

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, November 19, 2019 at 5:35 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 Jess W. Bradfield. Administration present: Mayor Holly H. Daines, Finance Director Richard Anderson, City Attorney Kymber Housley and City Recorder Teresa Harris. By phone: Electronically: Councilmember Tom Jensen.

Chair Simmonds welcomed those present. There were approximately 22 in attendance at the beginning of the meeting.

OPENING CEREMONY:

Council Chair Jeannie Simmonds gave the opening thought and led the audience in the pledge of allegiance.

Meeting Minutes. Minutes of the Council meeting from November 5, 2019 were reviewed and approved with no changes.

ACTION. Motion by Vice Chair Anderson seconded by Councilmember Bradfield to approve the November 5, 2019 minutes as presented and approve tonight's agenda. Motion carried unanimously.

Meeting Agenda. Chair Simmonds announced there are three 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 pm. The next regular Council meeting is Tuesday, December 3, 2019.

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

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL:

Paul Mueller, owner of the Pet Hotel in Logan addressed the Council regarding a proposed revision to the noise ordinance in regard to barking dogs. At the last Council meeting he provided a draft of the revisions and emailed a copy of the revisions to the Council as well. He asked the Council if they had any questions regarding the proposed revisions.

Chair Simmonds stated that Councilmember Bradfield met with City Attorney Kymber Housley and asked If there was an update from this meeting.

Councilmember Bradfield responded that he met with Mr. Housley and Chair Simmonds and they came to the understanding that prior to Mr. Mueller moving into the area where the Pet Hotel is now located it was zoned Industrial. The issue is barking dogs which, falls under the Animal Control ordinance. He stated that he is very pro-business but if a change were made for Mr. Mueller it would change the Animal Control ordinance as well.

Councilmember Bradfield proposed waiting for two weeks to review the proposed ordinance revisions submitted by Mr. Mueller.

Vice Chair Anderson indicated that she would like time to speak with City Attorney Housley regarding the proposed changes to the ordinance.

Chair Simmonds stated the Council will discuss this item again at the December 3 Council meeting and decide where to go from there.

There were no further questions for the Mayor or Council.

MAYOR/STAFF REPORTS:

Proclamation: 2019 Small Business Saturday – Mayor Daines

Mayor Daines read a proclamation proclaiming November 30, 2019 as Small Business Saturday in the City of Logan.

2019 Freedom Fire Report – Russ Akina, Parks & Recreation Director

Parks & Recreation Director Russ Akina addressed the Council and gave a report on Freedom Fire that was held on July 3, 2019. He reported that attendance at Freedom Fire increased this year. Revenue was \$167,889 compared to \$170,736 in 2018.

Tickets Sales:	\$57,131
RAPZ Funding:	\$45,000
Sponsorships:	\$39,750
Donations:	\$873.25
RAPZ Population Split:	\$25,135

Mr. Akina said plans are already being made for Freedom Fire 2020. He also stated said a last-minute change was made to the vendor who provided the fireworks. The new vendor provided a great show and will provide the fireworks again in 2020.

Parks & Recreation Department Reaccreditation – Russ Akina

Mayor Daines announced that the Logan Parks & Recreation Department recently received their reaccreditation. She explained that Logan City Parks & Recreation is the only recreation department in the State of Utah that has received accreditation and must be done every five years. Mayor Daines presented the award to Parks & Recreation Director Russ Akina.

Auditors Report – Richard Anderson, Finance Director and Steve Rowley

Finance Director Richard Anderson addressed the Council and said that State law requires that every general-purpose local government publish within six months of the close of each fiscal year a complete set of financial statements presented in conformity with Generally Accepted Accounting Principles and audited in accordance with Generally Accepted Standards by a firm of licensed Certified Public Accountants. He explained that the City's financial statements have been audited by Keddington & Christensen, LLC, a firm of licensed Certified Public Accountants. He stated that the City has very consistent results and shows strong stability. The City is building reserves in the Cemetery Fund and referred the Council to the Comprehensive Annual Financial Report which gives more details. It also shows that the Logan River Golf Course has worked hard to turn things around financially and he gave credit to Mayor Daines, Council, Logan River Golf Pro Jeff John and Logan River Ground Maintenance Supervisor Randy Oldham for making improvements at the golf course.

Mr. Anderson stated that one thing that is not in the report is deferred maintenance and is not meant to be in the report but is something that we all need to continue to think and plan for in future budgets.

Mr. Anderson introduced Steve Rowley with Keddington & Christensen.

Mr. Rowley reported that their responsibility is to express opinions on the City's financial statements based on their audit. In their opinion, the City of Logan has complied in all material respects, with the State compliance requirements for the year ended June 30, 2019.

Mr. Anderson stated the complete report can be found on the Logan City website.

No further items were presented.

COUNCIL BUSINESS:

Planning Commission Update – Chair Simmonds

Chair Simmonds reported that the Planning Commission heard a request regarding a proposed new cell tower.

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

Chair Simmonds reported that Councilmember Tom Jensen recently had surgery so he will report on his board and committee assignments at a future meeting.

Vice Chair Anderson reported on the recent Library Board meeting. She thanked the Library staff for their recent Halloween event where over 800 were in attendance. She also thanked Library Board Member Robert Schmidt who will be going off the Board and she thanked him for his service. She also attended the recent Audit Committee meeting

and she thanked Brett Hugie who is the current Chair. The Economic Development Committee met and discussed the Center Street and downtown projects. The CCEMS Board will meet this week. RECAB also met and continue to discuss the roadmap for renewable energy.

Councilmember Bradfield also announced that the Historic Preservation Committee met yesterday and continued the discussion on the demolition of the Emporium building.

Mayor Daines added that the next Historic Preservation Committee meeting is scheduled on Monday, December 16, 2019 to allow more time for Dan Lofgren with Cowboy Partners to provide additional information. She would also like more time to hold a meeting with the downtown business owners.

Chair Simmonds reported that she serves on the Airport Authority Board and they have not met at this time. She also attended the recent Audit Committee meeting and attended the Public Arts Committee meeting which was for the neighborhoods but only herself, Councilmember Jensen and the consultant were in attendance.

Board Appointments (RECAB) – Chair Simmonds

Chair Simmonds asked for ratification to appoint Drew Michener and Tim Woodruff to serve on the Renewable Energy Conservation Advisory Board (RECAB) which, is a three-year term.

ACTION. Motion by Councilmember Olsen seconded by Vice Chair Anderson to approve ratification of Drew Michener and Tim Woodruff to serve on RECAB as presented. Motion carried unanimously.

No further items were presented.

ACTION ITEMS:

Determination on whether to grant a request for disconnection from Wesley Nelson Farm, Inc.

***Councilmember Tom Jensen joined the meeting by phone at this time.**

At the October 15, 2019 Council meeting, Attorney Dan McDonald with McDonald/Fielding Law Office addressed the Council. Mr. McDonald stated that he represents the applicant Wesley Nelson Farms. He said the Council has received the supporting documents regarding the Request for Disconnection from Logan City and Notice of Intention to Petition for Annexation into Nibley City. He said there is a long history between his client, Wesley Nelson Farms and Logan City, not all good but not all bad. His client wants to develop his property and Logan City cannot immediately provide the needed connections and infrastructure to accomplish this goal. In contrast, Nibley City has the ability and the desire to provide the necessary connections and municipal infrastructure. They have already approved multiple resolutions making the farm part of Nibley City's annexation policy and part of its masterplan. The Logan Municipal Council

has had many discussions on the record recognizing and expressing a desire to adjust the boundaries so that land East of SR 89/91 is annexed into Nibley City from 2200 South to 3200 South which, is where this property is located. What he is giving the Council in the disconnection application is an amicable way to resolve the ongoing disputes. Once the disconnection is granted, Wesley Nelson Farms will no longer be part of Logan City and largely moots, all prior legal issues that exist between Logan City and his client. On the other hand, if the City denies the request for disconnection it will leave his client with only one legal alternative under the statute which is to seek an appeal of the disconnection decision to the District Court and he is prepared if that were to happen. His hope is that the Council has reviewed the disconnection information and can see the logic and reasoning behind his client's desire to disconnect from Logan City. He, therefore, submits the application and all of its exhibits to the City Council for their decision. He respectfully requested a disconnection from Logan City.

City Attorney Kymber Housley addressed the Council and stated the process for a disconnection is spelled out in State statute. A public hearing was held on October 15, 2019 and there were some public comments made. Discussions regarding the Nelson Farms has been going on for the past four years and we are now at the point where a formal application for disconnection has been submitted. He explained that the Council has before them tonight a resolution to deny the disconnection and an ordinance to grant the disconnection.

Mr. Housley also clarified language in the proposed ordinance and because it does not go to the centerline of Highway 89, the ordinance has the following legal description, "shall be disconnected from City of Logan jurisdiction with the legal description of the West boundary line of the disconnection being adjusted to the centerline of Highway 89". This is important in order for both sides to have access and we don't want to manage an access for a development that's on the other side of the road. When the City does any type of boundary line adjustment or annexation we always try and go to the centerline of the road.

Councilmember Bradfield said he wished that something good would have come out of the discussions between Logan City and the applicant.

Councilmember Olsen stated that he is conflicted with the disconnection.

Vice Chair Anderson stated the City of Logan's lack of ability to service the Wesley Nelson Farms area with utilities is what she is taking into consideration.

Chair Simmonds stated that she has been involved in discussions with the applicant for a long time and while she would have liked to have a different outcome, she agrees with Vice Chair Anderson.

ACTION. Motion by Vice Chair Anderson seconded by Councilmember Bradfield to adopt Ordinance 19-23 as presented to approve the disconnection of Wesley Nelson Farm, Inc from the City of Logan. Motion carried by roll call vote (3-2 Bradfield and Olsen voted nay).

Anderson: Aye

Bradfield: Nay

Jensen: Aye

Olsen: Nay

Simmonds: Aye

City Attorney Housley added there is still an opportunity for the Council to meet with Nibley City and work out some of the issues that may align the boundary on the East side and adjust it with the West side. There is still an opportunity to correct some of the boundary issues.

***Councilmember Tom Jensen was disconnected by phone at this time.**

PUBLIC HEARING – Consideration of an annexation filed by Del Ray Campbell for the purpose of annexing property into the City of Logan located immediately North of 2200 South and West of 900 West, consisting of approximately 25.14 acres – Ordinance 19-22

At the October 15, 2019 Council meeting, Community Development Mike DeSimone addressed the Council regarding the proposed annexation petition. Del Ray Campbell, property owners, and Dan Larsen, applicant, are requesting annexation of approximately acres into Logan City. The property is located at 2011 South 800 West which is North of 2200 South and West of 800 West and is within Logan City's Annexation Policy Plan. The property is currently used for agricultural operations and is adjacent to a new multi-family project to the southwest, an ATV sales/service business to the North, warehousing to the Northeast, agricultural to the East, and Nibley City to the South (recreation, open space and residential uses).

He further explained that the future Land Use Plan map identifies the site as Mixed Residential (MR) which is consistent with the adjoining property to the West. The Plan designates the property to the North as Commercial. The proposed zoning is Mixed Residential Medium (MR-20).

The City Recorder certified the Annexation Petition on October 15, 2019. The annexation was publicly noticed as were the affected governmental entities, including both school districts, as required by State Law. This site is not located within the Logan City School District boundaries.

Mr. DeSimone added the Cache County Council met regarding the annexation and their one condition is that the annexation include all of the right-of-way South of 2200 and the entire right-of-way on the Eastern boundary and the entire boundary North along Millville's jurisdiction and our jurisdiction. If we have to annex the entire road going North then, we are responsible for encroachment permits with Millville. We should maintain roadways within our jurisdiction but to annex a right-of-way that is not adjacent

to our jurisdiction he feels is wrong. He proposed the Council consider approving the annexation as presented to the centerline.

Chair Simmonds opened the meeting to a public hearing.

Dan Larsen, proponent of the proposed annexation addressed the Council. He expressed his appreciation working with the City on the annexation process. One of the reasons they would like to annex into Logan City is for the infrastructure that will support development in the proposed area.

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

ACTION. Motion by Vice Chair Anderson to adopt Ordinance 19-22 as presented. Motion failed for lack of a second.

Councilmember Olsen expressed his concern which, is longstanding and has nothing to do with the applicant or the proposed annexation. His concern is the immoral position that the property taxes of the proposed property being annexed into Logan City will go to the Cache County School District and not to the Logan City School District.

Chair Simmonds and Vice Chair Anderson responded this is something that Logan City has no control over.

Mr. DeSimone added this is determined by the State of Utah.

City Attorney Kymber Housley commented the concerns of Councilmember Olsen are flawed. School districts are different political subdivisions and those living in Logan City boundaries can still attend County schools. There is nothing that says the taxes have to go to Logan schools. If they are currently in the Cache County School District boundaries, the fact that we change our boundaries does not change school district boundaries.

Councilmember Olsen added the difficulty is that yes, any future students who may live in this area may go to County schools but, they may also go to Logan City schools and then the Logan City School District is paying to educate those students. He acknowledged this is not something that Logan City can correct and is only something that can be corrected through the State Legislature. He feels that it's wrong and he will not support it.

Vice Chair Anderson added it is not the entire property tax amount that goes to the schools, only a portion.

Councilmember Olsen stated that because he resides in Logan City, he supports the Logan City School District.

Councilmember Olsen said he spoke with Representative Dan Johnson about this issue and will continue to remind him of his concern.

Vice Chair Anderson commented that given the fact that Logan City still approves property taxes and we can service this location and the surrounding properties are part of Logan City, she supports the proposed annexation.

Councilmember Bradfield stated that his concern is that our school districts are hurting.

Finance Director Richard Anderson added that financially speaking, if the Council feels this is a good development, we want them in Logan City boundaries.

Mayor Daines commented with the current school choice policy is in place, those students living in the proposed annexed area can attend any school they choose.

Mr. Housley added that is currently whether annexed or not. The per pupil assessment is still in place so if they choose to attend Logan City schools the school district still receives the assessment, they just don't receive the property tax portion. There are students living in Logan City that attend schools in the County.

***Councilmember Jensen is watching the meeting at home, called in and joined the meeting again, electronically.**

Councilmember Bradfield made a friendly amendment and asked if Vice Chair Anderson would consider continuing Ordinance 19-22 to the December 3, 2019 Council meeting.

Vice Chair Anderson declined the friendly amendment.

Mr. Housley clarified that Councilmembers can participate in Council meetings electronically and this is stated on the Council Agenda. Admittedly, it is unusual for a Councilmember to call in during the meeting but, there were technical difficulties and Councilmember Jensen has been watching and listening to the entire meeting online.

ACTION. Motion by Vice Chair Anderson seconded by Councilmember Jensen to adopt Ordinance 19-22 as presented. Motion carried by roll call vote (4-1 Olsen voted nay).

Anderson: Aye

Bradfield: Aye

Jensen: Aye

Olsen: Nay

Simmonds: Aye

PUBLIC HEARING - Consideration of a proposed ordinance to vacate a certain Public Utility Easement in the Amended Copper Springs Phase 3 Subdivision Plat between Lots 6 and 7, located at approximately 225 and 255 North 950 West in Logan, Utah - Ordinance 19-21

At the November 5, 2019 Council meeting, Logan City Engineer Bill Young reported on a request for vacation of a Public Utility Easement on the Northeast corner of 200 North and 1000 West for a boundary line adjustment. Presently, the easement runs from North to South. The property owner would like it to run from East to West. As the boundary

line adjustment is recorded for this property, the new utility easement will also be recorded.

Chair Simmonds opened the meeting to a public hearing.

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

ACTION. Motion by Vice Chair Anderson seconded by Councilmember Olsen to adopt Ordinance 19-21 as presented. Motion carried by roll call vote.

Anderson: Aye

Bradfield: Aye

Jensen: Aye

Olsen: Aye

Simmonds: Aye

PUBLIC HEARING - Budget Adjustment FY 2019-2020 appropriating: \$4,444 donated funds toward Center Street landscaping and holiday parade; \$20,000 additional RAPZ funding received from Cache County for installation of safety signals for the Logan Middle Canal Pathway – Resolution 19-60

At the November 5, 2019 Council meeting, Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustments.

Chair Simmonds opened the meeting to a public hearing.

Logan resident Gail Yost addressed the Council and asked where the safety signals will be located and will any of these be located in the Wilson Neighborhood.

Mayor Daines responded the signals will be located in the Adams Neighborhood between 600 East and 700 East on 900 North.

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

ACTION. Motion by Councilmember Bradfield seconded by Councilmember Olsen to approve Resolution 19-60 as presented. Motion carried by roll call vote.

Anderson: Aye

Bradfield: Aye

Jensen: Aye

Olsen: Aye

Simmonds: Aye

***Councilmember Tom Jensen was disconnected and no longer participated electronically.**

WORKSHOP ITEM:

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 – Richard Anderson, Finance Director

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 December 3, 2019 Council meeting.

No further workshop items were presented.

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 6:55 pm.

Teresa Harris, City Recorder