

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, May 5, 2020 at 5:30 pm via ZOOM Webinar at this link: <https://zoom.us/j/97587136977> or Webinar ID: 975 8713 6977. Instructions for downloading and using ZOOM could be found at <https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>. The Logan Municipal Council Meeting was 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/> Those interested could also listen to the meeting by phone call: US: +1 669 900 9128. No public meeting was held in the City Hall building. Chair Amy Z. Anderson conducted the May 5, 2020 Council meeting.

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

OPENING CEREMONY:

Utah State University Provost Frank Galey provided the opening ceremony and reported there were a lot of students that graduated from Utah State in spite of COVID-19 and not having the typical graduation ceremony on campus. He thanked the faculty for how quickly they were able to change the way they were teaching their classes and made it possible for students to graduate and continue with their education. He said that President Cockett in conjunction with Governor Herbert has formed a team that is looking at stabilization in and bringing students back to the campus this Fall. He congratulated all of the graduating students and hopes they are all celebrating with their families. He stated there will be some face to face classes held this Fall, but the University does not yet know how many students will be in those classes and how those classes will be scheduled.

Vice Chair Jensen said the University was making student housing available for people who tested positive for COVID-19 and needed to be sequestered away from others. He asked if that has taken place and if so, how many rooms were needed.

Chair A. Anderson responded there has not been the need for sequestering individuals. Everyone that has tested positive has been able to shelter safely in their own home.

Meeting Minutes. Minutes of the Council meeting held on April 21, 2020 were reviewed and approved with no changes.

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

ACTION. Motion by Councilmember Bradfield seconded by Vice Chair Jensen to approve the April 21, 2020 minutes as amended and approve tonight's agenda. Motion carried.

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, May 19, 2020 and will be held via ZOOM.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL:

Chair A. Anderson announced that the Questions and Comments portion of the agenda is suspended until the Council can once again have in-person meetings. She indicated that comments or questions can be emailed to: teresa.harris@loganutah.org, who will distribute to the Mayor and Councilmembers.

MAYOR/STAFF REPORTS:

Masks – Mayor Daines

Mayor Daines reminded citizens to wear a mask when going into a business and remember that the mask protects other people when you wear it.

Budget Presentation FY 2020-2021 – Mayor Holly H. Daines

Mayor Daines presented her FY 2020-2021 Budget and said copies of the proposed budget are available on the Logan City website at loganutah.org.

We started to prepare this budget back in January and February when the world was different. As always, we present and then carefully manage our budget, so it balances, and we set aside money for reserves to help us through a rainy day. Because of the Coronavirus pandemic, IT IS RAINING!

Due to the many unknowns, we simply cannot project how our revenue will be impacted at this time. To give you an insight into our concerns, of General Fund revenues, \$2M comes from property tax, and \$11M comes from sales tax. Grocery stores seem to be doing well, but I do not have to tell you that most other sectors of the economy have been dramatically impacted in a negative way since mid-March. With the way sales tax is remitted to us from the state, we likely will not have a good idea of actual numbers until September. By law, our budget must be passed by June 22.

Given those factors, we decided to present the budget as drafted, with a few changes including a reduction to sales tax revenue. The one thing I can guarantee at this time is that we will have adjustments to the budget as we assess the depth and length of this unprecedented economic shutdown. We will proceed with caution, delaying some capital projects and expenses, such as rolling stock, during the first part of the fiscal year until we have more solid projections for our new conditions.

One of the changes we have made to the budget since March is regarding employee wages. We had planned once again for a 3% wage increase. However, since revenue forecasts are down, we will help employees by moving deferred income to current income: instead of contributing 2.5% to their 401K as we normally do, we will add that amount to their salaries so they can choose whether they need extra income now, or would like to continue putting that amount away for retirement.

We already have funds identified and in hand for some capital projects and will continue with those important infrastructure improvements. The current economic situation will definitely impact our ability to do capital projects, although that may be more apparent in the next fiscal year. However, sometimes recessions offer an opportunity for reduced costs on construction and capital projects, when funds are available, so we will be mindful of that potential moving forward.

One bright spot in the FY 2021 budget is the additional county-wide transportation funds passed several years ago are finally being realized, providing an increase in transportation capital funding of about \$1.2M.

We are requesting 10 new employees as a result of the consolidation of the Logan and North Logan fire departments, but that expense will be covered by the contract payment from North Logan.

Budgeted operating expenses in all departments are basically the same, but we will ask Department Heads to be very cautious with expenditures which could be deferred, until we have more data on revenues. The exception is increased budgets for maintenance and utility expenses, which continue to rise, and which cannot easily be put off.

Unfortunately, our increase for health insurance premiums is 9% this next year. Although lower than last year's 13%, the trend over the last five years, of annual increases of 10-13%, is not sustainable.

In summary, this will be an unusual year, and we may be impacted for some time to come. We are confident we can continue to provide essential services and operate the city well in these trying times.

Our Department Heads always work together cooperatively to solve problems and address challenges, and this will be no different. I have great confidence in our team city-wide. Our employees have adapted to changing conditions and worked hard to get city business done.

We will be realistic about our budgets as we continue to work towards long term goals and priorities. Employees constantly try to conserve resources and save taxpayer dollars wherever possible and that habit will serve them particularly well this year. As always, we constantly monitor both revenue and expenses and adjust as needed to ensure we end each year in a positive financial position.

We are committed to providing excellent services and quality of life for our citizens. We are fortunate to live in this beautiful valley, with good, conscientious citizens who have responded well in this difficult situation and will continue to do what is needed to rebound from this pandemic and resulting economic consequences. As Mayor -- along with my team -- we pledge to do our very best to adapt and move forward in a positive way to meet the challenges we did not anticipate but will overcome.

No further items were presented.

COUNCIL BUSINESS:

Planning Commission Update – Councilmember Bradfield

Councilmember Bradfield reported on the Planning Commission meeting that was held on April 23, 2020. The Homestead Project was continued to May 28, 2020 to work through some of the details of the project. The Planning Commission also discussed the Westfield Warehouse which the Council will hear tonight. They also reviewed a Citywide Zoning Map Amendment which the Council will also review at a future Council meeting.

Council Update – Chair A. Anderson

Chair A. Anderson said the Council received an email regarding a revision of the Cache County General Plan, Urban and Rural Assessment and Cost of Services and Regional Collaboration Plan. This is a two-year project and she encouraged Councilmembers who are interested to participate in the study.

Chair A. Anderson announced that Community Development Director Mike DeSimone will provide copies of the 400 North Corridor Plan to those Councilmembers who need a copy.

Budget Workshops – Chair A. Anderson

Chair A. Anderson announced that Council Budget Workshops will be held on Tuesday, May 12 and Tuesday, May 26 beginning at 5:30 p.m. Both workshops will be held via Zoom.

No further Council items were presented.

ACTION ITEMS:

Chair A. Anderson said there are three public hearings scheduled for tonight’s Council meeting. Those interested in making a comment need to do so through the Zoom meeting link by logging on and at the bottom of the screen there is the option to “raise your hand” through Zoom. She will unmute those wanting to make a comment and will allow the standard three minutes to make a comment on that agenda item.

PUBLIC HEARING - Budget Adjustment FY 2019-2020 appropriating: \$160,000 State reimbursement funds toward street improvements – Resolution 20-13

At the April 21, 2020 Council meeting, Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustment.

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

City Recorder Teresa Harris stated that no emailed comments were received.

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

ACTION. Motion by Councilmember Bradfield seconded by Vice Chair Jensen to approve Resolution 20-13 as presented. Motion carried by roll call vote.

A. Anderson: Aye

M. Anderson: Aye

Bradfield: Aye

Jensen: Aye

Simmonds: Aye

PUBLIC HEARING - Consideration of a proposed ordinance vacating certain Public Utility Easements located between Westfield Subdivision Phase 2 Lots 5 and 23, 23 and 24, 24 and 25, 25 and 26, 27 and 28, located at approximately 1115 West 130 South, Logan, Utah – Ordinance 20-09

At the April 21, 2020 Council meeting, Public Works Director Paul Lindhardt addressed the Council regarding the proposed vacation of certain Public Utility Easements in the City of Logan. He said there are seven lots in the subdivision and the owner would like to do lot line adjustments and turn the seven lots into three lots.

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

City Recorder Teresa Harris stated that no emailed comments were received.

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

ACTION. Motion by Councilmember Bradfield seconded by Councilmember M. Anderson to adopt Ordinance 20-09 as presented. Motion carried by roll call vote.

A. Anderson: Aye

M. Anderson: Aye

Bradfield: Aye

Jensen: Aye

Simmonds: Aye

PUBLIC HEARING - Consideration of a proposed ordinance vacating a Public Right of Way adjacent to the Intersection of 1500 West 2100 South in the Spring Creek Village Phase 1 Subdivision, Logan, Utah – Ordinance 20-10

At the April 21, 2020 Council meeting, Mr. Lindhardt addressed the Council regarding the proposed vacation of a Public Right of Way in the Spring Creek Village area. The original developer and development went bankrupt and has since been purchased by another developer. His plans have been approved and he will not be continuing the road in this area along 1500 West. There are no longer any utilities or purpose for the right of way in this area so the request from the developer is the road be vacated and the associated public utility easement also be vacated. In addition, there is a small area in the corner of this property that would also be vacated. The developer has approved plans for a canal that will have a 48-inch pipe through the area and once the pipe and easement are there, no development will occur. When this right of way was enacted in the original development it was done with the purpose of a public right of way or a street and therefore, the City cannot use it for another purpose in the future.

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

City Recorder Teresa Harris stated that no emailed comments were received.

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

ACTION. Motion by Vice Chair Jensen seconded by Councilmember Bradfield to adopt Ordinance 20-10 as presented. Motion carried by roll call vote.

A. Anderson: Aye

M. Anderson: Aye

Bradfield: Aye

Jensen: Aye

Simmonds: Aye

PUBLIC HEARING – Consideration of an annexation filed by Kathy Hervey, Walter, and Marie Lewis (Henderson Annexation) for the purposes of annexing 4.08 acres, located at approximately 800 West 2200 South, into the City of Logan – Ordinance 20-11

Community Development Director Mike DeSimone addressed the Council and stated that this annexation was originally planned to be presented to the Council on March 17, 2020 when the COVID-19 pandemic began, and the Council meeting scheduled for that day was cancelled. The annexation was certified by City Recorder Teresa Harris in March 2020 and it was re-noticed at that time. It is proposed to bring the property in as Multi Residential to match the zoning that is currently in the area. The intent of the annexation is to expand the development West of this area.

Vice Chair Jensen asked is the land East of this parcel being developed by the developer to the West.

Mr. DeSimone responded yes, that is correct. Kartchner Homes is developing this area.

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

City Recorder Teresa Harris stated that no emailed comments were received.

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

ACTION. Motion by Councilmember Bradfield seconded by Councilmember M. Anderson to adopt Ordinance 20-11 as presented. Motion carried by roll call vote.

A. Anderson: Aye

M. Anderson: Aye

Bradfield: Aye

Jensen: Aye

Simmonds: Aye

PUBLIC HEARING – Consideration of a proposed resolution approving an amendment to the Community Development Block Grant (CDBG) Program Year 2019 (PY2019) Annual Action Plan (AAP) and an amendment to the 2019 Citizens Participation Plan for the City of Logan, CDBG-CV (COVID-19) – Resolution 20-15

Chair A. Anderson recused herself from discussion and a decision on the proposed resolution because the organization she works for has requested funding.

Vice Chair Jensen became the acting Chair of the meeting at this time.

Community Development Director Mike DeSimone presented the proposed resolution. He said the purpose of this amendment is to make identify funding alternatives authorized under the CARES Act and CDBG-CV guidance in response to the coronavirus pandemic and include those in Logan City's PY2019 Annual Action Plan (APP).

He stated that in response to the Coronavirus Pandemic (COVID-19) the U.S. Department of Housing and Urban Development (HUD) has awarded Logan City \$299,912 as a special allocation of Community Development block Grant Coronavirus (CDBG-CV) funds to be used to *prevent, prepare for, and respond to* the coronavirus pandemic (COVID-19). This allocation was authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, which was signed by President Trump on March 27, 2020, to respond to the growing effects of this historic public health crisis.

The City may use 2019 funding, 2020 funding and the new COVID-19 funding toward pandemic response. At this time, Logan City's 2019 Annual Action Plan (AAP) and 2019 Citizen Participation Plan will be amended to enable the City to receive and administer the \$299,912 of CDBG-CV funding only.

PY 2019 Annual Action Plan Amendments

CDBG-CV \$299,912

CDBG-CV is to be used to prevent, prepare for, and respond to the coronavirus (COVID-19.) In planning for the utilization of the funds, the City will prioritize the needs of low and moderate-income residents and the development of partnerships in both the private for-profit and non-profit sectors.

According to HUD guidance, the range of potential CDBG-eligible activities to support the COVID-19 response may include, but are not limited to, the following:

- Building and improvements, including public facilities such as constructing testing and diagnosis, or treatment facility; rehabilitation of a community facility to establish an infectious disease treatment clinic; acquisition and rehabilitation, or construction of a group living facility that may be used to centralize patients undergoing treatment; rehabilitation of a commercial building or closed school building to establish an infectious disease treatment clinic, e.g. by replacing the HVAC system; acquisition and rehabilitation of a motel or hotel building to expand the capacity of hospitals to accommodate isolation of patients during recovery; or to make interim improvements to private properties to enable an individual patient to remain quarantined on a temporary basis;
- Assistance to businesses, including special economic development activities such as providing grants or loans to support new business expansion to create jobs and manufacture medical supplies necessary to respond to infectious disease; avoid job loss caused by business closures related to social distancing by providing short-term working capital assistance to small businesses to enable retention of jobs held by low- and moderate-income persons; or to provide technical assistance, grants, loans, and other financial assistance to establish, stabilize, and expand microenterprises that provide medical, food delivery, cleaning, and other services to support home health and quarantine;
- Public services such as emergency grant payments for rent and utilities, job training to expand the pool of health care workers and technicians that are available to treat a disease within a community; provide testing, diagnosis or other services at a fixed or mobile location; increase the capacity and availability of targeted health services for infectious disease response within existing facilities; provide equipment, supplies, and materials necessary to carry out a public service; deliver meals on wheels to quarantined individuals that need to maintain social distancing due to medical vulnerabilities;

- Planning, capacity building, and technical assistance such as gathering data and developing non-project specific emergency infectious disease response plans; and
- Any other activity allowed under current CDBG regulations.

In determining the priorities of where to expend these funds, we considered the impacts of the Coronavirus pandemic to Logan City and its residents. The rate of infection and hospital utilization has not been significant nor taxing to our local health care system. The most significant impacts of the pandemic have been the economic impacts due to job losses, job reductions, wage reductions, loss of income, business & event closures, and the mental health impacts resulting in greater demand on social service providers. These in turn have placed greater demands on emergency food needs, temporary and emergency housing, and have called into question the long-term viability and sustainability of small businesses and local non-profit service providers. This event has also demonstrated that our local health department needs the ability to respond to emerging health issues as well as ensuring that those facilities currently caring for the most vulnerable segments of our population need to be able to respond to the ensure that any virus contamination and spread is contained quickly.

In generating this preliminary list of funding alternatives, staff reached out to all of the local non-profits and service providers through the Cache interagency Council to determine any of their specific needs relative to COVID-19. We also notified them again when we issued the public notice for this Council hearing, so you may receive some additional suggestions. We have identified the following list of potential activities and estimated funding amounts. The proposed changes to the PY2019 AAP are as follows:

- Allocate \$25,000 to the Cache Community Food Pantry for emergency food purchasing and distribution.
- Allocate \$11,000 to the Cache Community Food Pantry for new coolers to improve their long-term cooling/freezing capacities for food distribution.
- Allocate \$20,000 to CAPSA for emergency shelter needs.
- Allocate \$20,000 to CAPSA for client rental assistance.
- Allocate \$6,000 to BRHD for PPE supplies and thermometers.
- Allocate \$10,000 to BRHD for a telehealth system.
- Allocate \$50,000 for a microenterprise/small business assistance grant program to help small businesses owned/operated or employing low/mod residents with utilities, rent, supplies or other operational expenses.
- Allocate \$50,000 for a low/mod resident assistance grant program to help with rent, utilities, or other supplies.
- Allocate \$50,000 for a non-profit assistance grant program to help with utilities, rent, supplies or other operational expenses.
- Allocate \$25,000 for a restaurant food voucher program.
- Allocate \$17,000 to Sunshine Terrace for a segregated patient care space.

- Allocate \$5,000 to Sunshine Terrace for segregated staff changing area.
- Designate a number of receiver projects for funding reallocations from completed projects, cancelled projects, or recaptured funds.

These funding alternatives reflect Logan City’s strategies for distributing the supplemental funding of CDBG-CV funds in response to the impacts and demands of COVID-19 on Logan residents.

**LOGAN CITY CDBG PROGRAM
CITIZENS PARTICIPATION PLAN
AMENDMENT 1 (COVID-19)**

The Coronavirus Aid, Relief and Economic Security Act (CARES Act) (Public Law 116-136) has made available supplemental funding, flexibilities, and waivers in response to COVID-19. The U.S. Department of Housing and Urban Development (HUD) has allocated supplemental CDBG funding in response to COVID-19. The supplemental awards are to prevent, prepare for, or respond to coronavirus. The CARES Act also provides CDBG grantees with flexibilities for 2019 and 2020 CDBG Grant Amendments for coronavirus response. The Citizen Participation requirements for CDBG grantees have been waived or changed by HUD.

In response to the unique challenges of COVID-19, Logan City’s Community Development Block Grant (CDBG) Program is requesting program, process, and amendment flexibility. These flexibilities and amendments establish expedited procedures to draft, propose, or amend consolidated plans (including annual action plans) and citizen participation plans. The minimum 5-day public comment period cited below for substantial amendments may run concurrently with a minimum 5-day public comment period on amendments to the Logan City CDBG 2019 Citizen Participation Plan as outlined in “CARES Act Flexibilities for CDBG Funds Used to Support Coronavirus Response” dated April 9, 2020.

Given the need to expedite actions to respond to COVID-19, HUD waives 24 CFR 91.105(c)(2) and (k), as specified below, in order to balance the need to respond quickly to the growing spread and effects of COVID-19 with the statutory requirement to provide reasonable notice and opportunity for citizens to comment on substantial amendments concerning the proposed uses of CDBG funds.

The 30-day minimum required public comment period is waived for substantial amendments, provided that no less than 5 days are provided for public comments on each substantial amendment. This waiver is in effect until it is determined that COVID-19 no longer poses a threat to public health.

As noted above, the regulations at 24 CFR 91.105 set forth the citizen participation plan requirements for recipients. For substantial amendments to the consolidated plan, the regulations require the recipient to follow its citizen participation plan to provide citizens

with reasonable notice and opportunity to comment. Logan City's 2019 Citizen Participation Plan states how reasonable notice and opportunity to comment are provided.

HUD recognizes the efforts to contain COVID-19 require limiting public gatherings, such as those often used to obtain citizen participation, and that there is a need to respond quickly to the growing spread and effects of COVID-19. Therefore, HUD has waived 24 CFR 91.105(c)(2) and (k) and 24 CFR 91.401 as specified below to allow Logan City to determine what constitutes reasonable notice and opportunity to comment given the circumstances related to COVID-19. Logan City may use alternative methods for public participation and will allow for reasonable notification and access for citizens. This authority is in effect until it is determined that COVID-19 no longer poses a threat to public health.

Mr. DeSimone stated that list has been sent to HUD for review and they have indicated these are acceptable funding alternatives that meet the underlying purpose of CDBG-CV funds. During this public hearing, the Municipal Council can consider other funding alternatives provided they meet the CARES Act mandate: CDBG-CV is to be used to prevent, prepare for, and respond to the coronavirus (COVID-19). We had originally included supplemental funding for the Senior Center Meals on Wheels program but have removed them from the list as they have adequate funding to meet their needs.

He encouraged the Council to also designate a couple of Receiver Activities for funding reallocations from completed projects, cancelled projects, or recaptured funds in case funds. It is also important to note that we must follow a HUD directive that these funds cannot duplicate other funds that are potentially available to meet a specific need. For example, if a small business received a paycheck protection loan/grant to help with employee's salaries, we could not duplicate that

While currently unclear, additional CDBG funding may be made available through the CARES Act. We are assuming that if and when these additional funds are made available to Logan City, we will follow this same process for identifying specific funding alternatives, soliciting public input, and conducting a public meeting with the Council.

The CARES Act provides procedural flexibility for the CDBG-CV grant. It authorizes the HUD Secretary to grant waivers and alternative requirements to meet existing statutes and regulations that are administered in connection with the use of these funds. To expedite and facilitate the use of the CDBG- CV funds, Logan City will, as necessary, avail itself of the additional flexibility being provided and request the appropriate available waivers through HUD.

information, is forthcoming from HUD. The public services cap is suspended for these specific funds. The CARES Act allows for these specific CDBG-CV funds to be used to reimburse pre-award expenses. Eligible CDBG costs incurred as of March 27, 2020, and paid for with nonfederal funds, may be repaid with CDBG-CV funds.

All eligible CDBG activities must meet one of the national objectives which are: (1) Benefit to low and moderate-income (LMI) residents; (2) Aid in the prevention of slums or blight; and (3) Meet a need having a particular urgency. Logan City may undertake CDBG eligible activities to meet needs resulting from declared disasters or emergencies under any one of the three national objectives.

Councilmember Simmonds said she is concerned that we are not sponsoring any mental health organizations other than CAPSA.

Mr. DeSimone responded that all of the nonprofit groups were contacted several times and there were some that did not respond. The Council could designate a certain percentage of funding toward mental health and staff can again reach out, make contact, and see if there are others interested in receiving funding.

Mr. DeSimone stated that other potential nonprofit groups that requested funding but were not included on the list were the English Language Center with a requested amount of \$5,000 for utilities and operating costs, the Cache Humane Society for operating costs and CAPSA for additional funding of operating costs.

Councilmember Bradfield suggested that another \$5,000 go to TelaDoc which is a great way for residents to talk to a practitioner. He is also concerned that there are so few nonprofit groups that have requested assistance but trusts that staff has done their best to reach out and make contact.

Mr. DeSimone said the nonprofit groups were contacted twice and stated their needs and requests must be related to COVID-19 and cannot be general needs.

Mayor Daines commented that if this is the direction the Council would like to go then staff can come up with specific guidelines and it can be resent to the nonprofits to see if they qualify.

Chair A. Anderson added that she received an email about the funding for the nonprofit group she works for and it was then distributed to 180 different individuals within her organization. It was also posted on her organizations Facebook page and other locations. She feels that Mr. DeSimone and his staff did a good job disseminating the information to different nonprofits within Logan and she feels the information certainly got out to the nonprofit groups.

Mr. DeSimone said there is \$10,000 left and he asked the Council if they would like him to put it in as a line item towards mental health organizations and then he will reach out again and let organizations know that funding is available. If there is no response, he asked the Council where they would like the money to go.

Vice Chair Jensen suggested that CAPSA and the Cache Valley Food Pantry receive additional funding. He also liked the idea of giving funding to mental health organizations.

Councilmember Simmonds suggested taking \$5,000 from the Restaurant Food Voucher Program and have this go toward food for those who might be staying in student housing on the USU campus if they are sequestered away from others. If the housing at USU is not needed, then it can be distributed to CAPSA and the Cache Valley Food Pantry. She also suggested that funding for mental health be increased to \$15,000.

Councilmember M. Anderson said he would like to be able to help out local restaurants which have been hit hard during the pandemic.

Mr. DeSimone said the restaurants receiving assistance have to be within the Logan City boundaries.

Vice Chair Jensen opened the meeting to a public hearing.

Bryan Erickson, Sunshine Terrace CEO addressed the Council and stated they have converted one of their resident wings to accommodate COVID patients where they can be isolated from other residents. The funding they are requesting would help with the costs of Personal Protective items and other equipment to care for patients. They are also requesting funding for a Telehealth System for the residents.

City Recorder Teresa Harris stated that one email was received from Hilary Shugart asking if money is available for the Cache Humane Society. No further emailed comments were received.

Mr. DeSimone responded that Cache Humane Society is on the list for Potential Nonprofit Assistance. He said Cache Humane requested funding to assist in the costs of sheltering the animals of people that went into the hospital and were ill from COVID related symptoms. They also have the need for pet food and operational expenses.

Mayor Daines added that staff will come up with guidelines but at this time the Council just needs to approve the funding. The nonprofit groups will then need to qualify after meeting the guidelines and Council will also be involved in this process.

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

Mr. DeSimone will contact the Children’s Justice Center, CAPSA and Little Lambs about funding. The Receiver Activities will be CAPSA, Cache Valley Food Pantry and Nonprofits.

ACTION. Motion by Councilmember Simmonds seconded by Councilmember Bradfield to approve Resolution 20-15 as presented. Motion carried by roll call vote.

A. Anderson: Abstained

M. Anderson: Aye

Bradfield: Aye

Jensen: Aye

Simmonds: Aye

Chair A. Anderson resumed chairing the meeting.

WORKSHOP ITEM:

Westfield Warehouse Code Amendment – Consideration of a proposed code amendment. Tony Johnson/HRT Holdings, LLC, authorized agent/owner, request to modify the Commercial Services (CS) zone to include allowing for a live/work environment, allow a residential treatment program and provide that a daycare/preschool can be permitted under a live/work scenario – Ordinance 20-12 – Aaron Smith, Planner

Planner Aaron Smith addressed the Council and explained the proposed code amendment. He stated the proponent is requesting to amend the Commercial Service (CS) zone to permit Live/Work residential use and permit Residential Treatment and Daycare/Preschool uses as part of a Live/Work use. The request amends CS Development Standards (17.10.120), Allowable Uses in District and Corridor Zones (Table 17.11.030), and the Definitions (17.62) sections of the Land Development Code (LDC). The Proponent provided a Memorandum to Staff that outlined the desired code amendment. Staff then prepared draft changes to the LDC that met the intent of the Memorandum and provided it to the proponent for review.

LDC AMENDMENT SUMMARY

17.10.120: Commercial Services (CS) Development Standards Amendments to this section of the LDC include clarifying the CS zone description to include live/work as a permitted use, establishing a density for the use, and noting that residential development shall conform with residential design standards (17.09). The applicant has requested a density of 20 units/acre for the zone. Table 17.11.030: Allowed Uses in District and Corridor Zones Amendments to this section of the LDC include the addition of a Live/Work use to the table, changing the residential occupancy to allow Live/Work in the CS zone, and permitting Residential Treatment and Day Care/Preschool as part of a live/work use. In addition to allowing Live/Work in the CS zone, all existing zones that permit residential occupancy have been amended to permit Live/Work.

Chapter 17.62: Definitions: Live-Work the Live/Work definition has been simplified with the removal of “at the ground floor” from the definition.

GENERAL PLAN

The CS land use designation in the General Plan provides context for the intent of the land use. It reads: Commercial Service (CS) designations fill a need that is between Industrial and Commercial land uses. CS areas provide alternative locations for light Project #20-024 Westfield Warehouse Code Amendment Staff Report for the Planning Commission meeting of April 23, 2020 manufacturing, or wholesale/warehouse uses and uses that support construction and manufacturing trades that are typically service oriented. Compared to COM or IP areas, CS uses will typically be smaller, will have higher quality site and building design, and will have a greater emphasis on landscaping. CS areas are not intended for residential development.

LAND DEVELOPMENT CODE

The LDC mirrors the language of the General Plan in describing the CS zone. The zone is intended as a transitional zone between commercial and industrial development. The zone has minimal setbacks, 38' max building height, parking to the side or rear, and 20% open space. Of importance for this amendment is the permitted uses in the zone. As the CS zone was not intended for residential use, the permitted uses are much less restrictive and include commercial storage units, vehicle storage, automobile repair, heavy truck sales, kennels, light manufacturing, and industrial services. Due to State Code, Residential Treatment uses are permitted in any zone that permits dwelling units. While the proposed code amendment clarifies that the use would be permitted as part of a live/work use in the CS zone, allowing dwellings in the zone would cause the use to be permitted by default. The residential Daycare/Preschool use has not been permitted in the CS zone as the zone does not allow for residences and is intended for more industrial uses. A Commercial Daycare/Preschool use requires a Conditional Use Permit to help mitigate potential conflict, such as a commercial daycare being located adjacent to an incompatible use, such as machine shop. The proposed amendment would allow residential Daycare/Preschool for up to 16 clients as a permitted use in a live/work scenario.

STAFF REVIEW AND SUMMARY

The CS zone permits a myriad of uses that are not compatible with residential development, including light manufacturing, machine shops, auto repair, and contractor and industrial service uses. While residential and CS zones do occasionally appear next to each other, such as 200 S and 1000 W, these areas are generally buffered by roads and setbacks. Permitting residential development within the CS zone would place incompatible uses directly adjacent to each other with little to no buffer between them. This conflict would be detrimental to the character of neighborhoods, and the health, safety, and welfare of residents. The location of the CS zone and the permitting of residential development is also in conflict. The CS zone is primarily located along the periphery of the city and adjacent to industrial development. The general strategy for residential development is to place residential development near the center of town, and not to push it closer to industrial development along the edge. Allowing residential development in the CS zone will place residential development in the wrong area and erode the buffer between residential and industrial development. Density of the zone is also an issue, as density generally decreases as the move away from the central areas of

Logan or designated nodes. An amendment that would permit up to 20 units/acre in areas that are on the periphery of town will place density away from the core of Logan and nodes, which is contrary to the zoning policy of the city.

While Staff would like to see more live/work development, the CS zone is not the correct area for it. Mixed use areas of town, such as the TC and MU zones, are ideal locations for live/work, as they are centrally located and designed to accommodate compatible residential and commercial uses. If a live/work uses along the CS and residential interface are desired by the city, then staff recommends the creation of a new zone or overlay that restricts non-compatible uses in the area and permits a density and structure type that is complementary to adjacent residential development.

The central question of the proposed amendment is whether residential development should be allowed in the CS zone. Staff concludes that the CS zone is not appropriate for residential uses. The allowance of residential development in the CS zone, even as live/work dwelling units, will erode the buffer between residential and industrial uses and create conflicts among neighboring uses. The intent of the CS zone is as a non-residential buffer between commercial and industrial uses, and staff recommends that it remain as intended.

RECOMMENDED FINDINGS FOR DENIAL OF THE CODE AMENDMENT

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

1. The code amendment conflicts with the Logan General Plan that states that the CS land use is not intended for residential development.
2. The code amendment would result in incompatible industrial and residential uses within the CS zone.

Staff recommended that the Planning Commission recommend **denial** to the Municipal Council for the Westfield Warehouse Code Amendment (7-0).

On April 23, 2020, the Planning Commission recommended that the Municipal Council **deny** an amendment to Chapters 17.10.120 Commercial Services (CS) Development Standards, 17.11.030 Allowed Uses in District and Corridor Zones, and 17.62 Definitions, with changes summarized below:

- Permit Live/Work use in the CS zone.
- Establish a density for the CS zone.
- Permit Residential Treatment use in the CS zone in conjunction with a Live/Work use.
- Permit residential Daycare/Preschool use in the CS zone in conjunction with a Live/Work use.
- Simplify the definition of Live/Work.

Planning Commissioners vote (7-0):

Mr. Smith stated that a memo dated May 4, 2020 from proponent Tony Johnson and forwarded to the Council requested the following: An accommodation through either an update of the approved uses under the Commercial Services Zone of a rezone of the project to a Commercial zone to accommodate a “live work” use for the project. After talking with staff, Mr. Johnson feels that perhaps a request for a zone change to Commercial might be the best. His preference is to rezone the full project to Commercial. Mr. Johnson proposed that Commercial Services would remain no residential and Commercial would permit residential.

Mr. Smith continued and said the Westfield Warehouse Complex was approved in 2019 as a Commercial Services Zone with no residential component.

Councilmember Simmonds stated that if we are going to have live-work she does not want it in Commercial but rather have a definition of its own.

Mr. Smith responded there is a definition and all of the current Commercial Zones that permit residential we would currently permit live-work within them. He stated what staff likes about the potential Commercial rezone is those incompatible uses that would potentially be right across the street in Commercial Services would be more compatible Commercial uses. He said there are three uses that are not permitted in the Commercial Services Zone that would be permitted in the Commercial Zone and those are a dance hall/nightclub, pet services and a grocery store.

Vice Chair Jensen said he likes the idea of this area being all Commercial and Councilmember M. Anderson agreed.

Chair A. Anderson asked why is this area currently zoned Commercial Services.

Mr. DeSimone responded that staff looked at the area on the Future Land Use Plan and the zoning and this is an area that is going to have commercial development of light industrial. To the East there are uses that are more indicative of Commercial Services and from the perspective of the City this is an area where we receive a better tax base with commercial uses as opposed to residential use. The question for this area would be, are residential uses appropriate to intermix with commercial uses given what is surrounding this area.

Chair A. Anderson said she is always hesitant when we approach zoning from the perspective of a specific project versus overlaying it for what is best for the City at large.

Councilmember Simmonds said she is also concerned that we are eating away at our commercial and commercial services tax base with housing and asked is that the trend we want to continue.

Mr. DeSimone responded and said what it shows is that we do not have an adequate land area zoned for multifamily uses close to town because we are running out of land. So, these projects are coming up on the periphery and this project is one of those examples. This project has a different model, he said Councilmember Simmonds is correct and there

is a broader discussion of what our tax base is now versus what it could be in the future. Generally, residential rates are less than commercial rates.

Vice Chair Jensen said he spoke with the proponent of this project who indicated that he would mostly likely withdraw and resubmit his project as Commercial.

Vice Chair Jensen said he would like to know the utilization rate of the Commercial areas and what percentage of Commercial is undeveloped.

Councilmember Simmonds added that Commercial is also things such as employment centers and not just a store.

The proposed ordinance will be an action item and public hearing at the May 19, 2020 Council meeting.

OTHER CONSIDERATIONS:

Vice Chair Jensen stated that Councilmembers should have received a letter from Ralph Bair in regard to irrigation rates. He said it seems to him that Mr. Bair's questions have Not been answered.

Councilmember Simmonds responded there are different ways of assessing sewer rates. For areas that are smaller than an acre they can install a bypass meter onto their system that will not count the water they put on their lawn as part of their sewage calculation. The only way we can address Mr. Bair otherwise is to do an entirely new rate study because otherwise, we are giving an exception to one person which, she feels we should not do. Mr. Bair indicated in his email that he spoke to Public Works Director Paul Lindhardt.

Chair A. Anderson said that she talked with Public Works Director Paul Lindhardt and asked him to give the Council a history of the discussion with Mr. Bair and what his recommendation to Mr. Bair might be.

Chair A. Anderson reminded everyone to continue to practice social distancing and to wear a mask when out in public. She also reminded people when outside to use designated trails and access to those trails.

There were no further items considered by the Council.

ADJOURNED. There being no further business to come before the Council, the Logan Municipal Council meeting adjourned to a Closed Session at 7:43 pm.

ACTION. Motion by Councilmember Simmonds seconded by Councilmember Bradfield to adjourn to a Closed Session as presented. Motion carried by roll call vote.

A. Anderson: Aye

M. Anderson: Aye

Bradfield: Aye

Jensen: Aye

Simmonds: Aye

Teresa Harris, City Recorder