

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, October 1, 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 Tom 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 24 in attendance at the beginning of the meeting.

### **OPENING CEREMONY:**

CAPSA representative Bryce Lancaster addressed the Council and announced that October is Domestic Violence Awareness Month. Mr. Lancaster spoke about the various ways that CAPSA can help those who need assistance and what they provide for the community. He also led the audience in the pledge of allegiance.

**Meeting Minutes.** Minutes of the Council meeting from September 17, 2019 were reviewed and approved with no changes.

**ACTION. Motion by Vice Chair Anderson seconded by Councilmember Jensen to approve the September 17, 2019 minutes as presented and approve tonight's agenda. Motion carried unanimously.**

**Meeting Agenda.** Chair Simmonds announced there are no 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, October 15, 2019.

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

Cache Valley Pet Hotel owner Paul Mueller addressed the Council regarding a ticket he received in March 2019 for barking dogs at the Pet Hotel location. He asked the Council if they would consider making changes to existing *City Ordinance 8.16.418 Animals and Birds*. He has been working with city councilmember's behind the scenes and was told there were not enough votes to accommodate the proposed changes to the ordinance. He stated that he did make an effort to change the ordinance but, was not successful.

Chair Simmonds stated that she and Councilmember Bradfield met with City Attorney Kymber Housley and she asked if Councilmember Bradfield had an opportunity to speak with Mr. Mueller.

Councilmember Bradfield responded that yes, he did speak with Mr. Mueller. He didn't think there was a fully proposed ordinance change but rather looking at how it could be done.

City Attorney Kymber Housley responded that he identified the ordinance to be amended and he suggested language but, this is a policy decision whether or not to make the changes to the ordinance. The two councilmembers he spoke with did not feel there was support to change the ordinance.

Councilmember Olsen indicated that he wouldn't mind reviewing the proposed ordinance changes at some point.

Mr. Housley recommended that the Council first go and look at the location of the Pet Hotel to get a better understanding of what the issues before changes to the ordinance are made.

Logan resident Dr. Davy McClay addressed the Council and asked for their thoughts on plastic bags. He would like to encourage citizens to take responsibility and use reusable bags. He takes this issue very seriously and encouraged others to do the same. He also stated that he has a very large "bumper sticker" on the back of his car expressing his support for reusable bags.

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

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

##### **Declaration: Idle Free in Utah – Mayor Daines**

Mayor Daines read a Declaration declaring October and the 2019-2020 Winter Season as Idle Free in Utah.

**ACTION. Motion by Councilmember Olsen seconded by Councilmember Jensen to approve ratification of the Declaration for Idle Free in Utah as presented. Motion carried unanimously.**

##### **Board Appointment (Forestry) – Mayor Daines**

Mayor Daines asked for ratification to appoint Debi Rogers to serve on the Forestry Board which, is a two-year term.

**ACTION. Motion by Vice Chair Anderson seconded by Councilmember Bradfield to approve ratification of Debi Rogers as presented. Motion carried unanimously.**

#### **COUNCIL BUSINESS:**

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

Chair Simmonds reported that a rezone will be coming forward to the Council on October 15. She also announced that Westside Coffee located on 100 West will have a second location next to Fredrico's near USU. A new 75-unit housing development was also approved at the Grizzly Station location which is near Logan High School. The parking will be located underneath the building.

### **Board/Committee Reports from Council – Councilmember Bradfield and Councilmember Olsen**

Councilmember Bradfield reported that he attended the recent Parks and Recreation Board meeting and did not have anything to report to the Council from that meeting.

Chair Simmonds asked if they are still working on any of the construction projects with monies received from CDBG funding.

Councilmember Bradfield said he did not know but would find out and report at the October 15 Council meeting. He also reported on the Cache Valley Center for the Arts meeting and said there are a lot of new members on the board and the Cache Valley Center for the Arts is doing well financially.

Mayor Daines added she is aware of a petition in support of making improvements to the City's softball fields. She and others from the Parks and Recreation Department are traveling to Heber City on Friday to tour their softball/baseball fields and gather information on what we can do here in Logan City which, will take funding.

Chair Simmonds stated that at one time Logan City had the best softball/baseball fields in the County and unfortunately now, we have the worst.

Mayor Daines commented that one of the fields located at the City's quadraplex near Willow Park, has drainage issues and needs to be addressed first before improvements can be made. There are more needs than RAPZ funding can provide.

Chair Simmonds stated that RAPZ has several long-term commitments that are coming to an end and we can possibly use some of those extra funds for projects.

Councilmember Bradfield said he recalls a discussion the Council had about the softball/baseball programs and the high cost of maintaining the fields and that the number of people using the fields has decreased.

Mayor Daines said she received a report indicating there was an upsurge in baseball programs because people are more aware of injuries that can occur in other sports such as football.

Vice Chair Anderson said from her understanding the number is decreasing here in Logan because of the condition of the fields.

Councilmember Bradfield said eventually, he feels soccer will become the more popular sport.

Councilmember Olsen reported that the Solid Waste Advisory Board continues to meet. They originally requested a one-year education time period regarding plastic bags. He knows the Environmental Department has made an effort to promote the educational component as well.

He also reported on the Bear River Association of Governments Homeless Committee which met today. Logan City no longer receives \$100,000 of undistributed tax income and the money now goes to Salt Lake City to address their homeless issues. There is also funding that Cache County no longer receives because there is no shelter located in Cache County or Logan City. He said that no one is insensitive about the magnitude of the homelessness issue in Salt Lake but, we are also anxious about addressing the homeless issues here in our own community and what we could do with the \$100,000 if, it was redistributed back to us. A Northern Utah Strategic Homeless Plan is currently being discussed and hope to have it completed by the end of November 2019.

Vice Chair Anderson added there is also an interfaith initiative to address homelessness issues because many people approach houses of worship for assistance. The various faith groups are trying to find a way to coordinate among themselves, so they know if someone is going from one faith group to another asking for assistance. They want to make sure that people are being identified and receive help where needed and that resources are spread out among those who need them.

No further items were presented.

#### **ACTION ITEM:**

#### **Consideration of a proposed resolution requesting the Recertification of the Logan Municipal Justice Court – Resolution 19-55**

Logan City Attorney Kymber Housley addressed the Council regarding the proposed resolution. He said the term of the present Court expires in January 2020. Members of the City Council were given an opinion letter which sets forth the requirements for the operation of a Justice Court and the feasibility of continuing to maintain the Court. He stated that the City of Logan continues to meet all the requirements for a Municipal Court and that continued operation of the Court is feasible. He stated the Court must comply with all requirements imposed by the Utah State Legislature. In addition to the statutory requirements, Logan's Class 1 Court must meet additional requirements imposed by the Utah Judicial Council. In his opinion, as City Attorney, the Logan Municipal Council should request recertification of the Logan Municipal Justice Court.

**ACTION. Motion by Vice Chair Anderson seconded by Councilmember Bradfield to approve Resolution 19-55 as presented. Motion carried unanimously.**

#### **WORKSHOP ITEMS:**

**Budget Adjustments FY 2019-2020 appropriating: \$18,200 a reimbursement the Police Department will receive for enforcement of events requested by businesses; \$4,226,407 to move budget from the General Fund to the Capital Projects Fund;**

**\$12,038 funds the Police Department was awarded for bullet proof vests purchased this fiscal year – Resolution 19-56 – Richard Anderson, Finance Director**

Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustments. He further explained the budget transfer of \$4,226,407 is requested to move Capital Funds to the General Fund to the Capital Projects Fund. He stated that our Capital Projects are reaching a point where they are starting to interfere with the other objectives we have in our General Fund and maintaining reserves.

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

**REZONE – Consideration of a proposed rezone of approximately 6.55 acres of property located at 1136 North 600 West from Neighborhood Residential Traditional (NR-6) to Mixed Residential Transitional (MR-9) – Ordinance 19-18 – Aaron Smith, Planner**

Planner Aaron Smith addressed the Council regarding the proposed rezone. The proponent is requesting to rezone approximately 6.55 acres from NR-6 to MR-9 to allow for townhome development. The proposed townhome development consists of 32 dwelling units in eight (8) 4,480 SF buildings. Each townhome will be on its own building lot. The proposed development features a low gross density, 4.95 units/acre. The buildings are arranged around a central oval private drive with building fronts oriented towards a common open space. The configuration preserves a large amount of common open space for the development. The proposal includes only one street connection at 1150 N. This road connects to the proposed development through a single-family neighborhood. To the west, the property is adjacent to railroad tracks that run along 600 W. No 600 W access across the railroad tracks is proposed with this project. To the north is Bridger Park and Elementary School. To the south is a multifamily development.

**RECOMMENDED FINDINGS FOR DENIAL FOR THE REZONE**

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

1. The Logan City FLUP identifies the area as DR
2. This area is one of the few remaining vacant DR areas in the Bridger Neighborhood.
3. The Bridger Neighborhood surrounding the project site has a disproportionately high amount of attached and 3-4-unit multi-family housing developments, and a disproportionately low amount of detached single-family homes when compared to Logan City as a whole.
4. The DR designation is intended for detached single-family residential development.

## **RECOMMENDED FINDINGS FOR APPROVAL FOR THE DESIGN REVIEW PERMIT**

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

1. The proposed project was rezoned from NR-6 to MR-9
2. The proposed project is compatible with surrounding land uses and will not interfere with the use and enjoyment of adjacent properties because of the conditioned building design, site layout, materials, landscaping, building orientation, heights and setbacks.
3. The Design Review Permit conforms to the requirements of Title 17 of the Logan Municipal Code.
4. The proposed project provides adequate open space and useable outdoor space in conformance with Title 17.
5. The proposed project provides off-street parking in compliance with the Land Development Code.
6. The proposed project complies with maximum height, density and building design standards and is in conformance with Title 17.
7. The project met the minimum public noticing requirements of the Land Development Code and the Municipal Code.
8. The surrounding streets and utilities are of adequate in size and design to sufficiently handle all traffic modes and infrastructure related to the land use.

## **RECOMMENDATION**

Staff recommends that the Planning Commission recommend **denial** to the Municipal Council for a Rezone of approximately 6.55 acres of property located at approximately 1136 N 600 W (TIN# 05-041-0006) from Neighborhood Residential Traditional (NR-6) to Mixed Residential Transitional (MR-9). Contingent on approval of a rezone to MR-9, Staff recommends that the Planning Commission conditionally approve a Subdivision and Design Review Permit for Project #19-031 Kearn Property, for 32 townhome units on individual building lots located at 1136 N 600 W (TIN# 05- 041-0006).

On September 12, 2019, the Planning Commission recommended that the Municipal Council **deny** the Kearn Property Rezone.

Mr. Smith said the main concern of staff and the Planning Commission was housing type rather than density.

Councilmember Jensen said it seems to him there is no front door view.

Mr. Smith said the design review process would have addressed those concerns.

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

**REZONE – Consideration of a proposed rezone from Mixed Use (MU) to Commercial (COM) for the Logan Gateway Development project located at approximately 701 South Main – Ordinance 19-19 – Russ Holley, Planner**

Planner Russ Holley addressed the Council regarding the proposed rezone.

***Project Request***

The proponent is requesting a Design Review Permit and a rezone on a portion of the project site to construct four new, approximate 5,000 SF, retail/restaurant buildings along the Main Street frontage. The single-story buildings are proposed in front, or east of, the already approved 4-story office building with parking and landscaping areas positioned around the site. The existing buildings have recently been demolished and the land has been cleared off in preparation for the new Logan Gateway project. The proposed retail/restaurant buildings are on 2.12 acres (92,703 SF) along an approximate 920-foot Main Street frontage. A single two-way driveway is proposed in the middle of the project that provides access to Main Street and the future 100 West street.

***Rezone Request***

The applicant is requesting a rezone from MU to COM for the remaining 0.76 acres located in the southeast corner of the project site. This area was not originally included with the 4-story office building approval. It currently has two smaller single-story buildings that were constructed in 1944 and 1952. Retail and restaurants are both permitted outright in the COM and MU zones, but the applicant is requesting that the entire project be zoned as the same designation.

The Logan City Future Land Use Plan (FLUP) found inside the Logan City General Plan designates the entire project site as Mixed-Use Center (MUC). The MUC land use designation is described as having high concentrations of commercial and residential uses mixed together into compact urban and walkable development patterns. The Commercial (COM) land use designation is described in the Logan General Plan as being designed for a wide range of commercial uses and services intended to serve local and regional populations.

The Logan City Land Development Code (LDC) describes the MU zoning district as areas providing a mix of both commercial and residential developments in either “horizontal” or “vertical” patterns. The LDC describes the COM zoning district as areas providing city-wide and regional commercial services. A wide range of commercial land uses and services, including but not limited to office, restaurant and retail are permitted within the COM zone.

**RECOMMENDED FINDINGS FOR APPROVAL FOR THE REZONE**

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

1. The location of the subject property is suitable for commercial developments because it is compatible with commercial areas to the south and west.
2. The subject property can fulfill the purpose of the General Plan and LDC by providing commercial services to city-wide populations because of its location and ease of access.
3. The subject property is in an area and surrounded by streets and infrastructure that can handle and appropriately serve Commercial developments.

4. The proposed Commercial zoning designation along with review and approval of Design Review Permits with sufficient open space, parking, walkable layout and landscaping will ensure neighborhood compatibility.

**RECOMMENDATION**

Staff recommends that the Planning Commission recommend **approval** for a rezone from Mixed Use (MU) to Commercial (COM); and **conditionally approve** a Design Review Permit for Project #19-036 Logan Gateway Retail Development, with four retail/restaurant buildings located at approximately 701 South Main Street, TIN# 02-063-0010; -0011;-0012; -0013; -0016, -0019; -0017.

*Land use adjoining the subject property*

<i>North:</i>	MU: Residential Uses	<i>East:</i>	COM: Commercial Uses
<i>South:</i>	COM: Commercial Uses	<i>West:</i>	COM: Commercial Uses

On September 12, 2019, the Planning Commission recommended that the Municipal Council approve a rezone from Mixed Use (MU) to Commercial (COM) for the Logan Gateway Retail Development project. The vote was 7-0 for approval.

Chair Simmonds asked, if these are requirements for landscaping and parking behind buildings for projects along Main Street.

Mr. Holley responded we do have requirements and there are areas with this project that will have enhanced vertical landscaping. The code for this area allows side and rear parking and allows 50% building and 50% parking. The project aligns with 700 South and currently does not qualify for a traffic signal because of the setback.

Councilmember Olsen asked if the City will continue 100 West along the western portion of the Logan Gateway property.

Mr. Holley responded yes; the City is currently working on a new road alignment for this area that will connect with the Gateway property.

Councilmember Bradfield asked if 700 South can be designated on the East side as a right turn only.

Mr. Holley said UDOT is considering a new intersection design that will allow only right hand turns out of 700 South and left hand turns from Main Street.

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

No further workshop items were presented at tonight’s meeting.

**OTHER CONSIDERATIONS:**

Councilmember Bradfield said he will be contacting each of the councilmembers to propose an ordinance for consideration to be workshopped in two weeks. The proposed

ordinance is to set up five voting districts in the City of Logan making sure that all areas of Logan have representation. Looking at the population, he feels it's time that Logan has representation throughout the entire City. What the ordinance would do is split up the neighborhoods so there would be three representatives on the East side of Logan and two on the West side. He stated that he and Vice Chair Amy Anderson are up for reelection in two years and he is likely to step down at that time, but he would like representation for his area his seat does not go to someone on the East side, not that someone from the East side could not represent him but he feels there is something to be said about having someone from your local neighborhood representing you, who understands the issues and needs of that neighborhood. He proposed that the Ellis Neighborhood would be split in half and half would go to the Woodruff Neighborhood and half to the Bridger Neighborhood. He said the new districts would take four years to implement. He stated that he will present this proposed ordinance in two weeks.

Mr. Housley said there were numbered council seats at one time but as far as he knows the City has never had districts and all seats have always been at large.

Councilmember Olsen said years ago the Council considered a district election process and the Council at the time did not approve the districts. He said there are good reasons for districts and there are good reasons to have at large seats.

Councilmember Jensen asked if other cities have districts or, are they at large.

Mr. Housley responded that most cities have at large seats and some bigger cities have districts.

Councilmember Olsen stated that he has always liked the notion that regardless of where he lives when he ran for office, he ran to represent all Logan citizens and was not limited to the area in which he lives and to be responsive to everyone throughout the City East and West side. He encouraged people living West of Center Street to both run for office and to go and meet with people and get a sense of their issues and problems.

Vice Chair Anderson said she would like to see information on comparable cities that have districts and at large voting.

Mr. Housley said there haven't been districts in Logan City for the last 24 years, prior to that time possibly but he does not think so. There were numbered council seats but the council seats were always at large.

Mayor Daines commented that when individuals are running head to head for a certain seat the race tends to get more personal. Her opinion is that perhaps personalities become more of an issue than the true City issues.

Councilmember Bradfield stated that out of the nine original Council candidates who filed to run for this election, only one is from the West side.

Mayor Daines commented that if the election were done as districts the way Councilmember Bradfield is proposing, Keegan Garrity would not be able to run for

office because Councilmember Bradfield would have the seat from the West side.

Councilmember Bradfield commented that he is not trying to exclude people from representing everyone in the City. He personally feels that the Council represents everyone and they should represent everyone but to have someone from your own neighborhood who understands the issues of that neighborhood means something and at least you will know the candidate.

Chair Simmonds asked Councilmember Bradfield if he will be meeting with each of the Council and will he be prepared to bring the ordinance to the Council as a workshop item in two weeks

Councilmember Bradfield responded that he has started gathering data and he will meet with each of the councilmembers prior to the next Council meeting.

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 6:35 p.m.

Teresa Harris, City Recorder