

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, June 4, 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 Jess Bradfield and Councilmember Herm Olsen. Administration present: Mayor Holly H. Daines, Finance Director Richard Anderson, City Attorney Kymber Housley and City Recorder Teresa Harris. Excused: Councilmember Tom Jensen

Chair Simmonds welcomed those present. There were approximately 32 in attendance at the beginning of the meeting.

### **OPENING CEREMONY:**

Logan resident Rich Gortin offered a thought and led the audience in the pledge of allegiance.

**Meeting Minutes.** Minutes of the Council meeting from May 21, 2019 were reviewed and approved with no changes.

**ACTION. Motion by Councilmember Olsen seconded by Vice Chair Anderson to approve the May 21, 2019 minutes and approve tonight's agenda. Motion carried unanimously.**

**Meeting Agenda.** Chair Simmonds announced there are four 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, June 18, 2019.

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

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

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

#### **Summer Update – Mayor Daines**

Mayor Daines addressed the Council and said one of the things that is so great about our community is the wonderful events happening during the summer months such as the Summer Concert and Lecture Series at the Logan Tabernacle which is free to the public at noon each day and goes until August 2, 2019. Another is the Utah Festival Opera and Music Theatre and their performances from June 22 – August 3 at the Ellen Eccles Theatre and the Utah Theatre. Lastly, is the Lyric Repertory Committee and their

performances which, are held June 14 – August 3. She introduced several actors who were in attendance and who also perform in the show, “Raisins the Sun.” She introduced Richie Call who is the Lyric’s Artistic Director and Director Eric Ruffin who gave a brief description of “Raisins in the Sun” and invited everyone to attend the show.

### **Summer Projects – Paul Lindhardt, Public Works Director**

Public Works Director Paul Lindhardt updated the Council on the following Summer projects.

#### **UDOT Projects**

- 400 North, Main St - Logan Canyon
  - Starting June 24 with estimated completion on August 23
  - Mill & Pave, ADA ramps, guardrail, shouldering, striping
  - Daytime hours 7-6, Monday-Friday, Nighttime hours 6-7 Saturday-Thursday
  - Daytime work is mostly shoulder work, ADA ramps
  - Milling & Paving will be done during nighttime hours
  - No work will be done on holidays
- Main Street 1000 North – South “Y”
  - Starting date is after July with estimated completion in August
  - Nighttime work
  - Railroad Pedestrian Crossing, Hwy 89, 400 South (Aquatic Center), 600 West 280 South

#### **USU Projects**

- 1000 North, Southwest corner of the Logan Cemetery
  - Sewer/Water, Lighting and storm drain
- 700 North through USU Campus
  - Will be open before school starts in the Fall
- Innovation Campus

#### **Logan City Projects**

- South Main “Y” sidewalks
  - Just finishing up now and will be open within 2 weeks
- 1800 North, West section
  - Opened now
- Manhole collars around town
  - Completed in 3 weeks
- Roundabout at 600 East 500 North
  - USU is completing concrete walls, masonry work, irrigation and landscaping
  - Completion date is mid-July

- 600 East, 1150 North Sewer improvements
  - Completion in 4-6 weeks
- 1200 North, 200 East – 600 East
  - Waterline and storm drain system out to bid now
  - Completion October 15
- Center Street, Main Street – 100 West
  - Construction to begin this fall (August 5) – Completion in October 2019
- Airport Road, 1000 West – City Limit
  - Mill and repave, 15 days of total closure
  - Will award contract in September
- 1400 North, 500 West – 800 West
  - Includes Railroad Crossing, Signal at 600 West and widening of road
  - Bid will go out this summer, construction to begin Fall/Winter and finish next Spring
- Southwest Street, CDBG funding
  - Construction will start August/September

**COUNCIL BUSINESS:**

**Letter from the Mayor and Council to the Logan City Police Department – Chair Simmonds**

Chair Simmonds read a letter from the Mayor and Council to the Logan City Police Department.

*Chief Gary Jensen and the members of the Logan Police Department,*

*The Logan City Council has the honor of serving in a city that both thrives and cares. Never before has it been more evident than in the past week. With your leadership and compassion, our Police Department brought out the very best in our community, in the very worst of circumstances. We want to formally thank you for that.*

*We talk at length about the character of our community, how we define it and how we encourage it and give it more life. It was through the tragedy of last week that this community showed what it stands for and how, despite any differences, we care deeply for one another. Caring was shown through each of you and the many members of our community who helped however they could.*

*Our police department has a reputation statewide for excellence and collaboration. Both were very evident in the tremendously difficult work and in the willingness of agencies to travel many miles to assist in any way possible.*

*We never want to have tragedy in our community. But in this tragedy, we showed the best of ourselves. Thank you so very much for being that best.*

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

Chair Simmonds reported on the Planning Commission meeting that was held on May 23, 2019. A public hearing was held on Project L59 located on 100 East in the area of Garff Gardens. The project was approved by the Planning Commission with parking adjustments to the project to allow for green space to be created on both sides of the road going into Garff Gardens so it will maintain the look and feel and feel of a true park. There will be no entrance from the new residential structure to the park by roadway which is what the neighborhood requested. The Planning Commission also discussed a rezone which the Council will workshop at tonight's meeting.

## **July Meeting Schedule – Chair Simmonds**

Chair Simmonds announced that the July 2, 2019 Council meeting has been cancelled. There will only be one meeting held during the month of July which, will be July 16, 2019

No further items were presented.

## **ACTION ITEMS:**

**PUBLIC HEARING - Budget Adjustments FY 2018-2019 appropriating: \$6,080 donated funds for materials and supplies for the Library; \$17,198 to reimburse the Street Department for snow plowing expenses at the Airport; \$45,000 funds for utility overages in Parks and Park Areas Division – Resolution 19-30**

At the May 21, 2019 Council meeting, Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustments.

Chair Simmonds opened the meeting to a public hearing.

Logan resident Gail Yost addressed the Council. She expressed her appreciation for the Library and all they do for the community. She hopes that very soon we will get a new Library which, she feels is needed.

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

**ACTION. Motion by Councilmember Olsen seconded by Councilmember Bradfield to approve Resolution 19-30 as presented. Motion carried unanimously.**

**PUBLIC HEARING - Consideration of a proposed resolution approving the Amending of the Cache County Emergency Medical Service Authority (CCEMS) Interlocal Agreement – Resolution 19-27**

At the May 21, 2019 Council meeting, Fire Chief Brad Hannig addressed the Council regarding the proposed resolution. He stated that the City of Logan and Cache County entered into an agreement on June 15, 2004 creating an interlocal entity (CCEMS) to jointly own, manage, and operate an emergency medical service for the benefit of the

people of Cache County. At this time, the parties desire to update the current Interlocal Agreement. The CCEMS Board has reviewed the proposed amendments and recommend approval to the Council.

Chair Simmonds opened the meeting to a public hearing.

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

**ACTION. Motion by Councilmember Bradfield seconded by Vice Chair Anderson to approve Resolution 19-27 as presented. Motion carried unanimously.**

**PUBLIC HEARING - CODE AMENDMENTS – Consideration of proposed amendments to the Land Development Code Sections: 17.08.040 Residential Use Table; 17.09.030 Residential Driveway Length; 17.09.060 Building Height Transition; 17.11.030 District & Corridors Use Table; 17.12.040 Building Height Transition; 17.12.050 Building Height; 17.030.100 Temporary Fencing; 17.030.200 Outdoor Storage & Display; 17.31.040 Parking Requirements; 17.37.060 Small Auto Dealerships; 17.62 Definitions – Ordinance 19-11**

At the May 21, 2019 Council meeting, Community Development Director Mike DeSimone addressed the Council regarding the proposed code amendments.

#### **REQUEST**

This is a proposal for a number of minor amendments to the Land Development Code (LDC) in order to simplify the use and parking tables and to provide additional guidance on a number of issues including residential driveway length, exceptions to maximum building height, temporary fencing, outdoor storage & display, building height transitions, and small auto dealerships.

The proposed “general” amendments or changes to individual LDC Chapters are attached and are summarized below:

**Residential Use Table – 17.08.040:** Removed redundant uses and reorganized the list into alphabetical order under each broad category.

**Residential Driveway Length – 17.09.030:** Specifies a minimum driveway length of 20’ to avoid any vehicles parking over the sidewalk in residential zones with a front yard setback of 25’. For example, the MR-9 zone permits a front yard setback of 15’ while the MR-12 zone permits a front yard setback of 10’. This issue came up in a recent project involving SFR’s on smaller lots and making sure there was adequate room to park a vehicle in front of a garage without hanging over the sidewalk.

**Building Height Transition – 17.09.060 (MFR) & 17.12.040 (Commercial, Industrial, Mixed Use):** Clarifies that the building height transition standards do not apply when a project is proposed adjacent to a parcel containing a non-residential structure larger than 5,000 square feet in size and is zoned single family residential.

**District and Corridor Use Table – 17.11.030:** Removes or consolidates uses that are redundant, similar, or are not unique enough that they couldn't be considered under one of the general categories (office, sales/service); alphabetized uses under each category; added new uses such as small auto dealer, minor entertainment event, fitness center, and daily boarding kennel to help clarify code administration. These additions are also represented in the Definitions chapter.

**Buildable Area Extensions (Height) – 17.12.050:** Clarifies exceptions to maximum building heights.

**Temporary Fencing - 17.30.100:** Added a subsection on temporary fencing to clarify the conditions on how and when temporary fencing could be installed.

**Outdoor Storage & Display – 17.30.200:** Added standards for outdoor storage in all zones; added standards for the outdoor display of merchandise in the commercial, industrial, and Town Center zones.

**Parking by Use Table – 17.31.040:** Same approach as the use tables, e.g., alphabetized and consolidated uses to simplify parking table.

**Small Auto Dealership – 17.37.060:** Added standards for small auto dealerships involving less than a total of 8 vehicles in order to provide a simpler review process. Also added to the use tables and definitions chapters.

**Definitions – 17.62:** Updated the Definitions chapter.

On May 9, 2019, the Planning Commission recommended the Municipal Council approve the proposed amendments to the Land Development Code.

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 Olsen to adopt Ordinance 19-11 as presented. Motion carried unanimously.**

### **PUBLIC HEARING – Logan City Budget Transfers Fiscal Year 2020**

Finance Director Richard Anderson addressed the Council regarding the proposed Logan City Budget Transfers. He stated that in accordance with Utah State Law and Logan City budgeting practices, a public hearing is being held tonight to discuss proposed transfers from and administrative fees charged to enterprise funds. He explained that 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 be required to 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 Department 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 2020 transfers and administrative fees:

Fund	Proposed Expenditures		Transfer	% of Expenditures	Admin Fees	% of Expenditures
	FY 2020	Transfer To				
Water & Sewer	13,754,000	General Fund	953,330	6.9%	1,363,808	9.9%
Sewer Treatment	8,433,950	General Fund	458,917	5.4%	225,991	2.7%
Electric	36,048,000	General Fund	2,840,960	7.9%	1,440,961	4.0%
Electric	36,048,000	Capital Projects	286,000	0.8%	-	0.0%
Environmental Health	17,356,697	General Fund	1,072,080	6.2%	1,511,391	8.7%
Environmental Health	17,356,697	911 Fund	825,000	4.8%	-	0.0%
Golf Course	1,200,645	General Fund	-	0.0%	22,917	1.9%
Storm Water Management	2,769,123	General Fund	-	0.0%	532,835	19.2%

Chair Simmonds opened the meeting to a public hearing.

Logan resident Tom Horlacher addressed the Council. He feels that the transfers are not morally or ethically correct and he also questions the legality of transferring funds collected for services such as electric, water, sewer, and trash collection. He feels that Logan City is top heavy with the services they now provide, and he feels the City needs to cutback in all areas.

Mr. Anderson responded that the hearing tonight is required by State law which allows for the transfers. There is no question that the transfers are legal and are reference in Title 10 of the State Code. He added there is no action needed by the Council tonight. The Council will take action as part of the budget adoption/public hearing to be held on June 18, 2019.

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

## **WORKSHOP ITEMS:**

**Budget Adjustments FY 2018-2019 appropriating: \$7,500 for a grant the Police Department received from the State of Utah. These funds will be used to purchase camera equipment for police vehicles; \$2,500 donations the Parks and Recreation Department received to be used to run the baseball program – Resolution 19-35 – Richard Anderson, Finance Director**

Logan 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 18, 2019 Council meeting.

**Consideration of a proposed resolution approving Elected Official's Wages FY 2019-2020 – Resolution 19-32 – Greg Cox, Human Resource Director**

Human Resource Director Greg Cox addressed the Council and stated that the City has established a pay program which has been adopted and implemented by the 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. A public hearing for elected officials' wages is held as part of the hearings for the annual budget.

Mr. Cox recommended that the annual salary of the Mayor be adjusted by 2% with a proposed wage of \$97,024 plus \$6,000 for car allowance for a total annual compensation of \$103,024.

He also recommended that the annual salary of the City Council be adjusted by 2% with a proposed wage of \$15,606 plus \$300 car allowance for a total annual compensation of \$15,906.

The proposed resolution will be an action item and public hearing at the June 18, 2019 Council meeting.

**Consideration of a proposed resolution approving Member Contributions to the Utah Retirement Systems Contributory Retirement Plan FY 2019-2020 – Resolution 19-33 – Greg Cox**

Human Resource Director Greg Cox 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 2019-2020 Fiscal Year (effective July 1, 2019) according to the applicable Utah Retirement Systems Retirement Contribution Rates.



The proposed resolution will be an action item and public hearing at the June 18, 2019 Council meeting.

**Consideration of a proposed resolution indicating the intent to adjust the boundary between the City of Logan and the City of Nibley – Resolution 19-34 – Mike DeSimone, Community Development Director**

Community Development Director Mike DeSimone addressed the Council regarding the proposed boundary adjustment between the City of Logan and the City of Nibley.

He stated that Logan and Nibley have been working to adjust the common City boundary south of 2200 South along State Route 89/91 to a new line more manageable for both jurisdictions. The proposal is to adjust the municipal boundary line to coincide with the centerline of SR 89/91 from 2200 South down to 3200 South. The resulting adjustment will leave all lands east of SR 89/91 in Nibley and all lands west of SR 89/91 in Logan. This proposed action involves 27 different parcels.

The Council considered this action in 2018 but deferred a decision until an agreement could be worked out with Nibley on implementing the South Corridor Plan. Logan recently adopted an expanded overlay zone that implemented enhanced setbacks between the Logan River Golf Course and 3200 South, while designating certain commercial nodes around important intersections (Ordinance 19-08). Nibley has also adopted increased setbacks within their areas of the corridor.

Mr. DeSimone stated that if the Council agrees with the direction, he will then coordinate with Nibley on having a licensed surveyor prepare a new boundary description as required. The request in 2018 previously excluded the area around 3200 South (Ted's) as Nibley was not contiguous to that area; however, modifying the city boundary to the centerline of SR 89/91 affords Nibley the ability to annex along the highway down to, and including, Ted's.

Utah Municipal Code 10-2-419 governs the adjustment of common municipal boundaries. Procedurally, (1) each municipal shall adopt a resolution indicating their intent to adjust the common boundaries; (2) hold a hearing no less than 60 days after the adoption of the resolution; (3) publish a public notice for three weeks in the newspaper and on the Utah Public Notice Website; (4) hold a public hearing; (5) adopt an ordinance; and, (6) file new legal boundary with the County and the State.

Both Logan City and Nibley will notify each landowner affected by this proposal as part of the public notification process and following the adoption of a Resolution of Intent.

Mr. DeSimone stated there are 27 parcels involved which, consists of 18-20 landowners. Two years ago, when the boundary adjustment was first introduced, he and Nibley City Manager David Zook talked with the landowners and generally most were in agreement with the adjustment but there were some that were not. The boundary adjustment is coming forward again at this time and the City will go through the process of sending notices to the property owners who are affected. A public hearing will also be held.

Councilmember Olsen asked if zoning that is already in place will transfer from one City to the other with the boundary adjustment.

Mr. DeSimone responded after the adjustment, Logan and Nibley will need to evaluate and determine the zoning.

Mayor Daines stated that what precipitated this boundary adjustment was a request by Nelson Farms for a zone change. She said, it would seem logical that if we don't move forward with a boundary adjustment that Nelson Farms might file a deannexation petition and it would have to go through the legal process. She feels it would be better to clean up the boundary lines along the highway and move forward.

Councilmember Olsen said another reason for the boundary adjustment is that Logan cannot presently provide utility services for a portion of the property on the East side of the highway.

Mr. DeSimone responded that is correct. It's also his understating that Nelson Farms has a sewer line that goes through their property, water on the East side, and the ability to service their Northeast property.

Mr. Housley said there is a water line to Ted's Service and with the boundary adjustment, Ted's Service would be in Nibley City.

Councilmember Anderson asked if there are utilities in the Northern corner off 2200 South.

Public Works Director Paul Lindhardt responded yes, there is a sewer line on 2200 South that is owned by Nibley City but, Logan City owns a portion of the sewer line. We do not have water adjacent to 2200 South, the closest water would be to the East.

The proposed resolution will be an action item at the June 18, 2019 Council meeting.

**REZONE – Consideration of a proposed rezone. Travis S. Taylor/CH Champlin LLC-Storm Rider Properties LLC, authorized agent/owner, requests to rezone a portion (11.43 acres out of a total of 17.35 acres) of five (5) parcels from Commercial (COM) to Mixed Residential (MR-30) located at 1760 North 200 West, 1739 North Main, 1676 North Main, 1707 North Main and 1700 North 80 West (Bridger Neighborhood) – Ordinance 19-12 – Russ Holley, Planner**

Planner Russ Holley addressed the Council regarding the proposed rezone and said the proponent is requesting to rezone five (5) parcels that total approximately 17.35 acres of property. The request reconfigures the property boundaries so that approximately 5.9 acres remain Commercial (COM) zoning and 11.4 acres be rezoned to Mixed Residential High (MR-30). The proposed 11.4 acres of MR-30 property is located along the west side near 200 West. The area is relatively flat and currently being used for agricultural purposes. The streetscape along 200 West is currently devoid of curb, gutter and sidewalk. At maximum density, 11.4 acres of MR-30 land could yield 342 multi-family dwelling units.

## **GENERAL PLAN**

The Future Land Use Plan (FLUP), adopted in 2008, identifies these properties as Commercial (COM). The General Plan, a nonregulatory visioning plan, describes COM areas as being intended for retail, service and hospitality businesses that serve city-wide and regional populations. New projects should have buildings that meet high architectural standards and constructed with quality materials. Most COM designations are located along the Main Street corridor north and south of downtown.

## **LAND DEVELOPMENT CODE**

The Land Development Code (LDC) regulates land uses and entitles properties with specific development allowances. The COM zone allows a wide range of commercial and light industrial uses. The COM zone is located along major collector and arterial streets with nearby large capacity utilities. Building heights are limited to 40' and lot coverage rates kept under 60%. 20% of project sites are required to be improved with open space and usable outdoor space. Residential uses are allowed in upper floors only with ground floor square footage entirely dedicated to commercial purposes.

## **ZONING HISTORY**

Portions of the project site were annexed into the City in 1983 and zoned C4. In 2000, those areas were zoned from C4 to COM. In 2013, the remaining portions of the site along Main Street were annexed into Logan City as part of a City Boundary adjustment with North Logan City. These areas were zoned COM in 2013 and have remained that designation.

## **SUMMARY**

These properties, consisting of over 17 acres, are the largest vacant green-field COM zoned area along Main Street. A vacant area of this size inside City limits has unique commercial development potential and is becoming a scarcity. There are larger vacant COM properties along 1000 West near 200 North. Although the current demand for commercial development is low, being outpaced by multi-family development demand, The City has a diminishing amount of vacant land zoned COM. The Bridger Neighborhood has an overabundance of multi-family housing as compared to other Logan neighborhoods. This property is in close proximity to many commercial services and employment centers.

## **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, several phone calls and written comments in opposition has been received.

## **RECOMMENDED FINDINGS**

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

1. The Logan City FLUP identifies the area as COM.
2. This area is one of the largest remaining vacant COM areas along the Main Street Corridor.

3. The subject property is located near major infrastructure and utility service lines.
4. The COM designation is intended for commercial uses serving city-wide and regional populations.

On May 23, 2019, the Planning Commission recommended that the Council **deny** Champlin Storm Rider Rezone. Commission Butterfield voted to approve the rezone.

Vice Chair Anderson asked how this proposed project will fit with the new Affordable Housing Plan.

Mr. Holley responded that the Affordable Housing Plan identifies that Logan already provides a wide range of housing and price points. As Logan continues to try and build inward and up, this project is a more efficient way to build rather than sprawling outward. He also stated that the applicant mentioned the evolving nature of commercial and retail. The Council needs to understand that once this piece of property is developed into residential, it can't go back.

The proposed ordinance will be an action item and public hearing at the June 18, 2019 Council meeting.

**OTHER CONSIDERATIONS:**

There were no further items discussed by the City Council.

**ADJOURNED.** There being no further business to come before the Council, the meeting of the Logan Municipal Council adjourned at 6:55 p.m.

Teresa Harris, City Recorder