

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, June 1, 2021, in the Logan Municipal Council Chambers located at 290 North 100 West, Logan, Utah 84321 at 5:30 pm. Logan Municipal Council Meetings are televised live as a public service on Channel 17 and the City of Logan YouTube channel at: https://www.youtube.com/channel/UCFLPAOK5eawKS_RDBU0stRQ

Council Members present at the beginning of the meeting: Chairman Mark A. Anderson, Vice Chair Jeannie F. Simmonds, Councilmember Ernesto López, Councilmember Amy Z. Anderson, and Councilmember Tom Jensen. Administration present: Mayor Holly H. Daines, Assistant City Attorney Craig Carlston, Finance Director Richard Anderson, City Recorder Teresa Harris, and Deputy City Recorder Esli Morales. Excused: KyMBER Housley, City Attorney.

Chairman M. Anderson welcomed those present. There were approximately 11 in attendance at the beginning of the meeting.

OPENING CEREMONY:

City Engineer Bill Young addressed the Council for the opening ceremony prior to leading the audience in the pledge of allegiance.

Flag Day is scheduled for June 14th this year. It is a day when we have a chance to not only honor the flag of the United States of America but also all that the flag symbolizes, including honor, sacrifice, duty, independence, and liberty. We all know the symbology of our flag with 13 red and white stripes representing the original 13 colonies, a field of blue with a white star for each state. I would at this time like to remind us of the symbology of the colors of our flag:

RED

Hardiness: Ability to endure difficult conditions

Valor: Great Courage in the face of danger

WHITE

Purity: The condition or quality of being pure, freedom of that debases, contaminates, or pollutes. INNOCENCE: Lack of guile or corruption

BLUE

Vigilance: Keeping careful watch for possible dangers or difficulties

Perseverance: Continuing in a course of action even in the face of difficulty

Justice: Just behavior or treatment

In this past year, there have been many opportunities as individuals, families, and communities to implement and practice some if not all of the symbology represented by our flag and its colors. May we continue to emulate all that our flag symbolizes and proudly display it on June 14th.

Meeting Minutes. Minutes of the Council meeting held on May 18, 2021, were reviewed and approved with no corrections.

Meeting Agenda. Chairman M. Anderson announced there are two public hearings scheduled for tonight's Council meeting.

ACTION. Motion by Councilmember A. Anderson seconded by Councilmember Jensen to approve the May 18, 2021, minutes and approve tonight's agenda. Motion carried unanimously.

Meeting Schedule. Chairman M. Anderson announced that regular Council meetings are held on the first and third Tuesdays of the month at 5:30 pm. The next regular Council meeting is Tuesday, June 15, 2021.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL:

Chairman M. Anderson explained that any person wishing to comment on any item not otherwise on the agenda may address the City Council at this point by stepping to the microphone and giving his or her name and address for the record. Comments should be limited to not more than three (3) minutes unless additional time is authorized by the Council Chair. Citizen groups will be asked to appoint a spokesperson. This is the time and place for any person who wishes to comment on non-agenda items. Some items brought forward to the attention of the City Council will be turned over to staff to respond outside of the City Council meeting.

Dr. Gail B. Yost resident of Logan addressed the Council. She speaks for those that cannot read legal notices and feels the community may be able to see and read what is on the agenda, but they may not understand legal notices. She suggested simplified language be used to make things easier to be understood and that if we want participation of the community, they need to understand what they are voting for.

MAYOR/STAFF REPORTS:

Mayor Daines briefly reported that other potential locations are being explored and considered for Fire Station 70.

No further Mayor/Staff Reports were presented.

COUNCIL BUSINESS:

Planning Commission Update – Vice-Chair Simmonds

Vice Chair Simmonds reported that the Planning Commission met on May 27, 2021. The project called 'Solo Vistas' will be located South of Costa Vida on Main Street and located on the east side of the "Y" intersection. It is a vertical mixed-use building of 5 stories, but because it is 5 stories, the ground floor is required to have all commercial uses. The developer is putting in a pool and will sell memberships to the public for use.

The remaining commercial space will be used for other uses along with 14 garages with doors. A requirement is that each separate commercial entity within the project has its own business license. The developer may sell the other individual units. As a result, a request has added to define the vertical commercial mixed-use table as opposed to strictly commercial structures.

Vice Chair Simmonds also reported that the Logan Regional Hospital presented the configuration of their project. Their proposal was approved with portions of the building being torn down and rebuilding to the east. A development rezone request near Renegade Sports to change the area from commercial to MR-20 was also presented.

No further Council Business items were presented.

ACTION ITEMS:

PUBLIC HEARING - Budget Adjustment FY 2020-2021 appropriating: \$30,500 a grant the Parks & Recreation After School Program received from the Logan City School District for the Summer Playground Program – Resolution 21-28 – Richard Anderson

At the May 18, 2021, Council meeting, Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustment.

Chairman M. Anderson opened the meeting to a public hearing.

Dr. Gail B Yost inquired if the funding is the same as in previous years applying solely to elementary schools withing Logan City.

There were no further comments and Chairman M. Anderson closed the public hearing.

Finance Director Richard Anderson replied that is usually the case but turned the question over to Parks & Recreation Director Russ Akina.

Mr. Akina replied that different grants are received from different sources such as the Department of Education or the State of Utah. In this instance, the funds are solely for the After-School Programs that will for a portion of these funds to be used to create a third playground site located at the Merlin Olsen Park. However, there are funds received via grants that are specific to certain sites.

ACTION. Motion by Vice Chair Simmonds seconded by Councilmember Jensen to approve Resolution 21-28 as presented. Motion carried unanimously.

PUBLIC HEARING - Consideration of a proposed resolution adopting the Community Development Block Grant (CDBG) Annual Action Plan (Program Year

2021) for the City of Logan – Resolution 21-27 – Amanda Hovey, CDBG Coordinator

At the May 18, 2021, Council meeting, CDBG Coordinator Amanda Hovey addressed the Council regarding the proposed resolution. The program year funding estimate for 2021 is \$546,010 with a possible extra \$7,930 from the 600 East receiver project. They are currently waiting on the final award from HUD, (Department of Housing and Urban Development). The funding recommendations for public infrastructure projects are as follow \$50,000 at 500 W. 400 S. to install 1,320 ft of sidewalk, curb, and gutter along with three new ADA-compliant pedestrian ramps. \$115,415 for 600 E. 500 – 700 N. to install 830 feet of sidewalk, curb, and gutter along with three new ADA compliant pedestrian ramps. The amount of \$100,000, for the Riverside Drive sidewalk will install 722 feet including curb and gutter, and an ADA compliant pedestrian ramp.

The community needs/public services projects are as follows: \$20,000 for the Little Lambs shelving and forklift to move increased supplies with the Owner matching for pallet racking shelves; \$77,000 for the Whitter Center playground floor to be replaced as old flooring is a hazard and to be replaced with a rubber system; \$10,000 for Logan City's Art in the Park Mural Program to commission murals in parks that in low- and moderate-income neighborhoods; \$20,000 for the Sunshine Terrace new dodge caravan to be used to transport clients and residents for doctor's appointments to and from the facility; \$27,165 for CAPSA technology improvements to the new education wing; \$11,500 for the English Language Center to purchase new teaching equipment. Lastly, for the CDBG administration is \$107,000 for program administration and planning.

Councilmember Jensen asked if any of the mentioned organizations had returned with a request for more funding.

Miss Hovey answered that she had not been contacted with such a request.

Chairman M. Anderson opened the meeting to a public hearing.

Lila Geddes, Development Director at the Sunshine Terrace thanked the City for the funding they have received in the past and for the recommendation this year. The CDBG grant for COVID funding was greatly appreciated. The Board and CEO are eternally grateful and wished to express their sincere gratitude.

Ted Chalfant from Little Lambs Foundation expressed his gratitude to the Council for the recommendation for this year's grant. He said it will make a large difference in the way the organization operates their warehouse. They are very grateful for last year's COVID funds as well.

There were no further comments and Chairman M. Anderson closed the public hearing. **ACTION. Motion by Councilmember Jensen seconded by Councilmember López to approve Resolution 21-27 as presented. Motion carried unanimously.**

WORKSHOP ITEMS:

CODE AMENDMENTS – Consideration of proposed amendments to the Land Development Code Tale 17.11.030 in Chapter 17.11 “District and Corridor Zone Uses” to Permit Financial Institutions, General Sales & Services, and Sales & Services in Buildings with a footprint exceeding 100,000 square feet as a Conditional Use in the Industrial Zone – Ordinance 21-12 – Russ Holley, Planner

Planner Russ Holley addressed the Council regarding the proposed code amendments.

RECOMMENDATION

Staff recommends that the Planning Commission recommend **approval** to the Municipal Council of these minor amendments to the Land Development Code.

REQUEST

This is a proposal for a minor amendment to the Land Development Code (LDC) modifying the Commercial & Industrial Use Table (17.11.030) in Chapter 17.11 by expanding the range of uses conditionally permitted in the Industrial zone. The proposed amendment to LDC Chapter 17.11 is attached and summarized below:

Allowed Uses in District and Corridor Zones - 17.11.030: Amend the Commercial & Industrial Use Table by changing “Banks, Savings & Loans, Credit Unions”, “General Sales/Service” and “Sales and Service, Footprint Greater than 100,000 sq. ft. (Big Box)” from not permitted to conditionally permitted in the Industrial zone.

The purpose of these changes is to encourage the transition of “big box” retailers from Main Street locations to the westside of Logan where large, undeveloped tracts are available. The proposed amendment would expand the range of uses permitted in the Industrial zone by including financial institutions as well as other general sales & services similar to the range of uses permitted in the Commercial Services zone. The purpose for considering these as conditional uses (C) rather than permitted uses (P) is to utilize the conditional use review and permitting criteria to adequately evaluate the compatibility of land uses while also mitigating for any potential impacts to the site, surrounding properties, uses, or adjacent roadways.

The nature of big-box types of construction and uses are very similar to industrial warehouses in their sizing, scale, uses, and functionality, while also being very land consumptive with large parking areas that sit vacant for a significant portion of the day/night. The one primary difference will be volumes of traffic. These types of uses have a need for clear and accessible semi-truck loading/unloading areas, wide drive aisles, outdoor storage, and significant amounts of shipping (both in/out). They are not conducive to pedestrian or bike traffic and create very large "void" areas that are difficult and/or uncomfortable to move through unless in a vehicle. Other than the amount of retail traffic, the typical big box establishment is a large warehouse. In addition, the transportation system of Logan's west side has seen significant improvements in the road

network, and by pushing new big-box types of activities further west, it will be possible to shift and disperse some of the traffic demand off Main Street.

STAFF RECOMMENDATION AND SUMMARY

The proposed changes to the Land Development Code would expand the range of uses in the Industrial zone to include financial institutions, general sales/service, and big-box types of sales & service. The nature of these amendments provides additional flexibility in locating additional land uses on the west side of Logan in order to move large, warehouse types of projects off Main Street along with the traffic generated by it. Staff would recommend that the Planning Commission forwarded a recommendation of approval to the Council for their consideration.

GENERAL PLAN

The Land Development Code was prepared and adopted to implement the vision expressed in the General Plan. The proposed amendments are minor in nature and are consistent with the General Plan.

PUBLIC COMMENTS

As of the time the staff report was prepared, no public comments had been received.

PUBLIC NOTIFICATION

Legal notices were published in the Herald Journal on 5/15/21, posted on the City's website and the Utah Public Meeting website on 5/20/21, and noticed in a quarter-page ad on 5/8/21.

AGENCY AND CITY DEPARTMENT COMMENTS

As of the time the staff report was prepared, no comments have been received.

RECOMMENDED FINDINGS FOR APPROVAL

The Planning Commission bases its decisions on the following findings:

1. Utah State Law authorizes local Planning Commission to recommend ordinance changes to the legislative body (Municipal Council).
2. The Code Amendments are done in conformance with the requirements of Title 17.51 of the Logan Municipal Code.
3. The proposed Code Amendments are consistent with the Logan City General Plan.
4. The proposed Code Amendments will provide additional flexibility in setting new land uses in Logan.
5. No public comment has been received regarding the proposed amendments.

On May 27, 2021, the Planning Commission had a **tie** recommendation for the Municipal Council on the Land Development Code Amendment Chapter 17.11

Planning Commissioners vote (2-2):

Motion: Goodlander

Second: Croshaw

Vote to recommend approval to City Council:

Yea: Croshaw, Goodlander

Nay: Dickinson, Lewis

Abstain: None

Councilmember A. Anderson asked what some of the points of discussion were.

Planner Holley replied that Croshaw and Goodlander voted in favor of the proposal, while Dickinson and Lewis voted against it. The concern is about banks, savings, and loans, or credit unions being built in this location. There was a bit of a concern that if an area has too many uses in the industrial park it may increase traffic including pedestrian traffic going across town.

Councilmember Jensen remarked that the Planning Commission was also concerned about increased traffic in that area, but it might be a solution to decrease traffic on Main Street.

Mr. Holley concurred with the sentiment and said it could persuade semi-trucks onto these roads rather than driving their routes on Main Street.

Councilmember A. Anderson asked the reason for the specific changes to Industrial Parks.

Mr. Holley responded that the conditional uses were appropriate to add at this time. The Industrial Park area has the land capacity to absorb development. The Main Street Corridor may start to rethink redevelopment by turning areas into smaller pad sites as a result.

Vice Chair Simmonds acknowledged the symbiotic relationship between banks and boxed areas.

Mr. Holley responded that banks are often located within a grocery store. If the bank is not affiliated with the grocery store, the bank institution must acquire a separate business license, and go through the land use table of authorization.

The proposed ordinance will be an action item and public hearing at the June 15, 2021 council meeting.

Budget Adjustment FY 2020-2021 appropriating: \$11,000 increased funds to be used at the Logan River Golf Course for part-time wages and credit card fees; \$5,000 a grant the Parks & Recreation After School Program was awarded this fiscal year from the Logan City School District – Resolution 21-32 – Richard Anderson

Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustment.

Vice Chair Simmonds inquired if the funding was specifically for Bridger Elementary.

Mr. Anderson replied yes, that is the case.

Mr. Jensen asked for further clarification on the credit card fees.

Mr. Anderson responded that the credit card forwards the full amount collected but pulls out their fees for having done so. Those fees are budgeted separately.

The proposed resolution will be an action item and public hearing at the June 15, 2021 council meeting.

Consideration of a proposed resolution approving a Telecommunications Franchise Agreement between the City of Logan and First Digital Telecom, LLC – Resolution 21-29 – Bill Young, City Engineer

City Engineer Bill Young addressed the Council regarding the proposed resolution. The franchise agreement is between the City and First Digital Telecom, LLC. First Digital is a fiber-based carrier in the Western United States providing a full suite of business services including local voice, long-distance internet, DOIP, and CO-locations. They began work in the City, before realizing that they did not possess a franchise agreement with the City. The franchise agreement was drafted thanks to the efforts of the City Attorneys. Assistant City Attorney Craig Carlston and Mr. Young congregated prior to the Council and will make one final edit to article 9.2 dealing with indemnification. As previously mentioned First Digital commenced work without a franchise agreement and the edit will cover the previous work which has already begun.

Mayor Daines inquired if Mr. Young inspects that the areas are suitably repaired by First Digital as they have compromised portions of the newly installed sidewalks.

Mr. Young replied that the inspectors will inspect these area's and most of the time contractors do not need to be reminded of due diligence.

Mayor Daines asked if First Digital needed to post a bond.

Mr. Young responded that with a right-of-way permit in place, they can only charge a \$500 deposit on every right-of-way permit. It was done in such a manner so that the permit is accessible to residents, businesses, and other entities.

Mayor Daines stated that a telecommunication company boring through the entire City is different. She asked if the Council was interested in creating an ordinance to address such an issue for the future. The Council voiced their agreement in favor of such a proposed ordinance.

Councilmember Jensen asked if this was a similar contract to those already in existence. Mr. Young replied that was the case as the contract is similar to those held with Comcast, Century Link, Dominion Energy, etc.

Vice Chair Simmonds inquired if First Digital will be installing their own pipes and fiber or will they be connecting to lines and pipes already in existence or create a network of their own.

Mr. Young answered that First Digital is bringing their own pipes and fiber optics; and that the underground area is rather convoluted.

Mayor Daines asked for further clarification on the recording of the installation of fiber optics with the GIS (Geographic Information System Mapping).

Mr. Young responded that a bore log must be attached for each boring explaining the depth and other details.

Mayor Daines asked if there was a deadline for the request of bore logs or are contractors permitted to withhold the information.

Mr. Young replied that by City code there is a deadline of 5 days, but an extension can be requested with details anticipating completion.

Assistant Attorney Carlston interjected that the current contract provides that contractors must restore the area within "a reasonable time." It is a rather unclear timeframe that can be further clarified.

Vice Chair Simmonds asked if any notification is given to business and homeowners of the boring that will take place in the park strip.

Mr. Young answered that a set of instructions is attached to each right-of-way permit. The instructions clearly describe that transportation cannot be interrupted, bus system, EMS services, etc. They must provide that notification. He cannot guarantee that every single contractor is providing that notification, but they are instructed to do so.

Mayor Daines indicated that a penalty clause can be added in case of a citizen complaint about a lack of or of not receiving noticing.

The proposed resolution will be an action item and public hearing at the June 15, 2021 council meeting.

Consideration of a proposed resolution approving Member Contributions to the Utah Retirement Systems Contributory Retirement Plan FY 2021-2022 – Resolution 21-30 – Ambrie Darley, Human Resource Director

Human Resource Director Ambrie Darley addressed the Council regarding the proposed resolution. Two annual resolutions are presented to the Council every upcoming fiscal year. The first is the Member Contributions to the Utah Retirement System. The City agrees to fund the tier-one employees, and tier-two employees are responsible to contribute their own funds.

The proposed resolution will be an action item and public hearing at the June 15, 2021 council meeting.

Consideration of a proposed resolution approving Elected Official's Wages FY 2021-2022 – Resolution 21-31 – Ambrie Darley

Human Resource Director Ambrie Darley addressed the Council regarding the proposed resolution which is to increase elected official wages for the Mayor and Councilmembers by 3%.

Councilmember A. Anderson recalled that on average across the State, the average salary of a council member is \$17,000 or more. Logan City is still far under what the State average is at this time.

Miss. Darley responded that for approximately ten years, the City Councilmember's and Mayor did not accept any increase in wages. The proposal now is to increase these wages to the State average. She is aware that most of the time the Mayor and Councilmember's are serving the community and not for compensation. However, there is the possibility that in the future, someone will seek out the position as a job rather than a service. It would be appropriate to compensate them for their time.

Mr. Anderson interjected that the idea may be uncomfortable to the Council and Mayor to approve their own wage increase and henceforth that is why they are doing so in their stead. However, it is important to increase wages incrementally each year rather than having to wait until they are \$30,000 per councilmen behind the State average. There is also the concern that no community member may wish to dedicate their time to public service without compensation. Furthermore, the same is applicable to the Mayor's role which requires that good people are willing to run and serve in office. It may be uncomfortable, but it allows for the next Councilmember and Mayor that will take office the ability to be properly compensated.

Councilmember A. Anderson asked for a public clarification on car allowances.

Miss. Darley explained that the Council and Mayor travel for training and meetings including meeting with citizens, so they receive compensation for their vehicle

Councilmember A. Anderson agreed that for the Council it is about service, but for lower-income members of the community, it may not be a possibility without additional compensation despite their desire and interest to serve.

The proposed resolution will be an action item and public hearing at the June 15, 2021 council meeting.

OTHER CONSIDERATIONS:

Vice Chair Simmonds mentioned that on June 9th at 7:00 p.m. the Ellis Neighborhood will be having a neighborhood meeting at City Hall.

Councilmember A. Anderson remarked that during the past week members of the community were able to meet with Wayne Neiderhauser, the new State Homeless Services Chief Administrative Officer. It was a great opportunity for the City and Council to address the issues with housing affordability and homelessness. The possibility to find a solution as many citizens are struggling right now with affordable housing options.

Vice Chair Simmonds commented that her biggest takeaway from the meeting is that there is "no one solution."

Vice Chair Simmonds also requested that the Councilmembers could report on what is going on in the various boards and committees they serve on.

There were no further considerations discussed by the Council.

ADJOURNED. There being no further business to come before the Council, the Logan Municipal Council adjourned at 6:19 pm.

Esli Morales, Deputy City Recorder