

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, September 17, 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 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 Jess W. Bradfield.

Chair Simmonds welcomed those present. There were approximately 16 in attendance at the beginning of the meeting.

OPENING CEREMONY:

Pat Sadoski invited the Council and public to attend the Walk to End Alzheimer's event on Saturday, September 21 beginning at 9:00 a.m. She also provided additional information on Alzheimer's.

Chair Simmonds led the audience in the pledge of allegiance.

Meeting Minutes. Minutes of the Council meeting from September 3, 2019 were reviewed and approved with no changes.

ACTION. Motion by Vice Chair Anderson seconded by Councilmember Olsen to approve the September 3, 2019 minutes as presented 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, October 1, 2019.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL:

Logan resident Rachel Chamberlain addressed the Council and invited the public to participate in the Global Climate Strike on Friday, September 20, 2019 beginning at 3:00 p.m. The March will begin at the Northwest corner of the USU Quad and they will march to the County Courthouse.

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

MAYOR/STAFF REPORTS:

Consideration of a proposed resolution recognizing and approving support for Cache Celebration of Women’s Suffrage 2020 – Resolution 19-54 – Mayor Daines

Mayor Daines explained that in the year 2020, it will be the 100th Anniversary of the 19th Amendment to the United States Constitution, which states “The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.”; and in the last 25 years, Utah women’s voting participation has declined steadily and in 1996, Utah had the highest turnout of women eligible to vote; 76 percent, which number had decreased to 57 in 2012 and Utah dropped from the #1 ranking for women’s turnout in 1996 to #46 in 2012. The Cache Celebration of Women’s Suffrage 2020 is a non-partisan effort to commemorate the milestones of women’s suffrage in Utah and to educate the public about the importance of voting and right of women to vote. Utah State University has declared 2020 as the Year of the Woman and the Cache County Council has also supported the Cache Celebration of Women’s Suffrage 2020.

Mayor Daines asked for the Council’s support in recognizing the efforts of past, present and future women in promoting and encouraging women’s suffrage, as well as the Cache Celebration 2020 in its efforts to educate the public about the importance of voting and the history of women’s suffrage in Utah.

ACTION. Motion by Vice Chair Anderson seconded by Councilmember Jensen to approve Resolution 19-54 as presented. Motion carried unanimously.

Bike Park Ribbon Cutting – Mayor Daines announced there will be a ribbon cutting for the new Bike Park on Wednesday, October 9 at 6:00 p.m. at the Bridger Park Complex. The public is invited to attend.

Utah Tourism Conference – Mayor Daines also stated that prior to Council meeting, she welcomed over 400 guests to Logan who are attending the Utah Tourism Conference at Utah State University.

Open & Public Meetings Act Training – Kymber Housley, City Attorney

Logan City Attorney Kymber Housley addressed the Council and gave an update on the Annual Open and Public Meetings Act training which is required by law to be completed annually. He stated the Open and Public Meetings Act was enacted upon the premise that the State, its agencies, and its political subdivisions exist to aid in the conduct of the people’s business. As such, a public body should deliberate and act openly. The Open and Public Meetings Act requires that members of a public body be provided with annual training on the requirements of the Open and Public Meetings Act.

Mr. Housley reminded the Council about the definition of a meeting which, is a convening of a public body or a specified body with a quorum present to discuss, receive public comment about, or act upon a matter over which the public body or the specified body has jurisdiction or advisory power. A meeting does not include a chance or social gathering, a convening of a public body that has both legislative and executive

responsibilities. The Council cannot deliberate as a body outside of a public meeting with more than one Councilmember if not in a public setting. This also applies to electronic correspondence. The Council should err on the side of caution and when in doubt it should be noticed as a public meeting.

Mr. Housley reviewed the requirements for the Council to hold a Closed Session. The Council must still meet publicly with the standard noticing, they vote to go into a Closed Session which must be made publicly with individual votes either for or against the Closed Session. The main reasons for the Council to go into a Closed Session are discussion of the behavior, competence or mental health of an individual; strategy session to discuss pending or reasonably imminent litigation; strategy session to discuss the purchase, exchange or lease of real property but only if there is a finding that it could disclose the appraisal or value of the property under consideration; discussion regarding the deployment of security personnel and investigative proceedings regarding allegations of criminal misconduct. Meeting minutes are taken but they are not considered a public record and can only be disclosed with a court order.

More information regarding the Open and Public Meetings Act can be found in Utah Code Section 52-4-102 and was included in the Council packet.

Councilmember Jensen asked if a spontaneous closed meeting can be held?

Mr. Housley responded that a closed meeting must be noticed unless deemed an emergency.

USU Homecoming Parade – Mayor Daines

Mayor Daines invited the Council to participate in the USU Homecoming Parade on Saturday, September 28 at 10:00 am. The Council should plan to meet in the Logan High School parking lot.

COUNCIL BUSINESS:

Constitution Day – Councilmember Olsen

Councilmember Olsen addressed the Council and announced that 232 years ago today the Constitution was passed. He continued with his thoughts and feelings about the Constitution and what it represents.

Planning Commission Update – Chair Simmonds

Chair Simmonds reported that she attended the last Planning Commission meeting, there was a property rezone request near Bridgerland Elementary and the new bike park, this item will come to the Council in two weeks. Representatives from the L59 project requested to subdivide the townhomes that face 100 East and plan on selling them individually. Plans for additional office space and a new cell tower in Logan was presented. A new project titled Millcreek was presented and was continued to the next Planning Commission meeting. The Millcreek project will be located on 100 South 100

East, it will be five stories which is within code and will have parking underground. The Logan Gateway project is going in where Ellis Equipment was located on South Main. There will be four retail pads and the remainder will be business offices.

Chair Simmonds also reported on the Fine Arts Committee that recently met and awarded \$24,000 to nine recipients. She plans to attend the Public Arts meeting on Thursday and will report back at a future council meeting.

Board/Committee Reports from Council – Vice Chair Anderson and Councilmember Jensen

Vice Chair Anderson reported that the Economic Development Committee and Audit Committee did not meet this past month. The Library held a Hispanic Heritage event this past Saturday with over 1,000 in attendance. She said the Library Board continues to discuss a future Library and location.

She commented that the Library staff does an amazing job of serving the needs of Logan City given an aging structure, she feels we clearly aren't providing what is needed for a 21st Century Library in terms of staff and access to electronic media. She encouraged everyone to visit the Library and meet the staff who are dedicated professionals. She said the Library is being used by all ages and she again thanked the Library staff for all they do.

Councilmember Jensen reported on the boards and committees he serves on. Water/Wastewater, Stormwater who will meet in two days. He serves on the Golf Course Advisory Board and reported that the number of golf rounds has increased. He serves on the Cache Valley Center for the Arts and reported that the theatre façade has a base coating and will then proceed with the final paint which, will be beautiful. Theatre ticket sales are down a little bit and he encouraged everyone to purchase tickets and support the theatre. He also serves on RECAB and expressed his appreciation to this board and all they do.

Center Block Public Meeting: Wednesday, September 25, 2019 AT 5:30 p.m. in the Council Chambers. Presentation by Dan Lofgren, Cowboy Partners and Mayor Holly Daines, followed by time for questions, comments and feedback – Chair Jeannie Simmonds

Chair Jeannie Simmonds announced there will be a public meeting regarding Center Block on Wednesday, September 25, 2019 at 5:30 p.m.

No further items were presented.

ACTION ITEMS:

PUBLIC HEARING - Consideration of a proposed resolution approving the CDBG PY2018 Consolidate Annual Performance and Evaluation Report (CAPER) – Resolution 19-52

At the September 3, 2019 Council meeting, CDBG Coordinator Debbie Zilles addressed the Council regarding the proposed resolution. She reported on the following:

Infrastructure Projects Approved – PY2018

- 300 W 600 S Sidewalk
Construction completed August 2019
14-ADA Corners
575' Sidewalk, Curb, Gutter and Landscape
- 200 W 1300 N Sidewalk
Construction completed August 2019
7-ADA Corners
350' Sidewalk, Curb, Gutter and Landscape
- 600 E Pedestrian Improvement
Design Work Completed
Construction will begin September 2019
Anticipated completion Fall 2019
- Bridger Park Pathways
Bike Park will be completed October 2019
Pathways will begin when Bike Park complete
Anticipated completion Fall 2019 (weather permitting)

Infrastructure Projects Completed in PY2018

- PY2017 100 W Golf Course Road ADA Corners
Construction completed Fall 2018
Approved in PY2017
4-ADA Corners
- PY2017 1400 N 200 E Sidewalk
Construction completed Fall 2018
Approved in PY2017
300' Sidewalk, Curb, Gutter and Landscape

Community Needs Projects Approved PY2018

- Logan School District Playground
\$30,000 (Project anticipated to be completed this Fall)

Ellen Eccles Theatre Accessible Seating

- \$10,000 (Complete)
Completed Spring 2018
10 ADA wheelchair and companion spaces

Family Place Outdoor Sports Court

- \$20,000 (Complete)
Completed August 2019

40' x 60' sport court with athletic surface, basketball standards and netting

PY2018 Projects Expenses

• Program Administration	\$59,934.86 (completed)
• Eccles Theatre Seating	\$10,000.00 (completed)
• 300 W 600 S Sidewalk	\$111,660.17 (completed)
• 200 W 1300 N Sidewalk & Corners	\$7,842.94 (completed)
• Bridger Park Pathways	\$1,311.78
• 600 E Pedestrian Improvements	\$2,350.00
TOTAL	\$193,099.75

PY2018 Projects: Remaining Funds

• 200 W 1300 N Sidewalk & Corners	\$9,845.68 (completed)
• Logan School District Preschool	\$30,000
• Bridger Park Pathways	\$23,688.22
• 600 E Pedestrian Improvements	\$157,650.00
• 300 W 600 S Sidewalks	\$2,619.19 (completed)
• Family Place Sports Court	\$20,000 (funds drawn in 2019)
TOTAL	\$243,823.09

Other Program Year Expenses During PY2018

• PY2017 – Whittier Center Windows	\$16,967.50 (completed)
• PY2017 – 100 W Golf Course Sidewalk	\$1,593.98 (completed)
• PY2017 – 1400 N 200 E Sidewalk	\$10,629.73 (completed)
• PY2017 – Canyon Road Trail	\$76,726.77
• PY2017 – Park Accessibility-Merlin Olsen	\$11,769.62
• PY2016 – Woodruff Neighborhood Plan	\$1,320
• PY2016 – Historic District Standards	\$992.50 (completed)
• PY2016 – Access & Mobility Plan	\$562.97 (completed)
TOTAL	\$120,568.07

Chair Simmonds opened the meeting to a public hearing.

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

ACTION. Motion by Councilmember Jensen seconded by Councilmember Olsen to approve Resolution 19-52 as presented. Motion carried unanimously.

***(Continued from September 3, 2019)* PUBLIC HEARING - ZONE CHANGE – Consideration of a proposed zone change. Harris Commercial Service Development. Matthew F. Harris/Eliason Packing Company, authorized agent/owner, requests a rezone of 15.64 acres from Commercial (COM) to Commercial Services (CS) to allow for more flexibility in development the land located at 200 South 1000 West; TIN 05-064-0028 – Ordinance 19-16**

At the August 20, 2019 and at the September 3, 2019 Council meeting, Planner Aaron Smith addressed the Council regarding the proposed zone change.

REQUEST

The proponent is requesting to rezone one (1) parcel that is approximately 15.64 acres from COM to CS. The proponent has proposed the rezone to allow for more flexibility in developing the land. The land is flat and undeveloped with wetlands located on a portion of the western half of the property. Both the 200 S and 1000 W frontages are unimproved, with soft shoulders and no sidewalk or curb. The area around the property has a variety of uses, including an electric supply company, a plumbing contractor, storage units, and single-family homes across 200 S.

GENERAL PLAN

The Logan City Future Land Use Plan (FLUP) found inside the Logan City General Plan designates the 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. When creating compact development footprints, the City of Logan can concentrate growth inwards and upwards and relieve suburban style development pressures on surrounding rural areas. While the proposed CS zoning is not mixed use by nature, it is similar to, and compatible with, the surrounding land uses.

ZONING

COM - Current Zone

The COM zone is intended for retail, service, and hospitality businesses that serve city-wide or regional populations. Residential development is allowed in the zone; however, free standing residential buildings are not permitted.

CS – Proposed Zone

The CS zone fills a need between industrial and commercial land uses. CS areas provide alternative locations for light manufacturing, warehousing, wholesaling, or other uses that support construction and manufacturing trades that are typically service oriented. The CS zone does not allow for residential uses.

Generally, the CS zone is less restrictive than the COM zone in regard to permitted uses, especially industrial uses. Of note is that commercial storage units, vehicle storage, automobile repair, heavy truck sales, kennels, and most industrial uses are allowed in the CS zone.

In addition to uses, some development standards would change as well. The maximum building height for the CS is 38', while COM is 40' or up to 55' with additional setbacks. Minimum building setback are similar between to the two zones. Building fenestration and open space are the same between the two zones. The CS zone does not allow for front yard parking. Both the COM and CS zones are subject to height transitions when adjacent to single family homes. The height transition would limit building height to 35' at the front setback and allow an additional 1' in height for every 2' of additional setback. With a maximum building height of 38' in the CS, the height transition will have little effect on the property if rezoned. In addition to height transitions, commercial and industrial development across the street from a residential zone must meet increased setbacks standards that match the adjacent residential setbacks.

SUMMARY

This 15-acre site is surrounded by a variety of uses, many of which fit into the description of the CS zone. While the FLUP identifies the site, and the entire surrounding block, as MUC, it is uncertain if this site could ever be a viable mixed-use project as the site fronts a highway and there are commercial services to the east and west. Regarding single family homes to the south, there is precedent in this area of zoning CS adjacent to single family homes at the Westfield development a block west of this location. Overall, this rezone would continue the adjacent land uses to the east and west of the project site, and neighborhood impacts from CS uses will be mitigated through the Design Review and Conditional Use Permit process.

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, no comments have been received.

PUBLIC NOTIFICATION

Legal notices were published in the Herald Journal on 7/27/2019, posted on the City's website and the Utah Public Meeting website on 7/26/2019, and noticed in a quarter page ad on 7/20/2019, and a Public Notice mailed to property owners within 300' we sent on 7/19/2019.

RECOMMENDED FINDINGS FOR APPROVAL

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

1. The CS zone uses, and development standards are similar in nature to the COM zone
2. Neighborhood compatibility will be reviewed on a project basis through the Design Review and Conditional Use Permit processes.
3. The location is compatible with the purpose of the CS zone.
4. The subject property is in an area and surrounded by streets and infrastructure that can handle and appropriately serve Commercial Service developments.
5. The proposed CS zone is in an area with established CS uses.

Staff recommended approval to the Planning Commission and on August 8, 2019, the Planning Commission recommended that the Municipal Council approve the Harris Commercial Services Rezone.

Chair Simmonds commented that this zone change was continued at the request of Councilmember Bradfield who was excused from tonight's meeting.

Chair Simmonds opened the meeting to a public hearing.

Property owner Matthew Harris addressed the Council and gave an overview of the project. He said this is a property that has issues such as wetlands. He is requesting a rezone because he does not feel that multi-family development is the right fit for this property and should be Commercial development. He will likely use the property for

Commercial projects which, he feels will be more consistent with the zoning surrounding the property.

Logan resident and council candidate Keegan Garrity addressed the Council. From his understanding the request is a rezone from Commercial to Commercial Services and it would allow additional services. He asked the property owner what services he feels will be allowed if the zone is changed.

Chair Simmonds responded that Commercial Services extends to many uses.

Councilmember Olsen asked the property owner to respond.

Mr. Harris responded this an expensive piece of property and it will not be used as a salvage yard. If he could bring in a large commercial business, he would but at this time a commercial business is not interested in being at this location. He is doing a feasibility study and feels Cache Valley needs an area for larger warehouse storage where someone can store a boat or RV. This is something he is considering.

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

ACTION. Motion by Vice Chair Anderson seconded by Councilmember Jensen to adopt Ordinance 19-16 as presented. Motion carried unanimously.

PUBLIC HEARING - Budget Adjustment FY 2019-2020 appropriating: \$3,302 a grant the Communications Center was awarded for this fiscal year from the State of Utah. The Emergency Medical Services (EMS) funds will be used for certification, training, and continuing medical education for our Communication Center; \$250,000 funds for the Afterschool Match Partnership Grant that was awarded to Parks & Recreation. These funds will be used to create, expand, and support Afterschool Programs; \$1,835,384 reserves for Capital Projects in the Storm Water Fund – Resolution 19-53

At the September 3, 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 Councilmember Olsen seconded by Councilmember Jensen to approve Resolution 19-53 as presented. Motion carried unanimously.

PUBLIC HEARING - Consideration of a proposed resolution adopting Revised Logan Light and Power Residential, Commercial and Industrial Electrical Rate Schedules – Resolution 19-51

At the September 17, 2019 Council meeting, Logan Light & Power Director Mark Montgomery addressed the Council regarding the proposed resolution. The resolution

includes all of the rates and fees in one resolution and other minor corrections were presented.

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 Vice Chair Anderson to approve Resolution 19-51 as presented. Motion carried unanimously.

WORKSHOP ITEM:

No workshop items were presented at tonight's 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 6:20 p.m.

Teresa Harris, City Recorder