

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, December 3, 2019 at 5:30 pm 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 and Councilmember Tom Jensen. Administration present: Mayor Holly H. Daines, Finance Director Richard Anderson, City Attorney Kymber Housley and City Recorder Teresa Harris. Electronically: Councilmember Jess W. Bradfield.

Chair Simmonds welcomed those present. There were approximately 42 in attendance at the beginning of the meeting.

### **OPENING CEREMONY:**

Councilmember Herm Olsen gave the opening thought and led the audience in the pledge of allegiance.

Chairman Simmonds announced this is Councilman Olsen's last meeting serving on the Logan Municipal Council and she thanked him for his service over the past 12 years.

Mayor Daines also expressed her thanks to Councilman Olsen and presented him with a gift from the City.

**Meeting Minutes.** Minutes of the Council meeting from November 19, 2019 were reviewed and approved with no changes.

**ACTION. Motion by Councilmember Jensen seconded by Vice Chair Anderson to approve the November 19, 2019 minutes as presented and approve tonight's agenda. Motion carried by roll call vote.**

**Anderson: Aye**

**Bradfield: Aye**

**Jensen: Aye**

**Olsen: Aye**

**Simmonds: Aye**

**Meeting Agenda.** Chair Simmonds announced there is one public hearing 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 pm. The next regular Council meeting is Tuesday, January 7, 2020.

Chair Simmonds announced that the December 17, 2019 Council meeting has been cancelled.

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

Logan resident Victoria Cardon addressed the Council and proposed a change to Land Development Code Chapter 17.08.040 regarding the Neighborhood Zoned Use, specifically the number of occupants allowed in a rental unit. She proposed changing it to four unrelated persons, two couples, children under 5 years of age are exempt or on a case by case basis. She owns a home with a mother-in-law apartment and currently she is being forced to evict a couple because they recently had a baby and there is one other single person living in the unit.

Chair Simmonds said one of the challenges is that it cannot be defined as “couples” and is currently defined as “people.”

City Attorney Kymber Housley said that is correct, and because we have a University in Logan, we are limited by State statute to three unrelated or a family.

There were no further questions for the Mayor or Council.

## **MAYOR/STAFF REPORTS:**

### **Carbon Free Power Project Update – Mark Montgomery, Light & Power Director**

Light & Power Director Mark Montgomery addressed the Council and gave a review of the CFPP (Carbon Free Power Project) finances. He stated that up until now, the CFPP overall budget was capped at \$6M. Up to the amount of \$6M, if UAMPS as a group, decides to withdraw from the project, there would be a 100% refund available. If Logan withdraws from the project as an individual participant, there is no refund and Logan City would be obligated to pay its share of the costs up to the date of official withdrawal. The Department of Energy currently has a 100% match for funds spent on the project. So \$3M of the \$6M is covered by the DOE. The other \$3M is shared 50/50 by NuScale (the company developing the small modular reactor technology) and UAMPS. So UAMPS share of this \$6M is \$1.5M. Logan City’s share is the percentage of the project is the Entitlement Share Logan has of the project associated with 5MW. This is 3.268% of \$1.5M or about \$50,000.

Mr. Montgomery continued and said in the recent UAMPS board meeting held November 19<sup>th</sup>, the UAMPS Board of Directors authorized increasing the budget from \$6M to \$9M. This takes us beyond the 100% reimbursement amount (we knew we would cross this threshold before the end of the year (2019). In the Power Sales Contract that Logan City has entered into with UAMPS for the CFPP, in *Section 204 Participant Withdrawal* there are several reasons why a participant may withdraw from the project. One of them is: Section 204(a)(ii) its receipt of notice from UAMPS pursuant to Section 601(f) that the Project Management Committee has approved an amendment to the Budget and Plan of Finance that increases the maximum amount of Development Costs that may be incurred for the then-current phase of the Licensing Period. This occurred at the November UAMPS Board of Directors meeting mentioned above. With this additional \$3M, considering the above-mentioned matching and percentage of Logan’s entitlement share of this project, this represents just under \$32,000 additional money. A

budget amendment for the Power Department is not needed at this time. This is simply to notify the City Council and Mayor of the Budget Amendment and its impact on Logan City's costs associated with this Budget Amendment and there are no additional payments and no risk to go with the additional budget.

Mayor Daines reported on the recent Center Street ribbon cutting and reopening that was held on Saturday, November 30. There was a large crowd that attended the event and she was very pleased with the outcome. There are a few details left to finish such as benches, bike racks and flowers all of which will be completed in the Spring. She thanked the Council, business owners and all those who helped make Center Street happen.

Mayor Daines also reported the next step in regard to the Center Block project is that Dan Lofgren with Cowboy Partners is preparing another rendition of the Center Block project and it will be shown to the business owners at a meeting to be held on December 11, 2019.

No further items were presented.

### **COUNCIL BUSINESS:**

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

Chair Simmonds reported that the Planning Commission will meet on Thursday, December 12, 2019.

Vice Chair Anderson said that during this time of year there are a lot of people in need. She announced that on Saturday, December 8 and again on Saturday, December 21, 2019 there will be a Loaves and Fishes community meal held at the First Presbyterian Church.

She also announced that Sunday, December 8, 2019 in the Logan Tabernacle there is a benefit concert for the Cache Community Food Pantry.

No further items were presented.

### **ACTION ITEMS:**

#### **Consideration of a proposed resolution supporting a Countywide Plastic Waste Management Program – Resolution 19-63**

Councilmember Olsen presented the proposed resolution supporting a Countywide Plastic Waste Management Program. He said there are several local merchants who have indicated they are going to start the process to eliminate single use plastic bags.

Logan Environmental Director Issa Hamud addressed the Council. He stated the Countywide Plastic Waste Management Program has been forwarded to the Solid Waste Advisory Committee and discussions have been held with them. Their response was to conduct a public education program for one year and that year will end March 2020. The expectation is the Solid Waste Advisory Board will adopt the program. The Waste

Management and Education Plan has the support of the Bear River Health Department, Cache County and Utah State University.

**ACTION. Motion by Councilmember Olsen seconded by Vice Chair Anderson to approve Resolution 19-63 as presented. Motion carried by roll call vote.**

**Anderson: Aye**

**Bradfield: Aye**

**Jensen: Aye**

**Olsen: Aye**

**Simmonds: Aye**

**Consideration of a proposed ordinance Enacting Title 8 Chapter 36 of the Logan Municipal Code Prohibiting the Distribution of Disposable Plastic Bags – Ordinance 19-24**

Councilmember Olsen addressed the Council regarding the proposed ordinance which would prohibit the distribution of single use plastic bags. This ordinance was proposed several months ago. There have been several discussions and a public hearing was also held. Some merchants were in favor of prohibiting the bags and some were not. He explained the ordinance only applies to Logan City and he proposed that the Council adopt the ordinance with an effective date of April 22, 2020. If the Solid Waste Advisory Board, the County and/or the City of Logan through the Environmental Department implement the Countywide Plastic Reduction Program then, the need for an ordinance would not be necessary. If the program is not adopted and implemented, then we would still have for Logan City only the prohibition of the distribution of single use plastic bags. He stated the ordinance if adopted tonight can be rescinded and would not take affect in April 2020. He spoke with City Attorney Kymber Housley who doesn't like the idea of adopting and then repealing an ordinance. Councilmember Olsen feels adopting the ordinance makes a statement and shows that Logan City takes this issue very seriously. He has also reached out to Cache County Executive Craig Buttars but has not yet received a response.

Vice Chair Anderson said a discussion was held in March with Cache County and it was stated that Logan City cannot mandate a charge for plastic bags because the County Plan allows for either banning plastic bags or implementing a fee which the City cannot mandate.

Chair Simmonds said she spoke with the Utah League of Cities and Town and they indicated there is the potential that we might have the ability to implement a surcharge in the City.

Mr. Housley responded there is already an adopted fee of \$17.50 for special handling. The Waste Management Plan which would be countywide is either you come up with a plastic management plan that includes banning bags or charge 10 cents per single use bag but as Councilmember Olsen stated that is only part of the problem and there are other plastics that are also a concern and have a greater impact on our landfill. If they fail to implement a Waste Management Plan, then we charge the \$17.50 per ton fee and that is how we are able to do it countywide. This is already in place and we can charge the

\$17.50 now, the idea of taking it to the Solid Waste Advisory Board is to get their support and we don't need them to approve for it to be implemented.

Mr. Housley further explained that it's an either or with the resolution presented tonight. The Council either bans plastic bags or they adopt the Waste Management Plan. The County doesn't have to adopt anything regarding a Waste Management Plan and is something that is done with a surcharge.

Councilmember Jensen asked if the Solid Waste Advisory Board supports the Waste Management Plan.

Mr. Hamud responded they would like to see a public education plan implemented first and the public made aware of the problems with the various kinds of plastics that go into the landfill.

Mr. Hamud further explained that if the Solid Waste Advisory Board recommends approval then it will go to the Cache County Council which is the board of directors for the service area. He said the Waste Management Plan allows him to implement across the board.

Mr. Housley said that is correct because the special handling fee has already been adopted even at the County level.

Mr. Hamud said the Council can adopt the single use plastic ban, but he suggested that if an entity wanted to implement a plan that it would be easier to do than implanting a ban.

Mayor Daines added the \$17.50 surcharge mentioned is per ton for plastics in the waste stream.

Councilmember Jensen said he supports the Waste Management Plan but does not support the ban.

Chair Simmonds asked does each business have to come up with a Waste Management Plan.

Mr. Hamud said the Environmental Department is not going to "police" this issue and would hope that the businesses would take it upon themselves to come up with a plan.

Vice Chair Anderson said the Waste Management Plan assures that it's not just for retail businesses but also includes the producer of plastics. The plastic bag ban only deals with bags that are distributed at businesses. The plan is much more comprehensive and important for getting the word out to the public about plastic usage.

Councilmember Bradfield commented that he would prefer to wait until March 2020 to make sure that Cache County has an opportunity to review the plan and vote on it. He also feels that adopting the ordinance is redundant and we need to work with the County on this issue and give them time to review the plan. He does not feel that a ban is necessary.

Chair Simmonds asked Mr. Hamud why he brought the ordinance back to the Council.

Mr. Hamud responded that he wants everyone to understand that Logan City's interest is much larger than has been discussed. He said any steps taken by Logan City is significant and most of the waste is handled either through Logan or within Logan City through transportation of the waste and then disposal.

Councilmember Olsen said the ban might not be necessary if the Waste Management Plan is implemented in March 2020. He feels the ordinance is a statement to say that Logan City cares and we hope that the other cities and towns in Cache County will also implement a plan to reduce plastics. He feels Logan City needs to be a leader on this issue.

Councilmember Jensen said he likes the Waste Management Plan and feels we can always implement the ban if needed. He worries that a ban now could be a reverse incentive. He stated that if the plan is not implemented by March 1, 2020 then he would consider a reintroduction of the ordinance to ban single use plastic bags.

Councilmember Bradfield said he feels this item is out of order because on the agenda it shows the resolution and ordinance as an "OR" and the agenda was amended after it was approved. He also feels that the County and businesses were of the understating they had until March 2020 and by voting tonight sends the wrong message.

Chair Simmonds explained the word "OR" was placed on the agenda so there would not be confusion and there are two items to consider, a resolution and ordinance.

**ACTION. Motion by Councilmember Olsen seconded by Vice Chair Anderson to adopt Ordinance 19-24 as presented. Motion carried by roll call vote (3-2).**

**Anderson: Aye**

**Bradfield: Nay**

**Jensen: Nay**

**Olsen: Aye**

**Simmonds: Aye**

**Councilmember Bradfield was disconnected and no longer participated in the meeting at this time.**

**PUBLIC HEARING - Budget Adjustment FY 2019-2020 appropriating: \$7,465 for reimbursable State funded police overtime shifts; \$2,100 a reimbursement the Police Department is going to receive from other agencies for hosting a K-9 seminar; \$8,718 a reimbursement the Police Department is going to receive for enforcement of events requested by businesses; \$2,238 funds the Parks & Recreation Department received from the Cache Trails Alliance. These funds will be used for grounds maintenance at the Bridger Bike Park facility; \$10,000 in increase the Fire Department budget for CCEMS funding for vehicle maintenance; \$100,000 to record reimbursement revenue from UDOT on US-91 Turn Lane Agreement – Resolution 19-61**

At the November 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 Olsen to approve Resolution 19-61 as presented. Motion carried unanimously.**

**Councilmember Jensen was excused from the meeting at this time.**

**WORKSHOP ITEMS:**

**Consideration of a proposed resolution adopting Amendment 1 to the Community Development Block Grant (CDBG) Program Year 2017 (PY2017) and Amendment 2 to the Community Development Block Grant (CDBG) Program Year 2018 (PY2018) to the Annual Action Plans (AAP) for the City of Logan – Resolution 19-62 – Mike DeSimone, Community Development Director**

Community Development Director Mike DeSimone addressed the Council and explained the following:

The Logan City CDBG adopted Annual Action Plan (AAP) for PY2017 and Annual Action Plan (AAP) PY2018 requires amendment.

**PY2017 Projects that have been completed with remaining funds:**

**PY17 - 100 W. Golf Course Road – remaining funds \$23,475.78**  
**PY17 – 1400 N 200 E Sidewalk – remaining funds \$39,370.27**

**PY2018 Projects that have been completed with remaining funds:**

**PY18 - 300 W 600 S Sidewalk – remaining funds \$2,619.19**  
**PY18 – 200 W 1300 N Sidewalk – remaining funds \$7,380.46**

**TOTAL FUNDS TO BE REALLOCATED \$72,845.70**

Through consultation with Department/Division Managers from the Streets, Public Works & Recreation Departments, it has been determined to reallocate funds to:  
**\$36,422.85 to PY18 600 E. Pedestrian Improvement project**  
**\$36,422.85 to PY17 Park Access & Mobility – West Willow Park Improvements**

The proposed resolution will be brought to Council for a public hearing following a 30-day comment period to be held on January 7, 2020.

**Budget Adjustment FY 2019-2020 appropriating: \$9,200 fund balance toward election costs – Resolution 19-64 – Richard Anderson, Finance Director**

Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustment for additional costs for the 2019 election most of which were costs related to returned postage.

The proposed resolution will be an action item and public hearing at the January 7, 2020 Council meeting.

No further workshop items were presented.

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

Councilmember Olsen reported that discussions are ongoing with CCEMS and the Bicycle Pedestrian Advisory Committee.

Councilmember Bradfield was no longer participating in the meeting by phone and did not report on his committee assignments.

**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 adjourned at 6:45 pm.

Teresa Harris, City Recorder