:

PUBLIC HEARING - Budget Adjustment FY 2018-2019 appropriating: \$11,873,350 fund reserves that will be accumulated over the next 3 years toward the construction of the Sewer Treatment Plant; \$8,662 reimbursable State funded police overtime shifts; \$93,709 State alcohol funds received toward police alcohol enforcement – Resolution 19-04

At the January 15, 2019 Council meeting, Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustments.

Chair Simmonds opened the meeting to a public hearing.

There were no comments and Chair Simmonds closed the public hearing.

ACTION. Motion by Vice Chair Anderson seconded by Councilmember Jensen to approve Resolution 19-04 as presented. Motion carried unanimously.

Consideration of a proposed resolution approving the form and execution of an Agreement to Participate in the Utah Association of Municipal Power Systems (UAMPS) Power Exchange – Resolution 19-03

At the January 15, 2019 Council meeting, Mr. Housley addressed the Council regarding the proposed resolution. He said Logan purchases all or a portion of its external supply of electric power and energy from or through UAMPS. He said that UAMPS presently operates a power pool pursuant to those certain Pooling Agreements between UAMPS and each of its members which provides a mechanism for the economic scheduling and utilization of the electric power and energy resources available to the member of UAMPS.

He continued and said that UAMPS has now established its Power Exchange which enables each of the members of UAMPS to enter into forward transactions with one another and with UAMPS for the purchase, sale and exchange of firm electric power and energy.

There is currently an agreement in place but we are updating the agreement at this time to authorize certain positions in the Light & Power Department rather than named individuals for the power exchange with UAMPS.

ACTION. Motion by Councilmember Olsen seconded by Vice Chair Anderson to approve Resolution 19-03 as presented. Motion carried unanimously.

Consideration of a proposed ordinance amending Sections 2.52.040 and 2.52.050 of the Logan Municipal Code regulating Logan City's Employee Appeals Board – Ordinance 19-01

At the January 15, 2019 Council meeting, City Attorney Kymber Housley addressed the Council regarding the proposed ordinance. The intent is to make the ordinance consistent with State law and the terms of those serving on the Appeals Board.

ACTION. Motion by Vice Chair Anderson seconded by Councilmember Jensen to adopt Ordinance 19-01 as presented. Motion carried unanimously.

PUBLIC HEARING – 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

Chair Simmonds opened the meeting to a public hearing.

Justin Robinson, Renewable Energy and Conservation Advisory Board Member (RECAB) addressed the Council. He noted there are several countries that have plastic bag bans. San Jose, California adopted a City Ordinance “Bring Your Own Bag” on January 1, 2012. In 2016 there was a 76% litter reduction in rivers/creeks and 69% storm inlets drain. In 2017 in regards to Consumer Behavior Changes, 45% of bags were reusable up from 3%.

Recycling Contamination Study in Cache Valley

- 1 in 5 items being recycled aren’t actually recyclable in our facilities.
- The majority of the contaminants were items which people likely mistook for being recyclable.
- The most common contaminants included:
 - Plastic bags and sheeting pet food and gardening bags
 - Food and candy wrappers
 - Styrofoam

Mr. Robinson stated that RECAB supports the Single Use Plastic Bag Initiative. Plastic pollution is a local and global issue. Plastic bags are not biodegradable, are increasingly difficult to recycle and commonly end up in landfills or litter the landscape where they take hundreds of years to decompose and they release toxins into the soil and water. Additionally, plastics break down over time into micro plastic pollution where it can be consumed in our food and water. International and domestic studies show this is an effective management strategy. In 2017-2018 at least 73 bills were introduced in State Legislature regarding the use of plastic bags in retail settings. The majority of these bills propose a ban or fee on plastic bags. The proposed bag initiative is a prudent request to address a local issue that is impacting the community and the City of Logan. Mr. Robinson thanked the Council for listening and he urged the Mayor and Council to support and approve the ordinance.

Logan resident Tony Peacock addressed the Council. He said his concern is the proposed ordinance will not have the same affect that it does in other cities. He said only 1 in 10 shoppers on average bring back the reusable bags. The EPA’s determination is that single use plastic bags constituted 0.28% of the weighted mass in the landfills and that plastic bag initiatives don’t really have an effect as intended. He also feels that the penalties for

the bags are too much and feels banning plastic bags will hurt businesses and we are prejudicing businesses by implementing a ban.

Logan resident Mary DaSilva addressed the Council. She showed the Council and audience members various reusable bags that she uses and that are available for others most of which are free.

Logan resident Erin Jacobs addressed the Council. She supports the plastic bag ban and feels having a ban in place will help keep Cache Valley beautiful for generations to come.

Julie Gortlen addressed the Council and stated she is a small business owner and she is concerned about the increased costs of purchasing paper bags for her customers. She is also concerned because most of her customers need to have plastic bags with handles so they are easy to carry. She reuses plastic bags throughout her home and she feels that people need to teach their children not to litter and that people should have the freedom to choose whether or not they want a bag or not.

Logan resident Jake Shaum addressed the Council. His main focus is the preservation of the planet. He said there are other options besides plastic bags such as paper bags and cardboard boxes. In 2006 Logan implemented a mandatory recycling program and there was a lot of pushback from the public in the beginning but after time people have accepted it and now Logan City is becoming a leader in recycling. He feels we can still push to be a leader in recycling in the State of Utah, we are doing a good job but can improve.

Logan resident Gina Millett addressed the Council. She said we need to be careful when imposing bans on our citizens and in this case it's the business owners in Logan. She agrees that conservation is important but trying to change the behavior by restricting and penalizing the use of plastic bags is the wrong decision and is not something the Council should be imposing on the citizens and companies that do business in Logan City. She reuses plastic bags in her home and teaches her children to reuse various items rather than throwing them in the garbage or recycle bin.

Logan resident Jo Leary addressed the Council and said she walks to the grocery store and always carries her reusable bags and if she does not have her bags she uses her hands or pockets. She has also used carry-on luggage to bring her groceries home.

Logan resident Travis Hansen addressed the Council. He said a ban will lead to more rules and restrictions and feels that people can be guided into a better direction rather than imposing restrictions. He feels it will hurt businesses if there is a ban especially smaller businesses.

Logan City Environmental Department employee Kristy Hyden addressed the Council. She works at the landfill and has witnessed several times throughout the day being blown around. The wind carries the bags into the rivers, streams and the farmers' fields. She feels we have an issue with all plastic items and she feels we need to start somewhere and feels that Logan can be a leader in Cache Valley by banning single use bags.

Logan resident Paige Morgan addressed the Council. She supports the idea of bags but she is opposed to the ordinance and how it will affect businesses. She suggested that those who can pay for the paper bags such as larger businesses help smaller businesses. She also said that individuals such as herself and others in the audience could start a Go Fund me account to help those who want paper bags rather than having a ban.

Logan resident Bethany Haskell addressed the Council. She feels we need a compromise and suggested a fee that each individual store could implement on each single use plastic bag. She feels that imposing a fee on the bags will let the consumer decide if they want a bag or not.

Logan resident Mike Barben addressed the Council. He is opposed to the ban and suggested putting the ban on an upcoming ballot and let the voters decide if they want to support the ban.

Logan resident and USU student Nick McErleu addressed the Council. He is working on a project to gather 400 reusable bags and they will be given to families that are less fortunate.

Logan resident Jeff Dransfield addressed the Council. He referred to studies which show that banning single use plastic bags increases pollution and causes environmental harm. He said that single use plastic bags use a smaller amount of materials compared to what other bags use. He asked the Council to further research plastic bags before they make a decision.

Logan resident Bryce Johnston addressed the Council. He supports the ban and said that plastic bags take 20 years to degrade in the landfill and paper bags take one month.

Jonathan Badger owner of Lee's Marketplace in Logan addressed the Council. He feels the current ordinance as written will not address the issues that are being presented from an environmental and business standpoint. He is representing several businesses who were not able to attend tonight's public hearing. He said if the ban is not incorporated throughout Cache Valley it gives a benefit to those stores located outside of Logan City. The plastic bags from those cities outside of Logan will still come back into Logan City and will eventually end up in the landfill. He feels we can all agree that plastic is bad for the environment but it has been mentioned and he agrees that a lot of the plastic bags distributed at the stores now are reused in homes as garbage can liners and for other uses. He said there is a litter problem throughout Cache Valley and most of this litter is not plastic bags. There are national chains that will be removing plastic bags from their stores within the next six years. Doing this will give the stores and customers time to provide education of their intention to eliminate or reduce the use of plastic bags. He feels the two-month time period indicated in the ordinance is not long enough for businesses and the timeline will be costly for them. He and others support reducing the use of plastic bags but he feels there should be additional education and a longer timeline to implement these changes.

Logan resident Chelsie Dentell addressed the Council. She agreed there should be an education campaign but also feels that the ban can be implemented now and the

education can be done later. Plastic bags are convenient but she feels there are a lot of easy adjustments that can be made to replace the use of plastic bags.

Logan resident and USU student Nicole Parker addressed the Council. She feels if we make changes now that people in the future will know how to live in regards to the use of plastic bags. She feels we need to start somewhere and changes need to be made today.

Logan resident Nadra Hafar addressed the Council. She said there is a long list of things that should be recycled and people should be aware of these things. There should be more education on what can and should be recycled.

Logan resident and Logan High School student Wesley Carter addressed the Council and said he supports the ban on plastic bags. He feels we need to reduce our consumption of plastic bags today and start thinking that everything doesn't need to be convenient.

Logan resident and Logan High School student Krista Morrison addressed the Council. She supports the ban on plastic bags and said we need to continue to find ways to reduce consumption and it starts with individuals and businesses.

Logan resident Andy Hofmeister addressed the Council and expressed his thoughts about living in Logan and how much he appreciates the City and all they do to make it a better place to live.

Logan resident Paul Consalub addressed the Council. He believes that education is important when it comes to the implementation of using plastic bags, but education is not effective every time so there needs to be definitive implementation for people to understand how it works and what it means. He suggested putting the ban in place and not worry about the educational benefits which can be costly.

Logan resident Keith Schnare addressed the Council. He said it seems to him that we need to start somewhere and the timeline for implementation of the ban should be extended. He reminded the Council that the fence at the landfill is only a band aid and more time should be spent getting it right before a ban goes into effect.

Sherrie Badger owner of Lee's Marketplace in Logan addressed the Council. She said that Lee's gives back to the community and is very involved in the community. Lee's wants to help educate and do what they can to help the community understand when it comes to plastic bags. She is also in competition with businesses outside of Logan City that won't have a plastic bag ban in place. She asked the Council to give the ban more time and to make it a countywide issue rather than just Logan City.

Logan resident Krista Cannell addressed the Council. She is frustrated with corporations and governments saying that things will change in the future and she wants results now. She feels that Logan is in a great position to be the leader on the issue of banning plastic bags.

Logan resident and former Logan City Environmental Department employee Frank DeYoung addressed the Council. He worked on a study regarding plastic bags which

found that plastic bags are the number one contaminator of recycling cans. He supports the ban and urged the Council to move forward.

Logan resident Ken Heare addressed the Council. He supports the ban and feels it will force people to be more conscious about recycling.

Logan resident Rob Davies addressed the Council. He is very proud of the community and in the past, the Council has shown courage when working through controversial issues. He supports the ban and feels we will have a better community by eliminating plastic bags and be a model for other communities to follow.

There were no further comments and Chair Simmonds closed the public hearing.

Chair Simmonds said she is in favor of banning plastic bags but she is also a realist in terms of politics in Utah. Four years ago, a Utah State Senator proposed a ban on plastic bags statewide. The Senator got it out of committee and it was defeated by the Senate. The Senator repeated the process and the second time it never got out of committee. Last year the bill that came out of committee was a ban on a city's ability to ban plastic bags. This bill went all the way through the Senate and it was in the House of Representatives and was fought by the Utah League of Cities and Towns and was defeated in the last hour. This bill is coming forward again and they do not want our communities to be able to make this type of legislation. There is backing from the petroleum industry this year and it will be an interesting challenge. If Logan City takes a step forward and says yes, we want to ban plastic bags, we could actually be told in 45 days that we cannot ban bags. We all need to remember that as much as we want to control our own destiny, we are often precluded in that control by someone else. She encouraged everyone attending tonight's public hearing to speak to their State Legislators. Cities and Town need to be more proactive and there are some in the State Legislature that don't want cities to be making these types of decisions.

Chair Simmonds announced that our State Legislators meet every Saturday at 7:00 a.m. in the County Administration building and the public is invited to attend.

Councilmember Olsen said the plastic bag ban started as a concern regarding the pollution that he saw throughout the community and his concern about the preservation of the beauty of Cache Valley and Logan. Utah has been the fastest growing State in the Union for the past 10 years. People are coming and they will continue coming and we cannot control the impact but, we can control their behavior as they come to Cache Valley and our behavior as we remain here. We cannot solve all of the problems but can solve one of the problems in Logan which are plastic bags. He said freedom to choose does not include freedom to pollute. If a merchant decides to distribute single use plastic bag they should pay a plastic management fee for distributing the bag which causes pollution. That would also require a ten cent per bag fee for those who choose to use the bag. He heard an economist state that the way to prevent pollution is to charge for it. He does not feel that in the long run this will hurt businesses but will instead help businesses and if approved, he feels the ban will save businesses money. He said a poll/vote has been done and has been represented at tonight's public hearing. He said there are many businesses that support the ban. He is aware of three polls that were completed one of

which was done by a business. It showed that 80% of the customers that go to this business said they support the proposed ban. A broader community poll showed that 80% of the people would support a ban. He has known Jonathan and Sherrie Badger for many years and appreciates all they do for the community. He said Logan City spent \$28,000 for a wind fence to control the bags from blowing onto the farmer's fields. The fence was blown over this morning due to the wind so it works well when the wind blows one direction. He selected April 22, 2019 as the implementation day to ban plastic bags which, is also Earth Day. He proposed extending the implementation day to July or August. He encouraged everyone to speak with our State Legislators regarding the plastic bag ban and not let them take away our freedoms here in Logan to make decisions about our future. He said we need to do something now and Logan should lead the way on this issue.

Councilmember Bradfield said he feels this is a case of important versus urgent. He does believe that plastic waste is important but he feels it's hard to view as urgent. He is strongly against the ban but he is open to compromise. He said if cities do not trust their residents on most basic decisions, what other decisions will neighbors and elected officials determine we are too inept to manage about our daily lives. As far as he knows there has never been a product ban in the history of Logan and he asked if the plastic bag ban rises to the mandated level that would be placed upon the citizens of Logan. He finds it hard to believe that plastic bags are a local crisis. They are a nuisance but before this issue was brought forward he never received a single complaint about bags blowing in the wind and he can't recall ever seeing a bag blowing in the wind and he lives by open fields. The plastic bags are recyclable and we can join with other cities and have them recycled for free as long as we have a place to store them. He asked how does the Council feel comfortable banning something when we don't know all of the costs involved. The County Council hasn't been consulted on plastic bags and he would like to have input from them before anything is decided for Logan City. He said that almost unanimously businesses have stated that they do not want a ban and will make changes on their own in regards to bags. With a ban we are telling businesses that we don't care about their opinion. He suggested issuing a challenge rather than a mandate to businesses and let them decide what to do. He is concerned about an entitlement attitude towards a desire to control our residents and businesses. Many of the letters he received in support of the ban focused on solidarity with what is considered progressive cities, states and countries and wanting to be a leader in this area. We have the opportunity to work with the County and work on a compromise that everyone can agree to in regards to plastic bags. He feels we can solve this because it's a Logan ideal and we can find common ground by working together. He thanked everyone for attending and appreciates the civil atmosphere of the audience.

Vice Chair Anderson said she understands that we need to start somewhere. Her concern is the timeline and suggested that it be pushed to January 1, 2020 to give businesses time to develop a plan and provide community education. The countywide impact is also a concern to her and making sure we have plastic management plan for all plastic items and not just single use bags. She also feels we need to think broader and what businesses can do to manage their plastic waste in an effective manner.

Councilmember Jensen complimented Councilmember Olsen for his initiative in proposing this ordinance. He also complimented those in attendance and asked that people attend future meetings to voice their concerns about other issues. Studies show that we have a larger plastic problem in our world and the single use bags are just a very small piece of the problem. Our environment is Cache County and he feels that we should not limit only to Logan and should include other Cache County cities. We need to think of this as a valley problem and not just a Logan City problem and a ban only in Logan City will affect businesses. He suggested that the Council take more time on implementing a ban and get input from the County and try and do a countywide plan rather than just Logan City.

Chair Simmonds said in the State of Utah we cannot make businesses charge for the bags because it is perceived as a tax and Logan City is not allowed to levy a tax. She talked with ULCT Executive Director Cameron Diehl and asked what if we were to work on something statewide where we would charge 5-10 cents for a bag and the money would go into a fund towards recycling education for school children because they are the ones who are going to inherit our earth. Mr. Diehl thought it was a good idea but said it probably would not happen this legislative session.

Councilmember Jensen said he would like to explore what he's heard from Environmental Director Issa Hamud about the idea for a Plastic Management surcharge and he believes if we create a cost for the use of a bag that it will make a difference. He still believes that it should be a countywide issue and not just Logan City.

City Attorney Kymber Housley suggested that direction be given to Mr. Hamud to look at the possibility of a countywide program and give him a date specific time to bring it back to the Council.

Councilmember Olsen said the bags can be recycled if you are in the right area. The information he has is that 1% of single use plastic bags are recyclable and that means that 97-99% of bags never make it into the recycling stream. He is comfortable that we explore the Plastic Management surcharge which Mr. Hamud is working on at this time. With the fee, if businesses choose to utilize single use plastic bags they will pay a surcharge. He proposed to continue a decision until March 2019 so the Environmental Department has time to gather more information. The implementation day could be sometime in July.

Councilmember Olsen said he reached out to the Mayors of Hyrum, Providence, North Logan and Smithfield and asked for their input on this issue and not one of the Mayors responded back to him. He feels that is the same response we will get from the Legislature if Logan doesn't do something.

Mr. Housley said it was mentioned that we can't have an ordinance that requires a fee for a bag and that was under the proposal that if businesses charge 10 cents for a bag and we take a portion of that money to use for education. If the businesses kept that money he doesn't think it would be an illegal tax.

Councilmember Anderson said those living in the County need to contact their Mayors and City Council and express their thoughts on a countywide ban.

Mr. Housley said the County Council cannot approve a countywide ban on plastic bags. He feels that what Mr. Hamud will propose doesn't require a countywide ban and can be done under our current fee structure and would include industrial and commercial users.

Environmental Director Issa Hamud clarified that the Council is looking for a plastic management program along with public education and a surcharge if businesses or industries don't adopt a management plan. He said the process will require that he prepare the policy and send it to the Solid Waste Advisory Board for their input. Then, with their recommendation take it to the Cache County Council and with the approval of the County Council, then it becomes countywide.

Mr. Hamud clarified that the option is voluntary so a business can offer a plastic bag and pay the surcharge or offer an alternative which would be a paper bag or something else.

Mr. Housley said one of the options to avoid a surcharge is the business can offer a single use plastic bag for a fee such as 10 cents and it will still give the consumer the option if they want to pay more for a bag.

Councilmember Bradfield said his understating is there would not be a surcharge involved but there would be a charge to the businesses and they could then pass it along to the customer to help recoup those costs.

Mr. Housley clarified that to avoid the surcharge businesses would need to have a Plastic Management Plan in place and one of those options is to charge for a single use plastic bag. If they charge for the bag then the business will avoid the surcharge. We are also considering adding other plastic materials other than bags which, is the part that still need to be developed.

ACTION. Motion by Councilmember Olsen seconded by Vice Chair Anderson to continue Ordinance 18-21 to the March 19, 2019 Council meeting pending a proposal from the Logan City Environmental Department for a Plastic Management Program and amend the implementation date to August 1, 2019 as presented. Motion carried unanimously.

Recessed at 7:45 p.m.

Reconvened at 7:55 p.m.

PUBLIC HEARING - REZONE – Bracken Atkinson/Logan Riverwalk Land Holdings, LLC authorized agent/owner, request a zone change from Mixed-Use (MU) to Commercial (COM) of 6 acres, a design review for a master planned commercial development consisting of a hotel and 15,000 SF of retail space, and a conditional use permit to allow for parking in the front yard within the Commercial (COM) zone located at 500 South Main – Ordinance 19-02

Councilmember Olsen recused himself from Ordinance 19-02 due to the fact that his law firm owns a portion of the Riverwoods building in the area of the proposed rezone.

At the January 15, 2019 Council meeting, Community Development Director Mike DeSimone addressed the Council regarding the proposed rezone. He said this is a proposal to construct one (1) new 60,000 SF hotel, three (each) 4,800 SF commercial buildings, and a commercial parking lot on an approximately 6.94-acre site. The development is divided into three parcels through a boundary line adjustment, one for the hotel (3.19 acres), one for the commercial buildings (2.48 acres), and one for the commercial parking lot (1.27 acres). The development is a new phase of the Riverwoods development to the South and shares similar uses and development patterns. The development is connected through internal pathways and a riverside walkway that connects Main Street to 100 E. The development will be connected to the adjacent Riverwoods development via a pedestrian bridge over the Logan River. The proposal includes surface asphalt parking located around all buildings and fronting 100 E and 400 S, landscaping, underground storm-water retention and three driveway accesses.

Hotel

The proposed hotel contains 112 guest rooms. In order to improve the connection to the existing Riverwoods development and capitalize on the natural feature of the river, the hotel placement is along the northside of the Logan River. To allow this placement and accommodate front yard parking along 100 E, a Conditional Use Permit has been requested. The hotel is surrounded on three sides by asphalt parking. A proposed pathway and bridge along the Logan River connects the hotel to surrounding areas and the adjacent Riverwoods development. Project #19-002 The Riverwalk at the Riverwoods Staff Report for the Planning Commission meeting of January 10, 2019 - 2 - Commercial Buildings The three commercial buildings front Main Street. Proposed parking for the buildings is primarily located behind the buildings with some parking located to the side yard. Two of the proposed buildings include a vehicular drive-through lane. The primary entrance for all commercial buildings is oriented towards the parking lot.

Commercial Parking

The commercial parking lot is located in the northeast portion of the development and consists of 111 parking stalls. The parking lot has a 10' setback landscaping buffer along 100 E adjacent to parking stalls and a 5' setback and landscaping buffer along 400 E adjacent to a parking drive lane.

Rezone Request

The applicant is requesting a rezone from Mixed Use (MU) to Commercial (COM). The Logan City Future Land Use Plan found inside the Logan City General Plan identifies the area as Mixed-Use Center (MUC). The Mixed-Use Center is described as having high concentrations of commercial and mandatory residential uses developed in a compact walkable pattern. By creating compact, pedestrian-oriented development, the City of Logan can concentrate growth inward and upward relieving pressures surrounding rural or more open areas. This development pattern is contrary to status-quo horizontal automobile-oriented larger development footprint patterns. The Commercial zone is described in the Logan City General Plan as being designed for a wide-range of commercial uses and services intended to serve local and regional populations.

Residential development is possible but not mandatory in the Commercial zone. The proposed project, while near to previous housing development at the Riverwoods, does not contain any residential housing. The proposed development's uses and development pattern regarding building massing, parking, setbacks, and design are more congruent with the Commercial zone.

Conditional Use Permit

The LDC 17.10.080 typically requires parking areas to be located to the side and rear in the Commercial zone to prioritize architecture over asphalt parking lots. The Commercial zone, through a Conditional Use Permit process, allows for the placement of up to 50% of the required parking stalls in the front of a building if findings can be made demonstrating the proposed site layout is compatible with adjoining properties, is consistent with surrounding land use and development patterns, provides enhanced pedestrian functionality and walkability in relationship to the adjoining street, will not compromise future projects or designs, and includes substantial landscaping adjacent to the parking area.

The hotel parking is designed with 33 front yard parking stalls (30% of required parking) to accommodate the placement of the hotel adjacent to the Logan River. An examination of the adjoining properties and surrounding land shows that the proposed parking is compatible. There are two smaller parking areas along Main Street and 100 E fronting the street, and a large parking area fronting 700 S. The remaining parking at the Riverwoods is located in the side or rear yard. Residential development along 100 E consists of driveways for single family homes and some front yard parking for a multi-family development at 440 S 100 E. Commercial development west and north of the project area along Main Street primarily consist of side and rear parking with some front parking on the corner of 400 S and Main. The pedestrian walkability and connection to 100 E is not compromised by the front parking. The project features an enhanced connection to 100 E via a riverside pathway and sidewalk connections. Landscaping buffers along the parking are conditioned to include a berm and dense plant materials. As conditioned, the project meets the requirements of the LDC.

Staff Summary

The rezone request is consistent with adjacent land uses and the proposed project is consistent with the intent of the Commercial zone as defined by the Logan City General Plan. The proposed project will provide enhanced access to commercial services in the community. The architecture and development pattern is consistent with development in the area, particularly the existing Riverwoods development to the south. The exception to allow the placement of the hotel along the river and not fronting 100 E is consistent with the site features and permissible through the Conditional Use Permit process to allow the parking to be located in front of the hotel. The development of commercial parking is permissible and does not interfere with future redevelopment of the area.

Recommendation

Staff recommends that the Planning Commission recommend approval for a rezone from Mixed Use (MU) to Commercial (COM). Staff recommends that the Planning Commission conditionally approve a Design Review Permit for Project #19-002, The Riverwalk at the Riverwoods, for one 60,000 SF hotel, three (each) 4,800 SF commercial

buildings, and a commercial parking lot located at approximately 500 South Main Street, TIN #02-054-0041, 0042, 0043. Staff recommends that the Planning Commission conditionally approve a Conditional Use Permit that allows up to 50% of the required parking stalls for the new hotel be placed in the front yard.

Current Land use adjoining the subject property North: COM & NR-6: Commercial Uses, Residential Uses East: NR-6: Residential Uses South: COM: Commercial Uses West: COM: Commercial Uses.

On January 10, 2019, the Planning Commission recommended that the Municipal Council approve The Riverwalk at the Riverwoods Rezone project that amends the Official Zoning Map.

Chair Simmonds opened the meeting to a public hearing.

Logan resident Mike Barben addressed the Council and said he has property near the proposed rezone and has no concerns.

Developer Bracken Atkinson representing Wasatch Development Group addressed the Council. He said originally there was a Mixed-Use component because they thought they were getting more parcels but did not. He encouraged the Council to move forward and approve the rezone and thanked the Council for their consideration.

Logan resident Katie Anderson addressed the Council. She lives on East Center Street and is concerned about traffic congestion in the area of 300 South 100 East.

Logan City Public Works Director Paul Lindhardt responded that the City is in the process of working with UDOT on improvements in the area of 300 South Main Street and 300 South 100 East.

Mr. DeSimone said the parking lot has been realigned so a future traffic light could be installed on 500 South Main Street. A left-hand turn onto Main Street will be hard to do without a light.

There were no further comments and Chair Simmonds closed the public hearing.

ACTION. Motion by Councilmember Jensen seconded by Councilmember Bradfield to adopt Ordinance 19-02 as presented. Motion carried 4-0 (Olsen recused himself).

WORKSHOP ITEMS:

Budget Adjustment FY 2018-2019 appropriating: \$2,926 for a grant the Communications Center was awarded for this fiscal year from the State of Utah; \$128,169 to reimburse the Fire Department budget for wildland deployment – Resolution 19-07 – 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 February 19, 2019 Council meeting.

Consideration of a proposed resolution adopting the 5-Year Strategic Plan Priorities and Goals for the Community Development Block Grant (CDBG) Program Consolidated Plan 2019-2023 – Resolution 19-09 – Aaron Smith

Planner Aaron Smith addressed the Council regarding the proposed resolution. He said Logan City has developed a Strategic Plan based on an analysis of the data contained in the Community Needs Assessment and Housing Market Analysis; and through community workshops, surveys, and service provider interviews. Through these efforts, the City has identified four priority needs and related goals. The priority needs are:

- Provide for a suitable living environment
- Improve the capacity of community service providers
- Improve affordable housing options
- Invest in CDBG planning and administration

To address these needs, the following goals have been identified:

- Invest in neighborhood infrastructure in low and moderate-income areas
- Invest in remediation of access and mobility barriers in all neighborhoods
- Provide housing rehabilitation assistance to low and moderate-income residents
- Provide down payment assistance to low and moderate-income residents
- Invest in public facility improvement that serve low and moderate-income residents
- Invest in capacity and programmatic improvements for service providers that primarily serve low and extremely low-income residents, particularly those residents at risk of experiencing homelessness
- Invest in neighborhood and strategic planning to help identify needs within the community

It is estimated that Logan City's CDBG program will receive approximately \$2,250,000 in funding over the next five years. Because CDBG funding is limited and the needs within each of the priority areas far outweigh CDBG resources, Logan City has prioritized the investment of local funding towards these goals. Specifically, the City heavily invests Redevelopment Agency (RDA) funding in housing rehabilitation and down payment assistance program. While RDA funding is still available, CDBG funding will not be allocated towards the specific priority need of improving affordable housing options and its supporting goals. When RDA funding is no longer available or RDA funding priorities change, CDBG funding may then be used to address that need and goal. Instead CDBG funding will be invested in the following areas:

Provide a Suitable Living Environment (50% of all CDBG funding over 5 years)

40% - Invest in neighborhood infrastructure in low and moderate-income areas.

10% - Invest in remediation of access and mobility barriers in all neighborhoods.

Improve the capacity of community service providers (30% of all CDBG funding over 5- years)

20% - Invest in public facility improvement that serve low and moderate-income residents.

10% - Invest in capacity and programmatic improvements for serve providers that primarily serve low and extremely low-income residents, particularly those residents at risk of experience homelessness.

Invest in CDBG Planning and Administration (20% of all CDBG funding over 5- years)

5% - Invest in neighborhood and strategic planning to help identify needs within the community.

15% - Program administration funding.

CDBG Funding Estimates

- \$2,250,000 - CDBG funding over the next 5 years
- \$1,125,000 - Provide for a suitable living environment (50%)
- \$675,000 - Improve the capacity of community service providers (30%)
- \$0 – Improve affordable housing options (0%)
- \$1,000,000 – Estimated RDA funding for housing rehab and down payment assistance
- \$450,000 – Invest in CDBG planning and administration (20%)

Strategic Plan Comparison

2014-2018 Consolidated Plan

- 70% - Neighborhood Infrastructure
- 10% - Support eligible service providers
- 20% - Planning and administration

2019-2023 Consolidated Plan

- 50% - Neighborhood Infrastructure
- 30% - Support eligible service providers
- 20% - Planning and administration

Mayor Daines said the focus was on neighborhood infrastructure particularly sidewalks because during the time that she served on the City Council she heard from a lot of people who wanted sidewalks. She has a concern about changing the 70% to 50% because she keeps hearing that people want more sidewalks.

Councilmember Olsen commented that he likes the new emphasis because areas such as CAPSA and affordable housing are addressed.

Mr. Smith said there is a lot of unrest amongst service providers about access to grants in the current climate so having local funding available is a good thing.

Councilmember Bradfield agreed with Mayor Daines and said residents want sidewalks.

Vice Chair Anderson disagreed and said the way the Plan is written gives flexibility that funds can be used for access related projects whether it be City owned or not.

Mr. Smith said the Consolidated Plan can be amended if needed.

The proposed resolution will be an action item and public hearing at the February 19, 2019 Council meeting.

Consideration of a proposed resolution adopting Amendment 2 of the Community Development Block Grant (CDBG) Program Year 2018 (PY2018) Annual Action Plan for the City of Logan – Resolution 19-06 – Aaron Smith

Planner Aaron Smith addressed the Council regarding the proposed resolution. He said the purpose of this amendment is to make changes to projects that were approved in the PY2018 Annual Action Plan. The Logan City CDBG Annual Action Plan for PY2018 that was adopted May 2018 requires an amendment. One project that was previously approved, The Center Street Pedestrian Improvement project, needs to be cancelled and the funding reallocated to other projects. The proposed changes are as follows:

- Cancel the CDBG funding for the Center Street Pedestrian Improvement Project (to be completed with local funding).
- Approve the 600 East Pedestrian Improvement Project \$160,000 for Design and Construction.
- Reallocate \$20,000 from the Center Street Pedestrian Improvement Project to the 200 West 1300 North Sidewalks & Corners Project. Total CDBG funding for the 200 West 1300 North Sidewalks % Corners Project will now be \$35,000.
- Reallocate \$160,000 from the Center Street Pedestrian Improvement Project to the 600 East Pedestrian Improvement Project.

Cancellation of the Center Street Pedestrian Improvement Project is proposed due to sufficient local funding to complete the project.

The 600 East Pedestrian Improvement Project consists of sidewalk and corner improvements along the 600 East Corridor from 500 North to 900 North. These improvements will help provide safe pedestrian infrastructure along a primary road in the area.

Public Works Director Paul Lindhardt said as the Center Street Project was discussed it was determined that the funds were not appropriate for that project. There are a lot of students in the area of 600 East from 500 North to 900 North and there is a need for a sidewalk in this area which currently does not exist. There is also a resident that lives at 570 North and he has a major drainage issue at this location that a sidewalk would take care of and from a Public Works standpoint, this project would be beneficial to help solve the drainage problem and would provide a sidewalk for the USU students.

The proposed resolution will be an action item and public hearing at the February 19, 2019 Council meeting.

CODE AMENDMENT – Consideration of a proposed Code Amendment. Logan City requests to amend the Land Development Code Section 17.34 to include provisions for Density and Height Bonuses in the Town Center (TC) zones – Ordinance 19-04 – Mike DeSimone, Community Development Director

Community Development Director Mike DeSimone addressed the Council regarding the proposed Code Amendment. He explained the proposed amendment creates a residential density and height bonus program in the Town Center (TC-1) zone. The proposal rewards superior development utilizing building materials traditional to downtown Logan and/or projects utilizing structured parking to meet at least 75% of a project's required parking by offering increased density (units/acre) and/or additional building height. The bonuses allowed in each of the two categories are weighted differently based on their level of importance in the TC-1 zone; however, the density bonus is cumulative meaning that a project could obtain a density bonus for a superior design and an additional density bonus for a parking structure, while the height bonus is not cumulative. While the original proposal considered density and height bonuses in the TC-2 zone, the Planning Commission determined that the use of bonuses was more appropriate in only the TC-1 zone. This program does not waive or modify any other specific standard in the code, e.g., parking requirements, setbacks, design standards, etc.

Staff recommended that the Planning Commission recommend approval to the Municipal Council to amend the Land Development Code Chapter 17.34 to include a density and height bonuses program for the Town Center (TC-1) zone.

On January 24, 2019, the Planning Commission recommended that the Municipal Council approve the Land Development Code Amendment to Chapter 17.34 creating the Town Center Density and Height Bonus Program.

Purpose & Intent

- Promote exceptional site and building design
- Promote efficient & flexible use of land
- Encourage use of traditional building materials
- Encourage use of structured parking
- Incentivize new development in TC-1 with density/height bonuses

General Requirements

- Track 2 design review process
- Neighborhood Residential height/setback transition
- Application of density/height bonuses does not waive other requirements
- Development agreement, deed restriction – runs with the land
- Burden of proof is on the applicant to demonstrate how bonuses are being achieved

Two Ways to Obtain a Bonus

- Superior design using traditional materials common to downtown Logan
- Structured parking for up to 75% of the parking demand

Superior Design

- Traditional building materials
- Materials commonly found on commercial buildings in downtown Logan
- Brick, stone, wood, tile, metal – yes
- Stucco, composites, plastics, glass – no
- Traditional versus modern
- Traditional design characteristics
- Building form, orientation, scale, massing, fenestration
- Design elements – Projections, reveals, moldings, overhangs, cornices
- Traditional form versus modern form

Parking Structure

- Quantitative: Numbers based
- 75% of required parking
- Can be integrated or separate
- Potential density bonus: 30 dwelling units per acre
- Potential height bonus: 24’

Table 17.34.040.A: Maximum Residential Densities (Dwelling Units Per Acre) and Maximum Building Height

Zone	Standard Maximum Density	Density Bonus	Maximum Density w/Bonus	Standard Maximum Height	Height Bonus	Maximum Height w/Bonus
Town Center (TC-1)	70 du/acre		du/acre	55’ - 80’		
Superior Design	70	15	85	55’ - 80’	12’	55’ - 92’
Structured Parking	70	30	100	55’ - 80’	24’	55’ - 104’
Superior Design & Structure Parking	70	45	115	55’ - 80’	24’	55’ - 104’

Note: The density bonus is cumulative while the height bonus is not.

Compliance

- Legal mechanism – development agreement and/or deed restriction
- Changes require PC approval
- Timing of improvements specified in permits
- Compliance tied to construction phases & certificate of occupancy
- Long-term expectations/requirements
- Spelled out in permits

The proposed ordinance will be an action item and public hearing at the February 19, 2019 Council meeting.

OTHER CONSIDERATIONS:

No further considerations were addressed by the Council.

ADJOURN TO MEETING OF THE LOGAN REDEVELOPMENT AGENCY

Chair Simmonds welcomed those present. There were approximately 12 in attendance at the beginning of the Logan Redevelopment Agency meeting.

Councilmember Olsen recused himself from voting on Resolution 19-01 RDA, Resolution 19-05 RDA and Resolution 19-02 RDA due to the fact that his law firm owns a portion of the Riverwoods building in the area of the South Main River Project.

ACTION ITEMS:

Consideration of a proposed resolution approving and adopting tax increment interlocal agreements for the South Main River Community Reinvestment Project Area – Resolution 19-01 RDA

City Attorney Kymber Housley explained 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).

ACTION. Motion by Vice Chair Anderson seconded by Councilmember Jensen to approve Resolution 19-01 RDA as presented. Motion carried 4-0 (Olsen recused himself).

PUBLIC HEARING – Consideration of a proposed resolution adopting the Project Area Budget for the South Main River Community Reinvestment Project Area – Resolution 19-05 RDA

Mr. Housley 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.

Chair Simmonds opened the meeting to a public hearing.

Logan resident Mr. Garcia addressed the Council and said he owns property in the area of 600 South 100 West. It was his understanding that there is a project in this area to divert traffic from Main Street to 100 West and then all the way to the South McDonald's.

Mr. Housley responded that the boundaries of the South Main RDA do not go across Main Street.

Mr. Garcia also asked when will the 100 West project begin.

Mr. Lindhardt responded that he does not have the completed costs of the 100 West project budgeted but the project is scheduled to begin in 2023.

There were no further comments and Chair Simmonds closed the public hearing.

ACTION. Motion by Councilmember Jensen seconded by Councilmember Bradfield to approve Resolution 19-05 RDA as presented. Motion carried 4-0 (Olsen recused himself).

Consideration of a proposed resolution approving Agency Assistance to Logan Riverwalk Hotel Holdings, LLC for its redevelopment project in the South Main River Community Reinvestment Project Area – Resolution 19-02 RDA

Mr. Housley said it is 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

ACTION. Motion by Councilmember Bradfield seconded by Vice Chair Anderson to approve Resolution 19-02 RDA as presented. Motion carried 4-0 (Olsen recused himself).

WORKSHOP ITEM:

Budget Adjustment FY 2018-2019 appropriating: \$100,000 funds the City's portion of a River Restoration Project bordering the South Main Redevelopment Project Area – Resolution 19-08 RDA – Kirk Jensen, Economic Development Director

Logan City Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustment. These funds are for restoring the Logan River and making improvements. The City received a grant in the amount of \$51,000 for the restoration and the proposed \$100,000 is the City's portion.

Mr. Lindhardt added the original project estimate was \$300,000 and this originated as a Logan River Task Force project. The City initially applied for a \$100,000 grant and we applied as co-applicants with Wasatch Development. We received a grant in the amount of \$51,000 which is less than what we were hoping. There is the possibility of an additional \$30,000 - \$50,000 that we could receive but that is yet to be determined. The work will be flood plain mitigation and it also includes a low trail and a high trail along the river in this area.

The proposed resolution will be an action item and public hearing at the February 19, 2019 Council meeting.

ADJOURNED. There being no further business to come before the Council, the meeting of the Logan Municipal Council adjourned at 8:50 p.m.

Teresa Harris, City Recorder