

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, July 7, 2020 at 5:30 pm in the Logan Municipal Council Chambers located at 290 North 100 West, Logan, Utah following social distancing guidelines. The number of in-person attendees was limited based on social distancing of 6 feet which resulted in less than 50 people allowed in the Council Chambers. All guests were asked to sign in and it was strongly recommended that all those in attendance wear a mask. Overflow space was available with appropriate social distancing and video access. Logan Municipal Council Meetings are televised live as a public service on Channel 17, City of Logan Facebook page: <https://www.facebook.com/cityoflogan> and KSL live at <https://live.ksl.com/>.

Councilmember's present at the beginning of the meeting: Chair Amy Z. Anderson, Vice Chair Tom Jensen, Councilmember Mark A. Anderson Councilmember Jess W. Bradfield and Councilmember Jeannie F. Simmonds. Administration present: Mayor Holly H. Daines, City Attorney Kymber Housley, Finance Director Richard Anderson and City Recorder Teresa Harris.

### **OPENING CEREMONY:**

Kathy Chudoba from St. Thomas Aquinas Church gave the opening thought on service in the community. Chair A. Anderson led the audience in the pledge of allegiance.

**Meeting Minutes.** Minutes of the Council meeting held on June 16, 2020 were reviewed and approved with no changes.

**Meeting Agenda.** Chair A. Anderson announced there are three public hearings scheduled for tonight's Council meeting.

**ACTION. Motion by Councilmember Bradfield seconded by Councilmember M. Anderson to approve the June 16, 2020 minutes as presented and approve tonight's agenda. Motion carried unanimously.**

**Meeting Schedule.** Chair A. Anderson 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, July 21, 2020 and will be a public meeting.

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

Chair A. Anderson explained that the Questions and Comments portion of the agenda is suspended at this time. She indicated that comments or questions can be emailed to: [teresa.harris@loganutah.org](mailto:teresa.harris@loganutah.org), who will distribute to the Mayor and Councilmembers. She stated that under Other Considerations on tonight's agenda the Council will be taking the time at the end of the meeting the Council will address any comments or questions that come to them during the open comment and question period as well as address any emails that are received. This is being done in order to better connect with the appropriate person to answer those questions and so the Council can react and include all those that might be impacted or affected.

## **MAYOR/STAFF REPORTS:**

No Mayor/Staff Reports were presented.

## **COUNCIL BUSINESS:**

### **Planning Commission Update – Councilmember Bradfield**

Councilmember Bradfield reported on the Planning Commission meeting held on June 25, 2020. The Commission discussed the Brown Warehouse Mixed-Use Project Rezone, Global Property Town Home Rezone, and the Citywide Zoning Map Amendment all of which will move forward and be heard by the Council on July 21, 2020. The Commission also heard a proposal from Canyon Cares Pet Boarding which is located in a Commercial Services Zone and Bad Apple Eddy's which was a request for a Conditional Use Permit for a water sport activity shop, both of which were approved. A North Retail Development was also approved for a 11,500 square ft. development at 1700 North Main.

Councilmember Simmonds added that the Canyon Cares Pet Boarding will be run by Cache County and is a temporary County facility until they are able to build a permanent facility.

### **Other Committee Updates – Council**

Councilmember Simmonds gave an update on the Voting Redistricting Subcommittee of which, she is the Chair. The subcommittee met for the first time and will meet again this week.

Councilmember M. Anderson reported that the Parks & Recreation Advisory Board met to discuss the South Deer Pen property and the possibility of a substation being located in this area. The Parks staff also reviewed what they are planning for the Stewart Nature Park.

### **Joint Meeting with Nibley City – Chair Anderson**

Chair A. Anderson announced that a Joint Council meeting with Nibley City scheduled for July 9 was cancelled due to someone from their City being quarantined. This meeting will be rescheduled to a later date and the public will be notified.

No further Council Business items were presented.

**ACTION ITEMS: Chair A. Anderson explained that those wishing to speak during the public hearing portion of the meeting must sign in and queue up with social distancing maintained. Masks are strongly encouraged.**

**PUBLIC HEARING – Consideration of a proposed CCCOG application for funding of the 100 West, 600 West – Hwy 89/91 Project**

Public Works Director Paul Lindhardt addressed the Council regarding the proposed Cache County Council of Governments (CCCOG) application. The CCCOG is a Council of all the Mayor's in the County that prioritize and suggest a distribution of funding to the County to approve for projects. He explained this is the 100 West project from 500 South to Highway 89/91. This project is part of our Transportation Master Plan and part of the CMPO's Long Range Transportation Master Plan and has been in our budget on the Capital Improvement Plan for several years. The intention is to submit an application to the CCCOG for funding of this project because we consider this to be regionally significant. They have added a requirement to their application process this year, that there needs to be clear documentation of a public hearing for every project. There is no vote needed from the Council, only a public hearing needs to be held. The proposed project includes a bridge over the Logan River at 100 West adjacent to the new Logan Gateway project it also includes a connection from the 500/600 South area over the river and then improvements through the business district across Golf Course Road and eventually onto Highway 89/91. Part of the road will be constructed by the developer of the project. The project is being designed so it can be completed in phases depending on budget and depending on how the application with the CCCOG goes. There is not an exact dollar amount at this time, and they are working on estimates to see how it falls in line with what the City has budgeted for the future. The deadline for the application is August 2020.

Chair A. Anderson opened the meeting to a public hearing.

Logan resident Morris Poole addressed the Council and stated that he has been at the junction of 100 West Highway 89/91 and it's one of the worst in the City when it comes to rush hour and he hopes the City is creating a left hand turn lane, right hand turn lane and a straight lane. If the City has not planned for those lanes then, he said do not build the road.

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

Mr. Lindhardt stated this will be an 80-foot right-of-way because of existing properties versus new development it does vary a little with what they are building. The park strip might be a little wider or a little narrower in some areas. Currently there will be one lane in each direction with a median and parking on one or both sides. Right now, the design includes a free right-hand turn with a merge lane similar to 10<sup>th</sup> West.

### **Consideration of a proposed resolution adopting Revised Water Rates – Resolution 20-29**

Public Works Paul Lindhardt addressed the Council regarding the proposed resolution. He explained that in preparing resolution 19-28 for revised Water Classifications and Rates, the 'USU Other – 1<sup>st</sup> 24 Mgal' fees were calculated incorrectly for years 2020, 2021, and 2022. This rate can be found in the USU CONSUMPTIVE RATE CHARGES TABLE. The proposed resolution only changes the calculated rate while the proposed percentage change (3%) in Resolution 19-28 stays the same. Thus, fixing the mathematical error made in the previous resolution. Every other rate remains identical to

Resolution 19-28. Paul explained that because this is a rate change there does need to be a public hearing which is scheduled on July 21, 2020 and the Council will vote on the rate change at that time.

**PUBLIC HEARING – Consideration of a proposed rezone in the Hillcrest Neighborhood of approximately 8.37 acres of property located at approximately 1250 North 1300 East from Suburban Neighborhood Residential (NR-4) to Traditional Neighborhood Residential (NR-6) – Ordinance 20-06**

Chair A. Anderson explained that at the April 7, 2020 Council meeting, Planner Russ Holley first presented the proposed ordinance. It was postponed until now because the Council stopped holding in person Council hearings and having a virtual meeting was not conducive to allowing people to come and speak. It was postponed until now so an effective public hearing could be held.

Planner Russ Holley addressed the Council and gave an overview of the proposed rezone.

**PROJECT INTRODUCTION**

The proponent (Nic Porter) is requesting to rezone approximately 8.37 acres at approximately 1250 N. 1300 E. from the current zone of NR-4 to NR-6. The square-shaped property slopes slightly downward from east to west and sits between older single-family homes to the east and the currently under-construction foothill lofts apartments to the west. To the south, sits two churches and the land is vacant to the north. The applicant is also requesting a 46-lot single-family subdivision with lot sizes ranging from 6,002 SF to 6,508 SF. The layout creates two small new blocks and an outer perimeter of lots with 35' wide roads throughout the proposed subdivision.

**BACKGROUND INFORMATION**

This 8.37-acre piece was part of the 19.36-acre property that was historically used for gravel extraction in association with the Legrand Johnson Construction Company. Approximately three years ago, the business ceased operations on the site. The split zoning designations of Mixed Residential Medium (MR-20) and Suburban Neighborhood Residential (NR-4) was established in July of 2017 with the Logan City Council ORD# 17-17, approving 9.0 acres of MR-20 (180 dwelling units) and the remaining ~10 acres as NR-4 single-family residential zoning. With the construction of the foothill lofts apartment complex on the 9 acres and the street dedication of 1300 East, the remaining NR-4 area became 8.37 acres in size. To reach this agreement of 9 acres of MR-20 and the remaining areas to be NR-4, which was codified with the ordinance adoption, it took numerous months of engaging well-attended public meetings and debates. Both sides of the debate, one being the need for more multi-family housing near the University and the other being a desire for more opportunities for larger single-family homes that would result in more families moving into the neighborhood, eventually resulted in both positions compromising and agreeing on splitting the property into two zones. Subsequent to the multi-family project, the NR-4 area was approved for a 19-lot single-family subdivision with 60' streets and 10,000 SF minimum lots sizes. This subdivision was not opposed by the surrounding neighborhood because it aligned with the agreement. Prior to final plat recordation of the 19-lot subdivision, the property was sold to a

different party and the final plat was never recorded. The new property owner is the applicant for this request.

### **GENERAL PLAN / PROPERTY HISTORY**

The Future Land Use Plan (FLUP), within the Logan City General Plan, identifies this property as Detached Residential (DR). DR areas are described as single-family home developments with a range of density listed as 4 to 6 dwelling units per acre. The General Plan is not a regulatory document, just a guiding and visioning document. Regulations associated with land use and specific development standards are found in the Logan City Land Development Code and the Logan City Official Zoning Map. These documents specify development standards. In 2017, the Community Development Department under the direction of the City Council conducted a citywide downzone that included several single-family areas within the city being zoned from NR-6 to NR-4. These neighborhoods were either developed at approximately four dwellings per acer or vacant areas intended to be developed at four units per acre. They included areas of Hillcrest, Cliffside, and Woodruff Neighborhood.

### **DENSITY**

The NR-4 zoning district allows up to four (4) units per acre and a 10,000 SF minimum lot size and a 90-foot minimum lot width. The NR-6 zoning district allows up to six (6) units per acre, a minimum lot size of 6,000 SF and a minimum lot width of 50'. The proposed subdivision has a gross density of 5.49 units per acre and lot sizes in the subdivision range from 6,002 SF to 6,508 SF.

### **SETBACKS**

The LDC requirements for building setbacks in both the NR-6 and NR-4 zones are as follows (as measured from property lines):

Front:	25'
Corner	20'
Side:	8'
Rear:	10'

As new homes are proposed on individual lots, setbacks will be reviewed and approved by City staff prior to issuing a building permit. The existing single-family home lot complies with setback standards. Pending the outcome of the rezone request, density, lot size and lot width will comply with the zoning requirements of the LDC.

### **STREETS**

The proposed subdivision includes private streets that connect in two locations to the new 1300 East street. The subdivision includes additional streets of 1220 N., 1280 N., 1335 E. and 1370 E. All of the proposed private streets have 35' cross-sections based on the Private Street Cross Section found in the Logan City engineering standards. The proposed street has a 20' pavement width, a 2.5' mountable curb on both sides, and a 5' park-strip and 5' sidewalk on one side.

While the LDC does permit private roads, the code specifies that all privately owned streets shall be designed, built, and maintained to the same standard as public streets. Staff finds that the proposed private street cross-section is inadequate for the proposed

development. The proposed street cross-section, while found in the City's engineer standards, is intended to be used for small subdivision, such as flag lots, that have only one street connection and 8 or less units. The proposed street cross-section lacks amenities that are expected for residential street in a subdivision of this size, such as on-street parking and sidewalks along both sides of the street. For residential blocks, as proposed in this subdivision, the Logan City engineering standards and Transportation Master Plan specify a 60' street cross-sections. The residential cross-section standard includes two 11.5' traffic lanes, on-street parking, and an 8' park-strip and 4' sidewalk on both sides of the road.

The LDC requires 3 points of connection for subdivisions greater than 20 lots. The subdivision proposes 2 points of connection onto 1300 East and two street-stubs on the north and south side. These stubs are located in areas that would be considered impracticable future street connections. One leads to the back yard of an existing home and the other leads to the middle of the church property to the south. A subdivision can be approved with less than 3 connections where physical conditions of the site or abutting properties preclude street connection. In this case with extreme topography to the north and existing development in the surrounding locations an exception could be considered. A possible future street stub is located at the northeast corner that could eventually connect through vacant land to 1400 E and to the single-family neighborhoods located to the east. As conditioned, with appropriate street cross-section widths and street grid connectivity, the access and streets meeting the requirements in the LDC.

#### **SUMMARY**

Because of all the time effort and energy put into the compromising agreements made on this property within the last three years by numerous stake holders that included a large portion of the surrounding neighbors, previous property owners and Logan City elected officials to reach the current result, staff considers this rezone request inappropriate. An expectation was established with these agreements and this request compromises that. The applicant purchased the property knowing that the NR-4 zoning was established, and the 19-lot subdivision was permitted and approved.

#### **RECOMMENDED FINDINGS FOR DENIAL OF THE REZONE**

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

1. The rezone request is inappropriate and violates the compromising agreements forged by the previous property owners and the surrounding neighborhood citizens.
2. The rezone request would result in incompatible lots sizes as compared to the immediately adjacent existing homes in the Hillcrest Neighborhood.
3. The Logan City FLUP indicates the area as DR, which could mean either NR-4 or NR-6 based on the site-specific conditions or surrounding neighborhood composition.

#### **RECOMMENDED CONDITIONS OF APPROVAL PENDING THE OUTCOME OF THE REZONE**

*This project is subject to the proponent or property owner agreeing to comply with the following conditions as written, or as may be amended by the Planning Commission.*

All standard conditions of approval will be recorded with the Subdivision Permit and are available in the Community Development Department.

Forty-six (46) new single-family lots and two open space areas are approved with this subdivision permit.

All street cross-sections must provide two travel lanes, on-street parking on at least one side of the street, and a sidewalk and park strip on both sides of the street.

Street trees shall be provided on both sides of all streets every 30' on center.

Three (3) street connections shall be provided. The third connection shall be provided at the northeast corner of this property for future connection to 1400 E.

If it is determined by the Planning Commission that the third street connection is not required, a sidewalk stub shall be provided that leads to the northeast corner of the subdivision creating the opportunity for a pedestrian connection to 1400 East and from this neighborhood to the neighborhoods to the east.

The open spaces shall be designated as not buildable on the final plat.

The final plat shall be recorded within one (1) year of this action or comply with LDC 17.58 Expirations and Extensions of Time.

Prior to recording of a Final Plat or issuance of a Building Permit, the Director of Community Development shall receive a written memorandum from the following departments indicating that their requirement has been satisfied:

Place hydrants within 600 feet of all buildable area of all lots.

Roads between 1300 East and 1335 East shall be a public road and shall be 66' in width.

All other roads shall be a minimum of 60' unless approved otherwise by planning commission.

Provide water shares or an in-leu fee for increase water demand on City system.

Provide storm water detention/retention per Logan City storm water design standards.

This shall include the full retention of the 90% storm event on site and the use low impact design methods for the retention of the 90% storm event.

The minimum pavement section for this development shall be 3" of asphalt, 4" untreated base, and 12" of granular borrow. Provide a geotechnical report with the California Bearing ratio at subgrade of the pavement section, if less than 5 provide an engineered pavement section.

Provide CC&R's for HOA maintenance of storm water pond, swales, utility lines, roads, and any other items which are private.

Provide a storm water maintenance agreement.

Provide all private utility agreements required for all private utility lines.

Provide landscaping irrigation meter(s) for detention/retention ponds and open spaces separate from individual lots. These to be assigned to Homeowners Association.

All landscape irrigation system's fed from Logan City water must have a high hazard backflow assembly installed and tested. No dual source feed systems allowed without Logan Cities prior approval and installation criteria (RP & swing joint) is met and inspection is passed.

All backflow assemblies must be tested within 10 days of turning in water to them and annually thereafter.

Water meter setters must meet City standards.

All points of use of water must comply with the 2018 IPC and State of Utah Amendments, during and after construction.

**RECOMMENDED FINDINGS FOR APPROVAL FOR THE SUBDIVISION PERMIT**

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

Each lot conforms to the requirements of Title 17 of the Logan LDC in terms of lot size and development requirements for the zoning district in which it is located.

The Subdivision Permit conforms to the requirements of Title 17.47 concerning hearings, procedures, application requirements and plat preparations.

The project met the minimum public noticing requirements of the Land Development Code and the Municipal Code.

Infrastructure and utilities are adequate in size to handle anticipated traffic and use.

**RECOMMENDATION**

Staff recommended that the Planning Commission recommend **denial** to the Municipal Council for a Rezone of approximately 8.37 acres of property located at approximately 1250 N. 1300 E. (TIN# 05-011-0005) from Suburban Neighborhood Residential (NR-4) to Traditional Neighborhood Residential (NR-6). Contingent on the outcome of the rezone, Staff recommends that the Planning Commission require a resubmittal of the Preliminary Plat that substantially complies with the recommended Conditions of Approval for final review and approval.

Land use adjoining the subject property

<i>North:</i>	NR-4: Vacant	<i>East:</i>	NR-4: Residential Uses
<i>South:</i>	NR-4: Religious Uses	<i>West:</i>	MR-20: Multi-Fam. Residential Uses

On February 27, 2020, the Planning Commission recommended that the Municipal Council **deny** a rezone from NR-6 to NR-4 at approximately 1250 North 1300 East (5-1).

Mr. Holley stated there were several stakeholders involved with the Wasatch Lofts apartment project. Originally it came through Kartchner Homes and it was zoned MRH at the time and a lot of the neighborhood wanted more of a buffer and wanted more separation. They were concerned about views and there was a voluntary deed restriction placed on the property, so they had to build lower profile buildings. Both sides negotiated and it ended up being a split zone, 11 acres of multifamily with a cap of 180 units and it was built right to the cap and the remainder was to be residential. The deed restriction remains in place and is recorded on the property with the height limit being 35 feet.

Chair A. Anderson explained that each speaker during the public hearing will be given three-minutes to address the Council.

Chair A. Anderson opened the meeting to a public hearing.

Developer and proponent Craig Champlin addressed the Council. Mr. Champlin said he has been building 55 and older home areas for over 30 years and feels he provides quality, well-made homes. He said it is hard to find property where you can build a 55 and older project especially in Logan which is where people want to live. When he initially purchased the property he knew it was zoned NR-4 but he and his staff thought



they had a good project for this property and in Logan there is a housing shortage and some of the shortage can be improved through quality density. He feels the only legitimate objection could be safety because other than that, if it is a good project and it does not cause unsafe conditions and he feels the project should be considered. He hopes the Council will consider the project on its merits.

Gary Swanson – Mr. Swanson lives in North Logan and has been looking at some of the 55 and older communities. He spoke in support of the project and asked the Council to consider approval.

Marc Leager – Mr. Leager lives at 1211 North 1400 East which is near the proposed project area. He is very grateful that his neighbors made the agreement regarding the control of density for this area. He said the current project being built of apartments and townhomes is a monstrosity but the neighborhood, property owner and the City agreed to the apartments and townhomes being built and that it would be NR-4 to the East and MR-20 to the West. The neighborhood is willing to stick with their side of the agreement, but Mr. Champlin thinks he can put up a project that will be beautiful and compatible so much that the City should abrogate the agreement. He learned there were six people that submitted comments in support of the project, and several were curious as to the reason for their support. It was discovered that four of those in support live at or in the Shadow Mountain area. The area of Shadow Mountain was compared to two of Mr. Champlin's developments he said aerial views were submitted to the City Council. The difference of these three areas was stark. Shadow Mountain is a beautiful area of rolling roads, homes, and a lot of green space. Mr. Champlin's developments are alleyways with rows of houses and minimal green space. He asked the Council to consider the agreement that has been made and vote to deny the rezone.

Janet Osborne – Mrs. Osborne lives at 384 East 1075 North in the Midtown Meadows development. She has been very impressed with Mr. Champlin's housing projects and the 55 and older communities are an asset to the neighborhood. They have rules and regulations for the upkeep of the properties and ensure the property values because they are not unkempt. She feels Midtown Meadows are not "cookie cutter" homes and are very attractive and well-built homes. She also feels that Mr. Champlin builds quality projects.

Zane Atkinson – Mr. Atkinson said his property adjoins the proposed rezone property to the North. When he purchased his property, the zoning was much less dense, and he moved there for the safety of the neighborhood. The proponent purchased the property knowing what the zoning was and there was an agreement in place. The neighborhood likes what they have and wants to keep things the way they are now. He asked the Council to deny the request for a rezone.

Rick Champlin – Mr. Champlin said that the R-4 to R-6 in regard to density is not a huge change and he feels it is a good buffer zone from the multifamily project for the Neighborhood to the East. He said the cost of construction continues to rise and having the NR-6 zone allows the possibility to break down the costs among more homes and keep at an affordable price for buyers.

Dixie Poole – Mrs. Poole said the Logan City Schools have lost enrollment for several years. She said it used to be the Adams and Ellis Neighborhood were losing students but last year the largest decrease in students was in the Hillcrest and Wilson neighborhood so now the entire City is impacted. The Herald Journal wrote an article which stated that households are moving from Logan City out into the County and she said what Logan does not have is a sustainable neighborhood where people will stay. She said we need families in Logan and an area for median entry level households. She asked the Council to deny the rezone.

Brent Carruth – Mr. Carruth lives at 1565 East 1260 North. He has been participating in hearings regarding this area since 2012. He urged the Council to deny the request to rezone the property.

Michelle Perry – Ms. Perry lives 1221 North 1400 East. She moved into the Hillcrest area 25 years ago because it was a family area near the Lundstrom Park. The area needs families and they need to fill the brand-new school. She said this is as great area to build homes for families and not a 55 and older community.

Mayor Holly Daines – Mayor Daines commented that she was on the City Council when the agreement was reached, and she doesn't disagree that there may be a need for 55 and older housing. But she feels that the Council and City made an agreement and she feels that its important that we stay with that agreement. The agreement was negotiated with the neighborhood, there were compromises made on all sides and she feels the Council and City need to honor the commitment that was made.

Jim Robinson – Mr. Robinson lives at 1410 East 1200 North. He has had conversations with people who work in the USU President's Office and they said one of the problems that have recruiting faculty at Utah State is because there is no single-family housing available within walking distance of campus. There is also a question about a buffer zone and if you look at 1500 East, most of the homes are between 1,600 and 1,700 square feet and were built in the 1970's and are very modest homes. The Hillcrest neighborhood is aging and a 55 and older community is only going to aggravate that situation. He asked the Council to honor the agreement that was made and to deny the rezone request.

Jan Atkinson – Mrs. Atkinson stated that when the agreement was made the neighborhood realized that adjustments needed to be made to allow for higher density in the area. The agreement with the City Council was to allow some higher density and the area closer to the neighborhood would be less dense. She feels the neighborhood has already compromised and she asked the Council to deny the rezone request.

Craig Petersen – Mr. Petersen said he appreciates the Mayor's support and said the neighborhood actually compromised twice. He said initially when there was 20 acres of property, the compromise was there would be 12 acres of residential and 8 acres of high density but, the neighborhood did a second compromise. Mr. Petersen read from a letter that was sent to the Mayor and City Council. *The June 22, 2017 action by the Planning Commission reflected a mutually satisfactory compromise between the then property*

*owner, neighbors, and the City. Neighbors agreed to support another acre being taken from residential and added to the MR-20 portion of the property. The then property owner agreed to fewer lots in the residential portion. This was not just an information agreement. The City Council implemented the first half of this agreement by using its zoning power to add an acre of multi-family. Currently, 180 units of apartments are being constructed on the MR-20 property. Now we are asking the Council to uphold the second part of the agreement by assuring lower density in the residential portion. The proposal to rezone the residential portion to NR-6 is in direct opposition to that compromise agreement. Indeed, the rezone of the property to NR-4 in 2017 was done, in part, to protect against a future property owner reneging on the compromise, which is exactly what is being proposed. Also, NR-4 is consistent with the other residential zoning in the area.*

Mr. Petersen said its been suggested this is a wonderful area for 55 and older housing and he feels its really not because immediately to the South of this property are two Young Single Adult Stakes and on the North end of those properties are two bowery's. There are student activities in those bowery's all the time, and they are often very noisy. To the West there are 180 multifamily units and there will be lots of activities going on with people living in that area. If the notion is that the 55 and older housing is going to be a serene environment for people to live and have peace and quiet, that is simply not true. This is an area that is much more conducive to families. Hillcrest is an aging neighborhood and they need more families to move into the neighborhood.

Morris Poole – Mr. Poole said this has been a very contentious area of the City because there are those who have felt it needed to go one way and others who felt it should go another. He said Logan City really needs to have more residential areas in which people can build a home. He said the City Planning Department and the Planning Commission have worked very hard to bring the Council something they feel is well founded.

Nick Porter – Mr. Porter works with the developer of the proposed project. He said there was a comment to build median sized homes with basements that will bring school children to Logan that in his mind is an argument to rezone this area from NR-4 to NR-6 because NR-4 when you look at the lot price, they start at \$100,000 and they go up to \$125,000. The view lots would start at \$135,000. He builds homes other than retirement communities and not a lot of young families are buying a lot at that price. He said the majority of people that are against the rezone are adjacent property owners most of which will probably not be living in their homes in the next 10-15 years and this does provide an area where people can age in place. He feels the Council needs to look at what Logan City needs as a whole and not necessarily what the needs of ten adjacent property owners might be.

Jack Peterson – Mr. Peterson lives near the proposed rezone area and feels there is a need for the 55 and older communities that Mr. Champlin builds. Unfortunately, he feels there is a greater need for Logan City than what this project offers. He also feels that those living in the 55 and older communities will also not be living in their homes in the next 10-15 years. He thanked the Council for postponing the public hearing to this time so it could be held in person.

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

Councilmember Simmonds commented that she is very cognizant of the chaos that was created with the citywide rezone. She also believes that Logan needs more single-family homes and we cannot as a City continue to build starter homes. We also cannot continue to build multi family homes because we are ending up with no diversity. We need to use the limited land we have left within Logan City to create spaces where people can come and be a long-term part of the community. This area was rezoned R-4 with an agreement with the neighbors and it was purchased with that understanding and she feels no obligation to change it.

Councilmember M. Anderson said he appreciates all of the emails and comments that have been made in regard to the rezone. He appreciates the good work that Mr. Champlin does with his projects and that he has beautified not only Logan but the Valley with opportunities for our seniors.

Vice Chair Jensen said he has listened to all of the comments made and the Council has to do what is best for the entire community. He would have liked to have seen a better transition in this area because it goes from a very high-density area to a very low-density area. He was hoping to get a transition somewhere in there and is hoping that can still happen.

Councilmember Bradfield commented that he has always been a proponent of neighborhoods and a strong proponent of lower density housing in Logan. He feels we do need more dense housing in some areas of Logan City. He hopes that the same tests and merits for projects occur when they come forward for rezones on the West side of Logan. He feels its good to have a mix of housing, but it takes more low density to compensate for high density. He too would like to see a better transition in this area, and he would zone the entire City NR-4 if he could.

Vice Chair Jensen commented that the Hillcrest neighborhood is changing and is starting to have absentee landlords in a lot of areas, and he feels that needs to change.

Chair A. Anderson said she lives in the Hillcrest neighborhood and she is about to put her home on the market because she and her husband want to downsize. As she has listened to the comments, what really resonates is that citizens need to trust the Council and have faith that when they say something is going to happen that it will happen. This needs to occur from Council to Council as well as from person to person. What the City needs most from the Council is faith and trust that the City will honor its commitments and that is what is driving her vote on this rezone request.

**ACTION. Motion by Councilmember Simmonds seconded by Councilmember Bradfield to deny Ordinance 20-06 as presented. Motion carried unanimously.**

**PUBLIC HEARING - Consideration of a proposed resolution adopting the Logan City Public Arts Master Plan – Resolution 20-22**

At the June 2, 2020 Council meeting, Community Development Director Mike DeSimone addressed the Council regarding the proposed Public Arts Master Plan. Councilmember Jeannie Simmonds and Chair Amy Anderson both served on the Steering Committee as well as Mayor Daines and others. This plan helps elevate the cultural importance of the City for its residents. Utah State has a great arts program and the Steering Committee looked around Logan and asked what we have from an arts perspective. We have performing arts which costs money to attend events. If someone wanted to go and see art for free, we really do not have that available, so a consultant was hired and to get us on the right track and set the stage for what is needed.

Mr. DeSimone introduced Jake McEntire who is a consultant from Union Creative Agency.

Mr. McEntire addressed the Council and gave a presentation on the proposed Public Arts Master Plan. He reviewed the process of the Plan and stated the Plan will guide the creation of a Public Arts Program that is specific to Logan, Helps create vibrant community spaces, supports community and economic development, and enhances quality of life. The vision of the Public Arts Program is a creative vehicle for our community to connect, celebrate, and activate the places, people and values that make up Logan City's unique identity.

Mr. McEntire stated that open houses and roundtables were held to gather input and were focused on locations of where to place public art, types of public art the community would like to see and general community values. He stated these were some of the most successful community open houses he has ever done, and they were able to connect with over 500 people over three different open houses that were held. At these open houses there were various locations throughout the City that were identified for public art. There were 12 priority sites identified as well as general site locations.

Recommendations and Considerations:

- Guidelines/Policies/Processes
- Funding Model
- Maintenance/Upkeep/Replacement
- Ongoing Community Engagement

Mr. McEntire stated there are three phases of implementation and then an ongoing phase. The core values and goals were created by the community and the steering committee.

Vice Chair Jensen said he is very impressed with this presentation and for the possibilities of a Public Arts Plan happening in Logan.

Councilmember Simmonds commented that serving on the steering committee was a great process and she felt like every time there was a meeting that it was productive and moved things forward. She also feels the way Mr. McEntire constructed the document and presented it to the Council is a Plan that will not sit on a shelf and is a Plan that can live, breath and grow with Logan City.

Councilmember M. Anderson asked what we can learn from other communities that are further along in the process and how do we promote and get people that live here and visit Logan excited about seeing art.

Mr. McEntire responded some of that is built into the Plan and continuing to build off the momentum that Utah State has built is a good thing to do. Communities that do well are marketing, promoting, storytelling and are building that as an element into the budget of a project. They are also making sure information as accessible as possible by developing a public art website, social media account which markets and documents the Public Arts Program.

Chair A. Anderson opened the meeting to a public hearing.

There were no comments and Chair A. Anderson closed the public hearing.

Chair A. Anderson said the Council received two emails in support of the Public Arts Masterplan.

Vice Chair Jensen said he is thrilled with the way the Plan is written and Logan City is ready for something like this in the community. Other cities who have these types of art plans have a sense of life.

Councilmember Simmonds commended the process of the Plan which she said was very thorough and was very well done.

**ACTION. Motion by Vice Chair Jensen seconded by Councilmember Simmonds to approve Resolution 20-22 as presented. Motion carried unanimously.**

**Consideration of an amendment to the effective date of an ordinance Enacting Title 8 Chapter 36 of the Logan Municipal Code Prohibiting the Distribution of Disposable Plastic Bags – Ordinance 20-17**

Chair A. Anderson addressed the Council regarding the proposed ordinance and said the Council voted on this at the beginning of COVID and the proposal before the Council is to amend the effective date from July 31, 2020 to January 1, 2021.

Mayor Daines said the City is installing additional fences at the North Valley Landfill because there have been additional complaints from residents in Idaho of blowing trash. We have also agreed to complete a study to determine the best place to install the fencing. The consideration of the ban has not changed, the bags are still blowing, and we are doing some mitigation which does include some costs.

**ACTION. Motion by Councilmember Simmonds seconded by Vice Chair Jensen to adopt Ordinance 20-17 as presented. Motion carried unanimously.**

**Consideration of a proposed resolution establishing the CARES Act Administration – Resolution 20-28**

Chair A. Anderson said the City received federal CARES Act federal funding from the State of Utah in the amount of \$1.5 million dollars.

Finance Director Richard Anderson addressed the Council regarding the proposed resolution and stated the funding must be utilized for necessary purposes in compliance with the Act with appropriate criteria, documentation, and reconciliation. The proposed resolution is to establish a CARES Act Administration which the Council finds necessary that he Administration proceed quickly with the hiring of subject experts to assist with the creation of a grant program and with the hiring or temporary administrative support staff to administer the program for the good of the community. The Council additionally finds it necessary to authorize the Mayor to expend funds in accordance with the CARES Act documents that in the Mayor's judgement are necessary to protect City personnel, interests, and assets in accordance with grant guidance.

Mr. Anderson continued and said the funding has already been approved by the Council so there will be no further public hearings because there is not time to hold them. Items will be brought to the City Council, but public hearings will not be held.

Chair A. Anderson said there is a seven year look back for this program so if we don't do it well, we could be audited and the City could be responsible for paying back any funds that are deemed not necessary and they must be related to this COVID-19 and cannot be used for the planning of future pandemics.

Mr. Anderson said the City has purchased equipment for sanitizing playground equipment and we anticipate purchasing items to sanitize buildings. Other cities have installed touchless doors and we can also purchase protective equipment. There is the potential of the City receiving \$4.5 million dollars, currently we have received \$1.5 million. Cache County received \$12 million. Every City has a share based on population.

Chair A. Anderson stated that none of it can be duplicative with the County or the Federal Government, it has to be unique to our City. She and Mayor Daines discussed hiring part time staff to assist the Cache Refugee and Immigrant Connection so they can hire staff to help people affected by COVID and job loss with the application process for financial support for housing, utilities and to help with language barriers.

Councilmember Bradfield asked if the money can be used for economic development to build up the community after COVID has hurt the economy such as seeking out new businesses to come to Logan.

Mr. Anderson responded that if it can be linked to COVID-19 deterrent it is a possibility, but we would have to be very careful with using the funding for this purpose. We cannot replace any lost revenue of the City of Logan.

**ACTION. Motion by Vice Chair Simmonds seconded by Councilmember M. Anderson to approve Resolution 20-28 as presented. Motion carried 4-1 (Bradfield voted nay).**

## **WORKSHOP ITEMS:**

**Budget Adjustment FY 2020-2021 appropriating: \$922,500 a grant the Fire Department received from the State of Utah (pass thru federal funds). The funds will be used to replace three fire truck engines; \$148,400 a grant Parks & Recreation received from the State of Utah. These funds will be used for the Logan River Blue Trail Project – Resolution 20-26 – 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 July 21, 2020 Council meeting.

**Westfield Warehouse Rezone – Consideration of a proposed rezone of approximately 10.5 acres of property located at 130 South 1200 West from Commercial Services (CS) to Commercial (COM) – Ordinance 20-15 – Russ Holley, Planner**

Planner Russ Holley addressed the Council regarding the proposed rezone.

### **REQUEST**

The proponent is requesting to rezone approximately 10.5 acres from CS to COM. This request is being made to permit live/work units in the approved development. The property is located along 200 S and is adjacent to single family homes to the south and commercial service development in the immediate area and to the east, including light manufacturing, warehousing, auto repair, and contractor businesses. To the west is undeveloped land and the landfill. The proposed rezone is outside of the landfill overlay, which would have restricted residential use at the site. The site is generally flat with wetlands to the north and west.

### **PROJECT HISTORY**

The property was approved for a Design Review Permit by the Planning Commission for 12 new buildings with 73 commercial units on August 8, 2019. The approved buildings are designed as a first-story warehouse/shop space with an office space on the second floor. The approved project is currently located in the CS zone, which does not permit residential development. A rezone to COM would allow the second floor to be developed as a residential unit.

In spring 2019, the proponent requested a code amendment to permit live/work residential use in the CS zone. That request was heard by the Planning Commission on April 23, 2020. The Planning Commission recommended denial of the request to the Municipal Council. The primary issue with the code amendment was the potential for non-compatible uses in the CS zone, as the CS zone permits a wide arrange of light industrial uses that would not be compatible with residential development. Following discussions between staff and the proponents, the code amendment application was withdrawn after the staff workshop with the Municipal Council.



The applicant discussed with staff the possibility of a COM rezone as means to achieve the live/work use, as the COM zone permits live/work development with ground floor commercial and residential above. The COM zone does not permit standalone residential development. The COM zone is also more compatible with mixed-use development, as it has a narrower set of allowed uses in regard to light industrial uses.

### **GENERAL PLAN**

The property is currently identified as the Commercial Services land use designation in the Future Land Use Plan (FLUP). The Commercial Services FLUP designation fills the need between industrial and commercial land uses. These are alternative locations for light manufacturing, wholesale, and warehousing, and uses that support the construction and manufacturing trades. The Commercial Services designation is not intended for residential use.

### **ZONING**

**CS – Current 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.

**COM - Proposed 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. 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 COM zone does allow for some front yard parking with a Conditional Use Permit.

### **STAFF REVIEW**

The primary concerns with the previous proposal to amend the CS zone to allow residential use was that it would create compatibility issues between residential and light industrial uses, and that the amendment was too broad and affected all CS zoned area. In contrast, the request to rezone the property would reduce the potential for non-compatible use within the development, reduce the impact on the single-family development to the south, and limit the change to only the applicant’s property.

There remain concerns regarding this rezone request. One issue it is difficult for staff to enforce the main floor commercial/second floor residential requirement of the COM zone as the uses will be integrated within the live/work unit. It is also reasonable to consider the appropriateness of residential uses at this location as the development is away from the core of Logan, adjacent to existing commercial service development, and does not align with the existing FLUP land use designation for the area. Also, while a Design Review Permit has been issued for this property, the property development plans could change in the future and a more dense or intense commercial use could be developed at

the location. It is worth noting that if the approved project developed as proposed, and all previously approved units converted to live/work units, the density for the development would be 7 units per acre. Also, and significant change to the approved site plan or building elevations would require the project to return to the Planning Commission. As the rezone would permit residential development, changes to the project, such as the parking for residential units and building codes, will be reviewed by staff during building permit application.

Overall, staff's assessment is that this rezone presents an opportunity for a type of mixed use housing product that would be beneficial to the housing market in Logan by providing alternative Project #20-028 Westfield Warehouse Rezone Staff Report for the Planning Commission meeting of June 11, 2020 housing types that are not typically available. This location, adjacent to an existing single-family development creates a natural transition that will reduce the impact of CS development in the area.

### **PUBLIC COMMENTS**

Notices were mailed to property owners within 300' 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 5/30/2020, posted on the City's website and the Utah Public Meeting website on 6/3/2020, and noticed in a quarter page ad on 5/23/2020, and a Public Notice mailed to property owners within 300' we sent on 5/22/2020.

### **RECOMMENDED FINDINGS FOR APPROVAL**

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

1. The proposed rezone is consistent with the existing neighborhood development pattern.
2. The subject property is in an area and surrounded by streets and infrastructure that can handle and appropriately serve Commercial developments.
3. The proposed rezone will ensure new development is done in a more compatible manner to that of the surrounding area.
4. The COM rezone will help buffer the adjacent single-family development from light industrial uses of the CS zone.

### **RECOMMENDATION**

Staff recommends that the Planning Commission recommend approval to the Municipal Council for a Rezone of approximately 10.5 acres of property located at 130 S 1200 W (TIN 05-107-0005;-0014-0021;0023-0028;-0031-0033.) from Commercial Services (CS) to Commercial (COM).

On June 11, 2020, the Planning Commission voted in a tie regarding the recommendation to the Municipal Council to approve the rezone from CS to COM at approx. 130 S 1200 W. Planning Commissioners vote (3-3): Motion: Lucero Second: Eduardo.

Councilmember Simmonds it was clearly stated to the developer there could be no housing at this location. She said the proponent sent the Council an email today and cited the project in North Logan that was built by Deloy Hansen and how successful it has been but those live/work spaces look like a workspace with a house on top and the proposed project looks like a warehouse with windows. She asked if the proponent has to come back to the Planning Commission with a different design or does this design allow the proponent, now that they have an approved project in another zone, or do they have to resubmit.

Mr. Holley responded and said certainly the design is a little different than what was referenced in North Logan. The proposed design in Logan has an industrial type of feel but they were approved in a Commercial Services Zone with this design review in August, so they are entitled to that zone until the permit expires.

City Attorney Kymber Housley added that its grandfathered so the fact that the zone changes doesn't matter but if the conditions of the approval need to be amended and if it says in all caps, no residential they would have to come back and have that amended. As long as they can meet the conditions, their approval is grandfathered.

Mr. Holley stated this building is very close to the commercial design requirements.

The proposed ordinance will be an action item and public hearing at the July 21, 2020 Council meeting.

**Consideration of a proposed ordinance amending Logan Municipal Code 12.24.010 of the Logan Municipal Code Regulating : Trespass – Ordinance 20-16 – Russ Akina, Parks & Recreation Director**

Parks & Recreation Director Russ Akina addressed the Council regarding the proposed amendment:

**Section 1. Sections 12.24.010 of the Logan Municipal Code are hereby amended as follows:**

**12.24.010: TRESPASS:**

It is unlawful for any person to enter or be upon or to drive any vehicle upon or to be within any vehicle upon any city park or city cemetery between sunset-10:00 p.m. and sunrise-5:00 a.m. of any day, except when participating in or attending an activity sponsored by the city or allowed under a permit issued by the city, and except for pedestrians crossing a park on a regularly established walkway. ~~It is unlawful for any person to enter or be upon or to drive a vehicle upon or be within a vehicle upon the city cemetery between sunset and sunrise of any day, except on the day before Memorial Day and Memorial Day when no person shall enter or be upon the city cemetery shall be between ten o'clock (10:00) p.m. and four o'clock (4:00)a.m.~~

This amendment was discussed and approved by the Parks and Recreation Advisory Board.

The proposed ordinance will be an action item and public hearing at the July 21, 2020 Council meeting.

**Consideration of a proposed resolution authorizing the formal request of withdrawal by the City of Logan from the Northern Utah Environmental Resource Agency (NUERA) – Resolution 20-25 – Kymber Housley, City Attorney**

City Attorney Kymber Housley addressed the Council regarding the proposed resolution. He explained that the City of Logan used to be a member of the Northern Utah Environmental Resource Agency (NUERA). The City of Logan has determined that its membership with NUERA is no longer useful or necessary and desires to withdraw its membership. The current members know that the City of Logan would like to withdraw and have no concerns. We have no activities in the landfills that they own.

The proposed resolution will be an action item and public hearing at the July 21, 2020 Council meeting.

**Police Use of Force Policies – Chief Gary Jensen**

Chief Gary Jensen addressed the Council regarding the Logan City Police Department's Use of Force Policies. A request came to the Mayor and Council through several emails from various people asking for a review of the Logan City Police Department's Use of Force Policies and Guidelines for Use of Force. The emails referred to the movement of 8 Can't Wait.org and 8 policies or parameters that this group feels are good and reduces uses of force as it relates to police incidents. Chief Jensen went through each of the 8 *Can't Wait* items and in doing so, he said it caused him to ask, who is the 8 *Can't Wait* so he reached out to the contact person on 8 Can't Wait.org and he got a form letter returned back to him that stated they were busy and he has yet to hear back from them. He said more importantly is the fact that the police department has looked at the 8 *Can't Wait* that so many have heard about and the parameters they suggest are not a problem for the Logan City Police Department and they are fairly close inline with all 8 of the parameters. Ironically, they weren't a problem when they started looking at the 8 *Can't Wait* campaign and they thought about signing on to it but right in the middle of reviewing the 8 *Can't Wait* statements there was a paragraph behind that to tell what it means and those meanings changed and they were made largely more restrictive.

Chief Jensen reviewed the 8 *Can't Wait* Policies:

**Ban Chokeholds and Strangleholds** – Chief Jensen said the Logan City Police Department does not have a policy that allows for “chokeholds or strangleholds”. Both of which are indicative of a movement on the part of police that would cause interruption to a person's breathing. In his 33 years of law enforcement he has never been trained to interfere in a person's breathing. Early in his career he learned the carotid control which is more about restricting blood flow to the brain than restricting air flow to a person. But the police department does not endorse that movement now, nor do they train for it, nor is it part of what they allow their officers to use. In a deadly force situation, a person and/or a police officer may use and is stated in their policy that an officer may use, “any

improved device or method”. If they can justify that their life is danger, or another life is in danger.

**Require De-Escalation** – This is covered in the Logan City Police Policy and it goes through a number of different considerations and officers train eight hours per year in Use of Force not only policy but practice and actual showing of the movements that are allowed for use of force incidents. Every day when an officer comes to work for the Logan City Police Department, they are tested on four critical tasks of policy. It is called Daily Training Bulletin through a program called Lexipol and each officer has to sign on to the policy program and they are taken through a core critical task of a policy and they are tested. Chief Jensen stated that he is setting up a month’s worth of Use of Force videos for the Council to view so they can see the patience, care and concern used by officers.

**Require Warning Before Shooting** – Chief Jensen said this is a very exclusive statement and would pit officers against policy and the immediacy of some of these events they might encounter. In the Logan City Police Policy it states if reasonable the officer should give a warning before a weapon or use of force is used but not in all cases is this something that an officer can do.

**Requires Exhaust All Alternatives Before Shooting** – Chief Jensen said this is common practice in law enforcement and in his 33 years of law enforcement experience, this is something that he believes in and the Logan City Police Department Policy covers. They always start at the minimum amount of force necessary. They also reflect upon every use of force incident and they also code and track these incidents through reporting.

**Duty to Intervene** – Chief Jensen said this is directly related to the fact that if he is using force that is clearly beyond the scope of the incident that his fellow officers have a duty to intervene in that force being used. This is covered in the Logan City Police Department Policy.

**Ban Shooting at Moving Vehicles** – Chief Jensen said in the rarest circumstances there might be a necessity to use deadly force at a moving vehicle such as a speeding vehicle toward a crowd of people.

**Require Use of Force Continuum** – Chief Jensen said Force Continuum came under question 15 years ago. The police department does not have an actual continuum that is stated in policy it does direct them to use the most minimum use of force to accomplish the officers’ task. An officer can go from presence to deadly force based on the circumstance and based on what is presented at the moment.

**Require Comprehensive Reporting** – Chief Jensen stated that every time an officer uses force that incident is assigned a code and it is reported. The incident is also searchable and can be researched and reviewed by other officers.

Chief Jensen said all of this information is available to the public via GRAMA although if there is an active investigation then, there might be a delay in releasing the information.

Chair A. Anderson asked if a citizen had a complaint about an officer and use of force, the police department would review the video and if the officer did not report it there would be consequences for the officer is that correct?

Chief Jensen responded that Sergeants are required to complete video audits and they will randomly go through and pull video of body cameras and simply watch an officer's interaction throughout the day. It could be a simple traffic stop or even catching an officer doing something well.

Chief Jensen stated that between July 1, 2019 through June 30, 2020 the police department had 33,596 calls for service. Of those calls for service they had .025 that ended in use of force and he reminded the Council that use of force could be considered minimal things such as taking someone by the hand, or to the extreme of taking someone to the ground. They had 2,500 citizen assists and 40 community policing activities. He feels the police department has done a remarkable job for the City of Logan based on results.

Chair A. Anderson said a question that someone asked of her was in the review of the use of force, its done internally and they asked is there value in opening that up to have others outside of the police department review the use of force.

Chief Jensen said there is value in being open and the police department has a Civil Service Board that reviews incidents such as the discipline of an officer. The Civil Service Board is comprised of citizens from the community.

Councilmember Bradfield said the police have such a hard job and they have to deal with situations that can escalate quickly. The police have to know policy in the moment and be accurate and he cannot imagine the stress and scrutiny that must bring. He knows there are mistakes that everyone makes, and he thanked Chief Jensen and the police department for keeping the community safe.

Chief Jensen said the use of the body camera has been a leveling affect. If you know you are recording yourself, in theory you will be on top of your game. Recordings are also done in the dispatch center, so officers and dispatchers know they need to take the higher road. The body camera is always running and when they turn it on it goes back two minutes and captures two minutes prior to when its actually turned on. It is always running but the officer has to activate it whenever they are making contact with a person. The only time it can be turned off via policy is when the officer is with a supervisor and other times when there are privacy issues such as in a hospital setting.

Vice Chair Jensen said a lot of the language in the police department policy uses the word "reasonable" judgment. He asked if psychological assessments are done when officers are hired.

Chief Jensen responded yes, in the hiring process they do a psychological profile and it brings forward "critical admissions" and the police department then tries to find out more

information. He said there have been times they have not hired an officer based on what they have learned.

Vice Chair Jensen asked if the police department trains for proper racial interactions to prevent racial discrimination.

Chief Jensen responded that officers are sent to training, but they have every expectation that all people will be treated fairly and that is something they are watching for as they review body camera video, incident review and report review. The police department has 13 languages represented within the department and several that speak Spanish. They also have a resource to other languages if needed for translation.

Chair A. Anderson asked about inherent bias and bias training. She asked what training officers receive to address this issue.

Chief Jensen said officers go through the Critical Incident Training (CIT) Academy which is a week-long training, and this is not only bias training as it relates to race but also mental health bias training. He said mental health is one of the more frequent calls they deal with. The officer recertifies every two years with CIT .

#### **OTHER CONSIDERATIONS:**

Chair A. Anderson stated the Council received two emails that were sent from Brady Eames. One was a question as to why there was not an acknowledgement of June as Pride Month. Chair A. Anderson explained that typically those declarations are brought to the Council from the organizations and is not something the City does on their own initiative. Mr. Eames also sent an email outlining his concerns with some of the legal advice, policy, actions, and publications. She stated the Council has reviewed these two emails and no further action is needed.

There were no further items to be considered by the Council.

#### **ADJOURN TO MEETING OF THE LOGAN REDEVELOPMENT AGENCY.**

**Chair A. Anderson explained that those wishing to speak during the public hearing portion of the meeting must sign in and queue up with social distancing maintained. Masks are strongly encouraged.**

#### **WORKSHOP ITEM:**

**Budget Adjustment FY 2020-2021 appropriating: \$920,000 carry forward FY2020 RDA appropriations for building demolition to be used for property purchased on the downtown block – Resolution 20-27 RDA – Kirk Jensen Economic Development Director**

Economic Director Kirk Jensen addressed the Council regarding the proposed budget adjustment. He said the City is still working through what the future of the Emporium block might be and with demolition of the Emporium on hold for the time

being, the request is that the demolition funds be carried forward from the 2020 budget into the current 2021 budget to allow the RDA to acquire property on the Emporium block which would be advantageous regardless of what might be done on that block in the future. The proposed properties to be acquired are 46 North 100 West, which is owned by Larsen Family Holdings and the negotiated purchase price is \$650,000 and is set to close at the end of July. The second property is owned by Mark and Ronnette Anderson and is still being negotiated between the RDA and the Anderson's. Both properties would include lease rights on a strip of property along 100 West.

The proposed resolution will be an action item and public hearing at the July 21, 2020 Council meeting.

**ADJOURNED.** There being no further business to come before the Council, the Logan Redevelopment Agency meeting adjourned at 8:50 pm.

Teresa Harris, City Recorder