

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, March 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 Herm Olsen, Councilmember Jess Bradfield and Councilmember Thomas C. Jensen. 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 26 in attendance at the beginning of the meeting.

OPENING CEREMONY:

Wendi Hassan, Director of the Cache Valley Center for the Arts offered a thought and led the audience in the pledge of allegiance.

Meeting Minutes. Minutes of the Council meeting from February 19, 2019 were reviewed and approved with minor changes.

ACTION. Motion by Councilmember Jensen seconded by Councilmember Olsen to approve the February 19, 2019 minutes and approve tonight's agenda. Motion carried unanimously.

Meeting Agenda. Chair Simmonds announced there are five 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, March 19, 2019.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL:

Logan resident Anita Watts addressed the Council and said she received a ticket for having her dog off leash near her home. She suggested that the City offer a dog etiquette class at a cost of \$25. The dog owner would receive an orange tag to put on their dog's collar to indicate they have been through the etiquette class and acknowledge that they will clean up after their dog, have their dog on a leash and not allow the dog to get out of control.

Logan resident Bronwyn O'Hara addressed the Council regarding the single use plastic bag ban. She noticed that her regular kitchen garbage bags are thin and could be considered a single use plastic bag and asked if those would those also be included in the ban. She said that after the legislative session ends she would like more information on what would be included in the ban and how it will be enforced.

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

MAYOR/STAFF REPORTS:

Sexual Assault Awareness Month – Justina Frodsham, CAPSA

CAPSA representatives Ana Liquin and Rachel Hyman addressed the Council. Ms. Hyman read a proclamation declaring *April as Sexual Assault Awareness Month*.

Ms. Liquin also announced a nationwide campaign titled *Start by Believing* which is a campaign to bring awareness on how to take action and resources available for victims of sexual assault. She announced what resources and services are available through CAPSA, all of which are free.

No further items were presented.

COUNCIL BUSINESS:

Planning Commission Update – Chair Simmonds

Chair Simmonds reported on the Planning Commission meeting held on Thursday, February 28, 2019. The Commission discussed a rezone located at 701 South Main which is a proposed new office building located on the Ellis Equipment property. The rezone will come before the Council on March 19, 2019.

Local Arts Agency Designation Status – Wendi Hassan, Cache Valley Center for the Arts

Wendi Hassan addressed the Council regarding the Local Arts Agency Designation Status. She said the Utah Division of Arts & Museums offers operational support funding to designated Local Arts Agencies to ensure the cultural, civic, educational, and economic benefits of the arts are accessible to communities throughout the State. The title “agency” may refer to a council, board, committee, or other organization.

A Local Arts Agency is the primary organization in a defined geographical area that supports and advances the arts for its community by engaging residents, identifying and addressing community needs, reflecting community demographics, contributing to the quality of life, building community identity, and supporting artists and arts organizations. A Local Arts Agency is differentiated from other community art organizations by its responsibility for fostering the arts throughout the community and by offering various types of art services and/or activities that are often multidisciplinary in nature. A Local Arts Agency can be an agency of local government, a nonprofit organization, or a hybrid of the two.

To be recognized as an official Local Arts Agency, the organization must be designated by the City or County government for the defined community they serve. Ms. Hassan also reviewed the qualifications in the Local Arts Agency Designation Agreement.

Councilmember Jensen commented that in the future the City will most likely have public art such as murals, sculptures and graphic art. He suggested that under the direction of Ms. Hassan that the City receive artistic input as to where art should be placed in the City.

Mayor Daines responded that Community Development Mike DeSimone has been thinking about this for a while and a meeting was held to discuss a public art program.

No further items were presented.

ACTION ITEMS:

PUBLIC HEARING - Consideration of a proposed resolution approving a One-Year Pilot Program to allow dogs in selected City Parks – Resolution 19-11

At the February 19, 2019 Council meeting, Parks & Recreation Director Russ Akina addressed the Council regarding the proposed resolution.

Introduction

On January 22, 2019, the City of Logan held a public meeting to gather input regarding a City proposal to conduct a 12-month pilot program that allows dogs off-leash at selected park locations. The purpose of the pilot program is to evaluate whether these sites should be designated off-leash after the pilot program.

Currently, dogs are prohibited in City parks and must be on-leash when using a City trail, unless posted otherwise. Dogs are permitted off-leash within the gated dog run area at Rendezvous Park, at Deer Crest between Lundstrom Park and 1500 North, in the field next to the Cache Humane Society and behind the flood control impoundment at the end of Mountain Road at Dry Canyon.

The City has received numerous responses from the public both in favor and against the proposal. Since the January 22 meeting, the City has reduced the number of sites for the pilot program to eight locations.

The Proposal

The City proposal is to conduct a 12-month pilot program selecting eight locations as off-leash sites. These sites include:

- Jens Johansen Park, 850 East 100 North
- Jones Neighborhood Park, 400 West 625 North
- Kilowatt Park, 331 South 300 West
- Logan Meadows Park, 350 South 600 West
- Pioneer Parkway, 165 East Poplar Avenue
- Ray Hugie Hydro Park, Northside of US 89 at Canyon Road
- Rendezvous Park West Pond Area, 1500 South US 89-91
- Logan Service Center Northeast Lawn Area, 810 West 600 North

The pilot program sites include four parks that have playgrounds, one pavilion, and all sites are either in proximity to or connected to part of the City trail system.

With regards to the Rendezvous Park West Pond Area proposal, dogs are only permitted off-leash in the area designated in the proposal. Dogs are not permitted off-leash on the Logan River Trail. The trail is posted as an on-leash only trail, consistent with the rest of the City's trail system rules.

The pilot program also involves three monitoring periods (spring, summer, and fall) to assist City staff in determining the success of the program and whether the program should become permanent. The monitoring periods will also include public input during the pilot program. The monitoring and public input will be measured against anticipated outcomes:

- Reduction of dog waste from parks and trails
- Dog waste properly bagged and disposed in provided City trash cans
- Dogs have a current license
- Dogs shall not harass others
- Dogs shall not be unattended
- Dogs must be under voice control
- Dogs shall not be a nuisance

A final report will be provided to the City Council in April 2020.

Upon Approval

Upon Council approval of the pilot program, the City will:

- Launch a public awareness campaign
- Order and install quick-response or QR codes on Pilot Program site signs
- Order and install bag dispensers and place trash cans

After March 5

After March 5, the City will:

- Organize, promote, conduct staff and volunteer clean-up efforts
- Produce public information business cards with a QR code
- Design QR code so reader can receive City's web page containing the Pilot Program info
- Remove and dispose dog droppings from City trails and parks (March 18 – 23)
- Provide flyers and t-shirts for volunteers during clean-up effort
- Post signs at Pilot Program sites and during clean-up
- Raise awareness and encourage responsible park patronage
- Conduct monitoring periods during pilot program

By April 15

It is anticipated the pilot program sites will be operational by April 15th. This will allow time for the equipment needed to be delivered and installed by the City.

The Pilot Program is projected to conclude on April 15, 2020. A final report of the Pilot Program will be issued to the City Council in May 2020.

Mayor Daines explained that the program will involve eight parks during the pilot program, however, changes to that could be made if necessary. It is her hope the pilot program can occur without any need for adjustments.

Chair Simmonds opened the meeting to a public hearing.

Logan resident David James addressed the Council. He thanked the Council for considering the proposed ordinance. He said there are a lot of people who love their pets and to have off-leash parks is a great thing for pets and pet owners. He said the current fenced Rendezvous Dog Park needs some attention and the grass needs to be replaced in several areas. He said the Cache Humane Society's dog park will be closed until Easter so more people will be using the fenced Rendezvous Park.

Logan resident Tiffany Jorgensen addressed the Council. She lives in the South area of Logan and said there are very few locations where she can take her dog and child to play. She asked the Council to please consider adopting this ordinance.

Logan resident Lauren Schreiber addressed the Council. She said pet ownership is a growing industry and having options of where dogs are allowed is needed and she asked the Council to support the proposed ordinance.

Logan resident David Hecker addressed the Council and expressed his support of the ordinance. He feels the proposed park areas are well selected and are within walking distance of his home. He feels having these dog parks is a great way for people to connect and is a positive social experience for everyone.

Vice Chair Anderson said at the last meeting she expressed her concern about the closeness of the Logan River to the proposed dog park located in the Rendezvous Park West Pond area. She asked that this area be removed from the list included in the 12-month pilot program.

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

ACTION. Motion by Vice Chair Anderson seconded by Councilmember Jensen to amend Resolution 19-11 to exclude Rendezvous Park, West Pond Area from the list of sites for the 12-month pilot program as presented. Motion carried unanimously.

PUBLIC HEARING - Consideration of a proposed resolution approving an increase in fees at the Logan River Golf Course – Resolution 19-12

At the February 19, 2019 Council meeting, Parks & Recreation Director Russ Akina addressed the Council regarding the proposed resolution.

<u>Golf Course</u>	<u>Current</u>	<u>Proposed</u>	<u>Birch Creek</u>	<u>Eagle Mtn.</u>
Regular 9-Hole Greens Fee	\$15.00	\$16.00	\$15.00	\$15.00
Regular 18-Hole Greens Fee	\$30.00	\$32.00	\$30.00	\$30.00
Senior 9-Hole Greens Fee	\$12.00	\$13.00	\$13.00	\$12.00
Senior 18-Hole Greens Fee	\$24.00	\$26.00	\$26.00	\$24.00
Junior 9-Hole Greens Fee	\$10.00	\$11.00	\$10.00	\$10.00
Junior 18-Hole Greens Fee	\$20.00	\$22.00	\$20.00	\$20.00
Driving Range Large Bucket	\$9.00	\$10.00	\$8.00	\$8.00
Driving Range Regular Bucket	\$4.50	\$5.00	\$4.00	\$4.00
Driving Range Season Pass	\$400.00	\$450.00	\$300.00	\$250.00
Regular Punch Pass	\$250.00	\$275.00	\$260.00	\$240.00
Senior Punch Pass	\$210.00	\$230.00	\$220.00	\$210.00
Junior Punch Pass	\$150.00	\$160.00	\$125.00	\$140.00
Regular Season Pass	\$875.00	\$950.00	\$950.00	\$900.00
Senior Season Pass	\$830.00	\$900.00	\$880.00	\$800.00
Junior Season Pass	\$250.00	\$300.00	\$300.00	\$300.00

Parks & Recreation Director Russ Akina addressed the Council and gave an update to the proposed resolution. He said at the February 19, 2019 Council meeting the Council inquired about the the proposed increase of the Season Range Pass as was stated on the fee schedule. The current fee was \$350 and the proposed rate was \$450. The current fee was stated incorrectly. The current rate is \$400 for a Season Range Pass, and the proposed rate is \$450. This correction reduces the proposed total revenue to \$54,714. It was previously stated at \$56,814.

Also, with regard to high school golf team fees. Logan River Head Golf Pro Jeff John provided the following:

Boys Fees: \$600 green fees
 \$400 range fees
 \$384 tournament fee per high school (Logan High, Mountain Crest)

Girls Fees are slightly lower because there are fewer players. Team members may also buy their golf bags from the Pro Shop (around 24 to 40 bags each year). Team fees are deposited into the appropriate existing account: green fees, range fee, merchandise. These fees are not entered into the miscellaneous account as previously mentioned.

Chair Simmonds asked if the Golf Advisory Board had an opportunity to review the proposed fee changes and if so, did they provide input and did they approve.

Mr. Akina responded yes, the Board provided input and they did approve.

Councilmember Jensen said he serves on the Golf Advisory Board and one of the things mentioned at the meeting is that we raise the fees. Other local golf courses are also losing money and will most likely raise their fees.

Chair Simmonds said its interesting there is only a \$50 difference between the Senior Season Pass and a Regular Season Pass. There are currently only 41 that purchased the Senior Season Pass and she does not feel this is a large number of people. She is worried that some of the fee increases will cause the number of people golfing to go down.

Councilmember Jensen said the Council heard from golfers at the Golf Course public meeting and there seems to be a lot of loyal people who golf at Logan River. People need to realize that we need to close the gap in regards to the budget and he feels the loyalty will increase.

Councilmember Bradfield asked why the Logan River Golf Course driving range is so expensive compared to other cities.

Mr. Akina responded that equipment needs to be replaced, particularly at the driving range. The golf course went to a dispensing equipment system that improved our efficiency to gather up golf balls for people to use without staff having to be involved. Because of this new system, the golf course was able to make use of the Season and Punch Pass because of how the dispensing system is set up.

Chair Simmonds opened the meeting to a public hearing.

Logan resident Rick Mayer addressed the Council. He suggested the Regular 9-Hole Green Fee should be increased more than \$1 and asked the Council to consider a \$2 increase for 9-holes. In regards to the driving range he said it's one of the premier driving ranges in the State of Utah. He feels if Logan raises their fees that Birchcreek and Eagle Mountain Golf Course will do the same. He said the decrease in those golfing because of a fee increase will come from the occasional golfer and not the season golfer.

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

Vice Chair Anderson asked is there a way to estimate the potential decrease in users if we raise the fee to \$2 for 9-holes of golf.

Chair Simmonds suggested the Council approve what is presented in the resolution and then reevaluate the fees next year after determining the usage.

Mr. Akina said if the Council approves the resolution the fees will be effective April 1, 2019. If the Council is considering an additional increase to the fees presented tonight, he would first like to go back to the Golf Course Advisory Board and get their input.

Mr. Anderson said he does not want to miss out on any revenue that could be generated this fiscal year. He recommended that if the Council approves the fee increase that the fees become effective immediately.

Councilmember Olsen added that if golfers hear that a fee increase was approved they might rush to purchase their golf pass before April 1.

ACTION. Motion by Councilmember Jensen seconded by Councilmember Olsen to approve Resolution 19-12 as presented.

Friendly amendment by Councilmember Olsen to increase the Regular 9-Hole Green Fee from the proposed \$16 to \$17, increase the Regular 18-Hole Green fee from the proposed \$32 to \$34 and the effective date remain April 1, 2019 seconded by Councilmember Jensen. Motion carried 3-2 (Simmonds and Bradfield voted nay).

Councilmember Bradfield commented that the reason the fee increases were proposed is to help save the golf course. The reason he voted nay is because of discrepancies he has with some of the fees and he hopes the fees increases work for the golf course and it can operate effectively.

Chair Simmonds commented her reason for voting nay is the Golf Course Advisory Board approved a recommendation to the Council and she feels if we want them to do their job we need to respect what they propose.

PUBLIC HEARING - Consideration of a proposed ordinance amending Section 10.52.010 of the Logan Municipal Code Regulating Parking for Electric Vehicle Charging Stations – Ordinance 19-05

At the February 19, 2019 Council meeting, Police Chief Gary Jensen addressed the Council regarding the proposed ordinance. He proposed the following language be added to the ordinance:

C. Electric Charging Stations

- 1. No person shall stop, stand, or park a vehicle, other than an electric vehicle, within any space marked or signed as reserved for the charging of electric vehicles.**
- 2. It is unlawful to park, or permit to be parked, any electric vehicle in a space with an electric vehicle charging station if such electric vehicle is not in the process of charging.**
- 3. Electric vehicles may be parked in any space designated for public parking, subject to the same regulations that apply to any other vehicle that would park in that space.**

Fees for violation herein would be \$40 maximum with a reduction of \$25 if paid within 10 days.

Signs will be placed marking the stalls as electric vehicle charging stations only.

Chair Simmonds opened the meeting to a public hearing.

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

ACTION. Motion by Councilmember Olsen seconded by Councilmember Jensen to approve Ordinance 19-05 as presented. Motion carried unanimously.

PUBLIC HEARING - Consideration of a proposed ordinance repealing Title 6 of the Logan Municipal Code and enacting Title 6A of the Logan Municipal Code Regulating Animal Control – Ordinance 19-06

At the February 19, 2019 Council meeting, Police Chief Gary Jensen addressed the Council regarding the proposed ordinance.

The definition of a dog that is a nuisance is found in section 06-08-130.

In Section 06-04-030, Duties of Animal Control, Subsection G, Chief Jensen felt it would be good to change the wording from “must” to “may”. This would complement the way the animal control presently deals with animals, and gives them leverage as to what is best in each situation.

Additionally, in Section 06-09-010, “may” rather than “shall” needs to be changed in the language for the same purposes.

Attorney Housley explained the many changes in the ordinance necessitated a repeal of Title 6 and adoption of Title 6A of the Logan Municipal Code. The numbering of sections of Title 6A will be adjusted and clarified by the next meeting.

Chief Jensen noted that micro chipping of animals has been added to the proposed code. When officers take in an animal, it is micro chipped for ease of locating the animal’s owner in the future.

Vice Chair Anderson said the Council received an email from Robert Schmidt with specific changes and suggestions to the language of the ordinance. She asked Chief Jensen if any of those suggestions influenced Chief Jensen in regards to the ordinance and the way that its currently written.

Chief Jensen responded and said the ordinance is well written and represents the needs of the Logan’s Animal Control.

Mr. Housley said Mr. Schmidt’s suggestions were also sent to the Legal Department and he said there are a few of those suggestions that can be included in the ordinance.

Chair Simmonds opened the meeting to a public hearing.

Cache Humane Society Board of Director President and Mayor of Providence City John Drew addressed the Council and read a statement from the Cache Humane Society Board of Directors, staff and over 100 volunteers that work at the Humane Society most of which are Logan residents. He expressed the concerns from the Humane Society about some of the language. They did some research regarding other City ordinances and they either say “shall” or they don’t say anything at all. He read from Smithfield City’s Animal Control ordinance which states, “that every effort will be made to reunite the

animal with its owner”. He said all Animal Control officers have been diligent in trying to locate the owner whether its Logan City or Cache County. He suggested changes to the wording where it states “may” vs. “shall” and suggested the word “shall” be used.

Logan resident Ellen Klinger referred to Section 6A.10.010 *Impoundment*. The current language used to state, “Animal Control **shall** place **all** animals which are taken into custody in a designated animal shelter or approved sheltering facilities.” The proposed language has now been changed to state “Animal Control **may** place animals which are taken into custody in a designated animal shelter or approved sheltering facilities.” She also referred to 6A.12.050 *Quarantine and disposition of biting or rabid animal*. The “shall” in Section B has been replaced with the word “may” and the wording of “by the division” has been removed.

Mr. Drew said the language also does not address cats and the Cache Humane Society has been working with other Cache County cities in regards to feral cat issues. He also said the ordinance language does not distinguish between dogs and cats and he understands but the Humane Society is seeing a lot of cats that are abandoned at their front door and is a result of Logan City not handling the cat issue because the contract between the City of Logan and the Cache Humane Society ended. Before that, the Humane Society impounded approximately 400 cats just from Logan City. The number of abandoned cats has increased dramatically in other parts of the City and at the front door of the Humane Society. There is also a problem with unmanaged feral cats and said we are getting close to springtime which is the time that kittens are born. Stacey Frisk, Director of the Cache Humane Society is working with North Logan City and their ordinance regarding animal control.

Logan resident Diana Hansen Ribera addressed the Council. She read the following statement: *I work in Logan & live in Holladay. Thank you for the opportunity to address the city council. I consider myself privileged to be a voice for the voiceless, the animals that so thanklessly serve & comfort us.*

Logan city has the chance to participate in helping set the standard for animal welfare in Utah. Utah is currently 47th in the nation for animal welfare which is very troubling. My father, Dell Loy Hansen & I have pledged \$3 million towards building and operating a new facility for the Cache Humane Society in the near future.

While I applaud everything Logan city has done in the last year in regards to creating an impound service for dogs I am deeply disappointed in their lack of programming for cats.

Litters of kittens will likely increase dramatically this Spring. In 2017 Cache Humane Society offered impound services for 371 Logan cats, these cats were fixed and vaccinated before leaving through the Trap Neuter Return program or adoption. Given the population growth of the unmanaged cat populations, Logan City is facing an explosion in their feral cat population. That poses a risk of rabies to animals & humans among other things.

The Hansen family & The Ribera Family Foundation, which I am a part of, have offered to cover the costs of a TNR program with Cache Humane Society for stray cats in Logan

city for a year in hopes of finding a better solution long term. I hope to finalize that agreement within the next month before kitten season so as to get ahead of the cat population boom.

Both the director of Cache Humane Society, Stacy Frisk & Logan City Mayor Holly Daines have been very helpful in discussing my concerns for the animals in Logan. I have also had many positive conversations with members of the Logan city police, whom I applaud for the services they are providing to the citizens & animals of Logan.

I am concerned that the city does not have an active stray cat impound program currently operating, nor do they have an active plan to deal with the stray cat populations long term. Granting possibly more leniency in the new ordinance is not a solution to a currently deficient program.

I offered last November to personally cover what I understood to be an increase in fees to Logan City from Cache Humane which was declined. Instead I donated \$40,000 to the Cache Humane society in November 2018 to show support of the animal's welfare. I don't share this donation information with the intent of shaming anyone or to boast. I share it to show my level of commitment to helping the animals in my community have the best possible outcome.

A disruption in a vital service such as animal control to a community makes us all regress rather than creating progress which should always be our goal. How we treat those who have no voice such as animals & children show who we truly are as a community.

I believe in being proactive rather than reactive. This is not the time to lower the level of service required by Animal Control, it is the time to take a good look at the problem and develop humane, proactive solutions. I encourage the council to consider what we can do to have the best possible outcome in helping the animals of Logan City long term.

Ms. Ribera thanked the Council for their consideration of the proposed ordinance.

Logan resident Joshua Gardynik addressed the Council. He has concerns about some of the language in the ordinance. His first concern is the definition of a "wild animal" and such animals include, but are not limited to: Dog Family, except all domesticated dogs. "Wild animal" includes wolf, part wolf, fox, part fox, coyote, part coyote, dingo and similar animals. He said the Division of Wildland Resources has excluded the hybrid wolf and hybrid coyote. He said it's impossible to determine if a dog is a true hybrid without doing a full DNA test. There are plenty of huskies or other dog breeds that resemble a coyote or wolf but are not. If the ordinance is approved in its current form, there are several pet owners including himself who will be breaking the ordinance because they already have a wolf dog or something named in the ordinance. He asked the Council to remove the Dog Family language from the ordinance and be allowed as any other domestic dog. His other concern is the language change from "shall" to "may" and feels it should be "shall." He said Chief Jensen has stated that his main concern is that because of the current language in the Code, that an Animal Control Officer has to impound the animal but then they can't take it back to the owner. In the State Code it

reads that if the Animal Control Officer identifies the animal by scanning the animal's chip or tag that it can be reunited with its owner immediately and the Animal Control Officer does not need to hold the animal because they know who the owners is at that time.

Logan resident Bronwyn O'Hara addressed the Council and stated she also has concerns about some of the language and referred to the following suggested changes to the ordinance:

6A.08.040 – *Places prohibited to animals*. The code lists food establishments where animals are prohibited including, but not limited to, restaurants, grocery stores, meat market, and fruit or vegetable stores. She asked if that would also include the Farmer's Market.

Mayor Daines said currently, dogs are not prohibited at the Farmer's Market because the market is located in a public parking lot and on Cache County property.

Ms. O'Hara also referred to Section C titled *City Owned Land*. The language includes the Logan City Cemetery and she knows there are people that go to the cemetery and bring their pets and she asked if this language will remain.

Vice Chair Anderson clarified that pets are not allowed at the City Cemetery and that language is already included in the ordinance.

Ms. O'Hara referred to 6A.08.140 *Abatement of nuisance animals*. She said it states in the ordinance that if written consent from the animal owner cannot be readily obtained the director may file a complaint with the local justice court seeking abatement of the animal. She asked who will pay the courts costs.

She referred to 6A.08.170 *Impounding a potentially dangerous or dangerous animal*. She said again, it does not state who is paying the impound fees and the costs to care for the animal.

Mayor Daines responded that the City has their own animal shelter so they cover the costs of impound and care of the animal.

Ms. O'Hara referred to 6A.08.180 *Wild unprotected animal abatement*. She asked why is the Department of Agriculture listed as the contact rather than the Department of Wildland Resources.

Ms. O'Hara referred to 6A.10.040 *Terms of impoundment, destruction, and disposal of animals*. It states in the ordinance that a person cannot adopt an animal for the purpose of breeding and that the animal has to be neutered and spayed. It also states an animal that is frail or injured can be release to the care of a veterinarian. She asked who pays the veterinarian costs.

Chair Simmonds responded the City would pay the veterinarian costs.

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

Mayor Daines stated that a meeting is scheduled with the Cache Humane Society and Chief Jensen to discuss a potential Trap, Neuter, Release (TNR) Program for cats because funding is now available for this purpose.

City Attorney Kymber Housley commented that a lot of the items mentioned tonight are policy decisions that the Council needs to make. At this time, he addressed the legal issues which, are the following:

- As far as the due process goes on appeal rights, it's the same process as a land use appeal or any other enforcement action. The fees are required to be paid by the applicant. Initially, the impound fees are paid by the City but we will try and collect from the pet owner and when the animal is claimed they have to pay those fees.

Mr. Housley said that most of his responses are to the written comments the Mayor and Council received from Robert Schmidt.

- Definition of *Bite* - Based on the comments made by Mr. Schmidt. Section 6A.02.030 *Bite*. The City recommended to add the wording, "or clothing" in regards to a bite and also that the bite applies to a "human or domesticated animal".
- Definition of *Dangerous Animal* – Add the word "physical" before serious injury on a human being. This would not apply to someone who was emotionally upset or traumatized.
- Definition of *Vicious animal* – Add the wording of "causes a domesticated animal to be euthanized due to injury inflicted by a vicious animal".
- Definition of *Wild unprotected animals* – The U.S. Department of Agriculture does have some jurisdiction over wild animals. But, rather than try and figure out every single department that oversees regulation, he suggested adding the following language: "Wild protected animals mean the animal is not protected by a State law or Federal regulation".
- Section 6A.08.080 *Dogs attacking domestic animals* – This is not the City's jurisdiction and the State Statue recognizes this is an affirmative defense.

Councilmember Olsen asked how the State Statue would apply if a person were to shoot a dog that was attacking but the shooting occurred within Logan City which is a separate criminal violation of discharging a firearm within City limits.

Mr. Housley responded this would be an affirmative defense to that violation similar to self-defense if an intruder were to come into your home. This is State law and we are acknowledging this in our ordinance.

- Section 6A.08.190 *Wild unprotected animal abatement* – Mr. Housley recommended taking out the reference to the U.S. Department of Agriculture and add the language, "with the assistance of the appropriate Federal or State Agency".

Mr. Housley said in regards to the wording of “shall” or “may” the intent as Chief Jensen explained is to give enough flexibility of whether to impound or return the animal if the owner can be identified.

Chief Jensen added that we live in a dynamic world and every situation has its own set of circumstance. He said sometimes “shall” is not possible or is not the best course of action. The word “may” gives Animal Control the best course of action and is still within their policy. He would like the wording to remain as “may” and given the circumstances it will give Animal Control the best options.

Mr. Housley said the Council can amend the changes mentioned tonight and the ordinance can come back to the Council at a future meeting for adoption.

ACTION. Motion by Councilmember Olsen seconded by Councilmember Bradfield to continue Ordinance 19-06 to March 19, 2019 as presented as an action item, no public hearing. Motion carried unanimously.

PUBLIC HEARING - Budget Adjustment FY 2018-2019 appropriating: \$6,000 to reimburse the Police Department Animal Control budget for animal chipping; \$5,293 donation Parks & Recreation received for the bike park; \$11,200 funds the Library received from the State of Utah. The Community Library Enhancement Fund (CLEF) grant will be used for collection development, technology, and community outreach programs; \$11,176 and \$11,633 to appropriate a grant Parks and Recreation received fromUCAIR to replace four-stroke utility maintenance vehicles with electric vehicles; \$10,000 to appropriate Parks and Recreation Rolling Stock reserves for a matching portion of aUCAIR air quality grant for replacement of Utility Maintenance Vehicles at the Cemetery – Resolution 19-10

At the February 19, 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 Bradfield to approve Resolution 19-10 as presented. Motion carried unanimously.

WORKSHOP ITEMS:

Budget Adjustment FY 2018-2019 appropriating: \$20,000 increase to the Logan River Golf Course budget for changes made to fees at the Golf Course; \$30,743 to reimburse the Fire Department budget for ambulance standby; \$3,618 Friends of the Logan Library contributions to Library tote bags, flag bags and writers’ events; \$15,000 for increased banking and credit card fees for Utility Billing; \$284,928 funds thru an interfund loan from the Risk Management Fund to the Special Improvement Fund for the Center Street Improvement Project. The loan will be at

3.05% interest (market rate at date of establishment of the Special Improvement Area); \$284,928 additional Capital Funds (\$1,049,337) for construction of the Center Street from Main to 100 West project (together with other fund appropriated as part of the FY 2019 budget will bring total funds appropriated to \$1,849,693 for the project) - Resolution 19-15 – Richard Anderson, Finance Director

Logan City 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 March 19, 2019 Council meeting.

Consideration of a proposed resolution approving the use of Agency funds for publicly owned infrastructure and improvements in the Downtown Redevelopment Project Area (West Center Street) with said funding not to exceed \$725,000 – Resolution 19-13 – Kymber Housley, Logan City Attorney

Logan City Attorney Kymber Housley addressed the Council regarding the proposed resolution. He said that in order to use Project Area Funds for public infrastructure outside the Project Area the Council must make a finding. The proposed resolution states that the funds will benefit the Project Area and staff recommended that a strong downtown benefits the entire City and everyone benefits. For the next Council meeting he will include additional language to better explain the finding.

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

OTHER CONSIDERATIONS:

Councilmember Jensen asked about the Letter to the Editor in regards to a concern about City employees receiving free golf.

Mayor Daines explained that the City has paid for employees through the City's Wellness Program and employees can choose from Recreation Center passes, Logan Aquatic Center passes, Library passes or Logan River Golf passes. Logan River Golf Pro Jeff John responded to the writer of the Letter to the Editor. The golf course is paid a lump sum and Mr. John has been given the option this year because he is now responsible to manage golf course revenues. She received a letter from Mr. John today stating that the golf course would like to continue offering employee golf passes as part of the Employee Wellness Program.

No further considerations were addressed by the Council.

ADJOURN TO MEETING OF THE LOGAN REDEVELOPMENT AGENCY

Chair Simmonds welcomed those present. There were approximately 8 in attendance at the beginning of the Logan Redevelopment Agency meeting.

WORKSHOP ITEM:

Consideration of a proposed resolution approving the use of Agency Funds for publicly owned infrastructure and improvements in the Downtown Redevelopment Project Area (West Center Street) with said funding not to exceed \$725,000 – Resolution 19-14 RDA – Kymber Housley, City Attorney

Logan City Attorney Kymber Housley addressed the Council regarding the proposed resolution. He said this is a similar resolution that was mentioned earlier but it now has to be considered under the Redevelopment Agency. This resolution includes wording to appropriate the transfer of funding. The RDA will consider the transfer of the \$725,000 and will also make the same finding that it will benefit the Project Area with public infrastructure. For the next Council meeting he will include additional language to better explain the finding.

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

ADJOURNED. There being no further business to come before the Council, the meeting of the Logan Municipal Council adjourned at 7:50 p.m.

Teresa Harris, City Recorder