

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, May 18, 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](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, City Attorney Kymber Housley, Finance Director Richard Anderson, City Recorder Teresa Harris, and Deputy City Recorder Esli Morales.

Excused: Planner Russ Holley.

Chairman M. Anderson welcomed those present. There were approximately 26 in attendance at the beginning of the meeting.

#### **OPENING CEREMONY:**

Fire Chief Brad Hannig led the audience in the pledge of allegiance.

**Meeting Minutes.** Minutes of the Council meeting held on May 4, 2021, were reviewed, and approved with no corrections.

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

**ACTION. Motion by Councilmember A. Anderson seconded by Vice Chair Simmonds to approve the May 4, 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 1, 2021.

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

Chairman M. Anderson explained that the Questions and Comments portion of the agenda is suspended. In the meantime, comments can be emailed to City Recorder Teresa Harris [teresa.harris@loganutah.org](mailto:teresa.harris@loganutah.org), who will distribute them to the Mayor and Councilmembers.

## **MAYOR/STAFF REPORTS:**

### **Update on Compost Facility – Issa Hamud, Environmental Director**

Environmental Director Issa Hamud addressed the Council. He explained the area where the wastewater treatment plant is being built has a significant amount of wetland, but to the west, the area is uncertain resulting in improvements being made after the area is drained. To delineate into the uncertain area, it will take at least a year-long process to acquire a permit. To compensate for the change a portion of the area designated for future development area to build a smaller compost facility of about 6.3 acres and expand to 10 acres in the future. After the delineation is performed and approval is granted, 20 acres will be required to complete the process. In addition, a community garden area will be added to 4.35 acres onsite. There may be additional signage for the facility, but permission must first be received from the Army Corps of Engineers.

Vice Chair Simmonds asked if SR-30 impacted the proposed changes.

Mr. Hamud answered that some property will be lost but only on the south side.

Councilmember A. Anderson requested an estimate of the cost for the proposed changes and if there will be any environmental repercussions.

Mr. Hamud explained that within the 20 acres, 5 acres of wetland will be impacted, and the cost will be between 1 to 1.5 million dollars for the location.

Councilmember Jensen said that one of the concerns from Cache County is the proceeding odors that can occur as a result and is the facility too close to residential areas.

Mr. Hamud responded that the closest residence is directly across the street. It is roughly 400 to 500 feet. There is a similar facility built in Davis County that is only 700 feet from a large residential area. He did indicate that upon the completion of the facility that fees may need to be adjusted to recuperate some of the costs.

Vice Chair Simmonds inquired that if upon completion of the second half of the facility if the two bays would be removed.

Mr. Hamud explained that was partial to the initial reason to not begin constructing the bays at the site. The bay can be used for up to ten years but after which the area will be removed.

No further Mayor/Staff Reports were presented.

## **COUNCIL BUSINESS:**

### **State Districting Process – Lyle Hillyard**

Lyle Hillyard addressed the Council regarding the State Districting Process. He stated that it is important that redistricting is done in a fair manner. In the process, voting records will not be used nor for registration. He supports districts because it is easier to campaign on a person-to-person basis. An example is that 10 years ago when the voting redistricts were redrawn, a newspaper reporter was opposed to districts and they permitted the media personnel to come in. The journalist was only able to create an 86% districting boundary and by law, there must be a 99% voting boundary.

There are two rules to creating voting districts the first is to follow the law and look at the district as a whole. With each redistricting at least two attorneys are part of the committee. One attorney looks at redistricting and the other attorney at the Voting Rights Act. The City of Logan, for example, has a population of 50,000 that is equal to 10 voting districts and the request is that students not be able to run for council then a minority district would be created. The best example is that if the African American population is put in a single district, the other Caucasian district wins, but the minority district is never represented.

There are various challenges associated with voting redistricts, but the main question is who would perform the redistricting. Under the Utah Constitution, the legislature determines districts for the house, senate, and school board with an independent committee having presented all the information for the proposed districts. For example, Northern Utah does not have a sufficient population to have two Senate seats. As a result, the areas are broken down further with other areas added into the mix. Staff members are an integral component for redrawing voting districts as previously mentioned with the use of two attorneys for the legislative process. Technology has made vast improvements in the process but certainly is expensive.

The most straightforward method is drawing voting districts by population. The population can be easily counted and divided. The problem is what about the community, who does not vote. For example, the students are counted as they use City services, but they don't always vote for the City nor are stationary. The same is applicable for children nor unregistered voters, but their numbers are needed for the Census.

Federal law states that congressional districts cannot have a variation of more than 1%. That is roughly an 80,000 difference. For a population of say 50,000, the difference must be 500 individuals. The public is vehement not to have their neighborhood be cut off. For the legislative district, that number can be up to a 10% difference. The 10% is 5% on either side of the measurement and another item to consider is using natural boundaries such as roads, rivers, etc.

A concern with districts is that those representing their districts advocate for their districts, but at times have the challenge of stepping back and seeing the City as a whole.

The trouble with groups is that they become isolated. A suggestion is called a voting district called a donut hole and trade a portion of a district with another district.

One of the vital pieces of any city is the downtown area and Mr. Hillyard credits Mayor Daines, Councilmembers, and staff for their foresight in rebuilding downtown Logan as a vital piece of the community. He said the public must voice the importance of their area.

Transparency is also incredibly important as is public feedback. Many years ago, a citizen of Logan designed a rapprochement for the State School Board for fifteen seats and the legislature adopted the plan for the State. This permitted for public involvement and participation.

A particular challenge is defining what is a community of interest. The process will take time, effort, and funding. The strength of a city council to legislature lies in the different views of the citizens. It is important that everyone has views and expresses them. We need legislatures that are not Democrats nor Republicans, but rather Utahn's.

Councilmember A. Anderson asked if the City Council should approve all City districting going forward.

Mr. Hillyard responded that the City would have to adopt said districting as the City is registered as non-partisan. The population or rather a community interest ensures that they have a vote in who is elected. That is the concern with the courts that a sizeable minority for x-factor is if they are unable to elect a community member to the city council.

Vice Chair Simmonds added that if a voting district is divided blindly by population, there will be districts with a high vs. low voting propensity. Just by increasing voting participation, these areas can change the outcome of any voting election.

Mr. Hillyard replied that instance certainly could occur but cannot be taken as criteria. If a voting area will be defined by the one man, one vote, then it must be determined who is voting. However, students can vote in their hometown and then register to vote in the City, it is difficult to count these voters.

Vice Chair Simmonds elucidated that one of the challenges of the City is that the student population is spread throughout the city and not in a single concentrated area.

Mr. Hillyard commented that one of the aspects that he enjoyed in the Senate was hearing all of the various prayers from Hindu to Native American, etc. It was a reminder that he represented a diverse group and that not all those that he represented looked like him nor had the same beliefs. He was not just representing, the City, the State, or those that look like him, but every single member of the community. It is an important key to remember is to give every single member of the public a fair chance to run for office and be represented.

Councilmember Jensen expressed concern for ethnic or minority groups, but these groups are not all situated in a single area but spread throughout the entire City.

Mr. Hillyard responded that certainly could be the case, but certain groups are protected such as the Native Americans and African American's and if they are in a sizeable enough group to ensure that the City is inclusive.

Councilmember Jensen clarified that his concern is that the minority groups may not be in the same geographical area.

Mr. Hillyard replied that the difficulty is ensuring that when drawing voting districts that these demographics are within the boundaries of the selected or created district.

Councilmember A. Anderson indicated that all these various populations are across the City and can vote to elect a candidate to the Council. That is the flip side to an at-large system vs. voting districts when a community of interest is geographical dispersed throughout the City.

Mr. Hillyard commended the efforts of the Mayor and Council and is proud to be from the City of Logan and thanked them for allowing him to come and speak about districting.

The Council thanked Mr. Hillyard for his comments.

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

Vice Chair Simmonds reported that the Planning Commission met on May 13, 2021, they approved Millcreek Phase II at 100 South, a convenience store at 1400 North 600 West, an industrial project at 2180 North 600 West, and the Light & Power substation at 10<sup>th</sup> West and 1800 South.

### **Council Budget Workshops: Tuesday, May 25 at 5:30 p.m.**

Chairman M. Anderson announced that a budget workshop will be held on Tuesday, May 25 in the Council Chambers. The workshop begins at 5:30 p.m. and the public is invited to attend.

### **July Meeting Schedule – Chairman M. Anderson**

Chairman M. Anderson stated that typically the Council only holds one meeting during the month of July. The Council after discussion determined that the Council meeting on Tuesday, July 6, 2021, will be canceled.

## **Discussion: Plastic Bag Ordinance – Chairman M. Anderson**

Environmental Director Issa Hamud reported that there are no new updates, and a meeting will be requested in the next few weeks to further discuss a Plastic Bag Management Plan. There several new mayors on the advisory board who will need to be educated. It is planned to do so before the end of the year.

Councilmember A. Anderson asked for the date of the Plastic Bag deadline.

Chairman M. Anderson replied that according to the ordinance the implementation date for the plastic bags is January 2022.

No further Council Business items were presented.

### **ACTION ITEMS:**

***(Continued from May 4, 2021) – PUBLIC HEARING – Consideration of an annexation petition filed by Mark Daines on behalf of Paul Campbell for the purpose of annexing 37.45 acres, more or less, into the City of Logan located North of 2200 South and East of 800 West – Ordinance 21-04***

At the January 19, 2021, Council meeting, Community Development Mike DeSimone 661 addressed the Council regarding the proposed annexation. The area according to FLUP 662 (Proposed Future Land Use Plan) would be multi-residential (MR). The adjoining 663 property across the road is also Multi-Family. The area proposal is MR-20, 20 units per 664 acres. A petition of protest has been filed by the City of Nibley and is scheduled to be review before the Cache County Boundary Commission. The recommendation is for the public hearing to be conducted tonight and the Council then continue voting on the annexation until after the Boundary Commission meets and decides on a final decision.

Community Development Director Mike DeSimone reported that on May 6, 2021, the Boundary Commission denied Nibley’s request.

Vice Chair Simmonds asked that Mr. DeSimone clarify the statement regarding affordability. Mr. DeSimone clarified that it was a general statement.

Councilmember Jensen inquired if the area were zoned for the Cache County School District would that negate some of Nibley’s complaints.

Mr. DeSimone responded that there is no control of school boundaries nor do they change with City boundaries.

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

Logan resident Gail Yost asked if there was any particular plan for development in this area and if it would be possible to request that there be a requirement that a certain percentage be affordable housing if a housing development project occurs in this location.

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

Mr. DeSimone replied that at the present time there are no ongoing plans for development nor are there any mandates in place that require a specific percentage of affordable housing.

Vice Chair Simmonds commented that on prior developments when requesting tax increment funds from the State, the State requested that the developers have a certain percentage of low-income housing.

Mr. DeSimone replied that would be State mandated through their process.

**ACTION. Motion by Councilmember A. Anderson seconded by Vice Chair Simmonds to adopt Ordinance 21-04 as presented. Motion carried unanimously.**

**PUBLIC HEARING - REZONE – Consideration of a proposed rezone of approximately 2.07 acres of property located at 721 South 100 West from Mixed Residential Medium (MR-20) to Mixed Residential High (MR-30) – Ordinance 21-10 – Russ Holley, Planner**

At the May 4, 2021, Council meeting, Planner Russ Holley addressed the Council regarding the proposed rezone.

#### RECOMMENDATION

Staff recommends that the Planning Commission recommend approval to the Municipal Council for a rezone of approximately 2.07 acres of property located at 721 South 100 West (TIN# 02-063-0035) from Mixed Residential Medium (MR-20) to Mixed Residential High (MR-30)

Land use adjoining the subject property

North: NR-6: Residential Uses      East: COM: Commercial Uses  
South: COM: Commercial Uses      West: MR-12: Residential Uses

#### PROJECT

The proponent is requesting to rezone a 2.07-acre parcel from Mixed Residential Medium (MR-20) to Mixed Residential High (MR-30). This area was part of the Logan Gateway project that included a large four-story 68,000 SF office building and four small commercial pad sites near Main Street. The original 7.8-acre property site was divided into two areas when the 100 West street right-of-way extended south over the Logan River. In addition to the commercial development approvals in 2019, the applicant requested and successfully rezoned the project site from Mixed Use (MU) to a

combination of Commercial (COM) and MR-20. That resulted in the current configuration of approximately 5 acres of COM and 2 acres of MR-20.

#### GENERAL PLAN

The Future Land Use Plan (FLUP), adopted in 2008, identifies this property as a Mixed-Use Center (MUC). The General Plan, a nonregulatory visioning plan describes MUC areas as having concentrations of commercial, and office uses with residential uses integrated. MUC developments are required to have both residential and commercial components designed in a compact dense form for people to live, work, and play within a walkable center. The plan describes MR areas as intended to provide a range of housing options for all stages of life and all levels of income. New developments should provide a diversity of housing types that are located near employment centers and commercial service areas for better walkability and transportation alternatives. Structures in this designation will range in density up to 30 units per acre and designed similar to Logan's traditional block pattern. The General Plan does not describe or distinguish the differences between MR-20 and MR-30.

#### LAND DEVELOPMENT CODE

The Land Development Code (LDC) regulates land uses and entitles properties with specific development allowances. The MR-20 zone allows for multi-family residential housing projects at a maximum density of 20 dwelling units per acre of land. Building heights are limited to 45 feet and front yard setbacks are set at 10 feet. Open space and outdoor space are required to total 30% of the project site.

The MR-30 zone allows for multi-family residential housing projects at a maximum density of 30 dwelling units per acre of land. Building heights are limited to 55 feet and front yard setbacks are set at 10 feet. Open space and outdoor space are required to total 30% of the project site.

#### STAFF SUMMARY

Originally designated as MUC in the FLUP and subsequently zoned MU, the intent of this project site was a development that included both commercial and higher density residential land uses. Although similar to MU zoning in density and development pattern, COM does not require residential and is more automobile-oriented by nature. The MR-30 zoning district is similar to MU in density, height, and development pattern with the exception of required commercial uses. The landowner requested MR-20 in 2019 but the MR-30 is actually closer to the FLUP designation of MU and will allow more residential units in an area of town that is located centrally, near high-capacity utilities and infrastructure. Efficient, well-designed, centrally located higher density housing will continue to relieve pressure on suburban and rural agricultural areas farther outside of town, increase housing supply, provide diverse housing types, and reduce miles driven. With housing supply at historic lows and housing demand at historic highs more efficient housing units will help satisfy demand, improve affordability, and increase supply. The river along the west border of the property along with enhanced setbacks required in the LDC will create adequate buffers to soften the additional 10-units per acre (max. density for MR-20 = 41 units & MR-30 = 62 units) and design compatibility with the



surrounding diverse mixture of structures and land use. The planned trail extension along the river through this property will increase recreation and alternative transportation options for area residents and employees.

#### AGENCY AND CITY DEPARTMENT COMMENTS

No comments have been received.

#### PUBLIC COMMENTS

Notices were mailed to property owners within 300 feet 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 4/10/21 and the Utah Public Meeting website on 4/10/21. Public notices were mailed to all property owners within 300 feet of the project site on 4/5/21.

#### RECOMMENDED FINDINGS FOR APPROVAL

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

1. The Logan City FLUP identifies the area as MU and the MR-30 zone is similar in nature and density to MU.
2. This area is positioned along 100 West, a street that is planned for expansion to the south with high-capacity infrastructure.
3. Infill and redevelopment are more efficient ways to handle population growth and reduce pressure on rural/suburban sprawl.
4. Centrally located, higher density housing developments reduce vehicle miles driven, increase housing supply and affordability.
5. Design incompatibles can be mitigated through Design Review processes.

On April 22, 2021, the Planning Commission recommended that the Municipal Council approve the Logan 100 West Rezone (6-1), (nay - Dickinson).

Mr. Holley explained that the proponent chose Mixed Residential High (MR-30), but at present, the area is zoned Mixed Residential Medium (MR-20). There were no public comments at the time of the approval for the rezoning.

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

Proponent Michael Jewel addressed the Council and stated this is a horizontal, mixed-use project and stated that MR-30 is closer to the FLUP in the long-term plan. He said the original request of an MR-20 rezone was a mistake on their end and are now getting to the original intent of the project. The area will attach to the Logan River Trail and will have very nice walkability to other locations. There is a potential for national chains, but they are not far enough in negotiations to confirm what those new businesses will be at this time. Nevertheless, they are very excited about the potential of the retail pads which are almost 70,000 feet of commercial space.

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

Councilmember A. Anderson asked how tall the Adams Wealth building is and how tall the proposed building will be.

Mr. Jewel responded that the building will not be over 55 feet or if the building will even reach that level.

Mr. DeSimone interjected that the penthouse structure may be above that line due to adding cooling units to the structure.

Vice Chair Simmonds inquired as to parking on and for the property.

Mr. Jewel stated that parking will not burden the adjacent neighbors as parking will be used by commercial during the day. They will create as much parking as possible for those using the building.

**ACTION. Motion by Councilmember Jensen seconded by Councilmember López to adopt Ordinance 21-10 as presented. Motion carried unanimously.**

**PUBLIC HEARING - REZONE – Consideration of a proposed rezone (Riverside RV Park) of approximately 4.7 acres located at 447 West 1700 South from Recreation (REC) to Mixed Residential Medium (MR-20) – Ordinance 21-11 – Russ Holley, Planner**

At the May 4, 2021 Council meeting, Planner Russ Holley addressed the Council regarding the proposed rezone.

#### RECOMMENDATION

Staff recommends that the Planning Commission recommend denial to the Municipal Council for Project #21-018 Riverside RV Park Rezone, located at 447 West 1700 South, TIN# 02-089-0028.

Land use adjoining the subject property

North: NR-6: Residential Uses      East: REC: Public Recreation Uses  
South: IP: Industrial Uses      West: COM: Commercial Uses

#### Request

The proponent is requesting a rezone from Recreation (REC) to Mixed Residential Medium (MR-20) on a 4.7-acre parcel located at 447 West 1700 South. The existing Riverside Recreational Vehicle (RV) Park was originally established and developed in 1988 with 15 sites, the park was expanded in 1995 with five (5) additional sites. The unique and naturally vegetated site fronts the Blacksmith Fork river on three sides and 1700 South on the southern border. The site is relatively flat and experiences flooding in times of high water and spring runoff. The Logan City FEMA Floodplain map shows the vast majority of the property inside the floodplain boundary.

### REC Zone

The REC zone is described in the Logan City Land Development Code (LDC) to preserve and enhance natural and recreational areas and intended to be applied to publicly owned parks and recreation facilities. The designation may also apply to privately-owned facilities such as golf courses, campgrounds, and RV parks. The zone allows up to 50% lot coverage with 35-foot maximum heights and 20-foot setbacks for more naturalist or rural development patterns.

### MR-20 Zone

The MR-20 zone is described in the LDC as intended to provide a diverse range of housing options for all stages of life and levels of income. Densities are limited to no more than 20 units per acre with building heights capped at 45 feet tall. Setbacks in the front yard are 10 feet unless adjacent to single-family zoning, which are set 25 feet. Open space and outdoor space total 30% of the property.

### Historic Zoning

This property was annexed into Logan City in approximately 1985 and zoned R3. In 1989 the property was zoned C2 (commercial). In 2000 the property was zoned REC and has remained in this district (4 years = Residential, 11 years = Commercial, 21 years = Recreational) until the present.

### Summary

The Riverside RV Park has been established on this property for nearly 33 years. As per the current REC regulations, the property is underdeveloped and has the potential for expansion. The setbacks from the river, streets, and surrounding property lines will ensure a less impactful and more compatible development on this property. With flooding issues and native riparian habitats, the river setback and buffer are critical in retaining the natural characteristics of this property. With the floodplain designation over practically the entire property, the current land use of RV Park is well suited because of the non-permanent mobile nature of RV's during times of flooding. A multi-family (permanent structure) development would require fill material raising finish floor heights above flood levels. These land grading changes would alter the flood dynamics of the property with the potential of adverse impacts to downstream properties during flood events. Permanent structures on properties only with small to medium portions of land considered floodplain offer better onsite mitigation efforts that create new flood capacities and result in no adverse impacts downstream is the better way to develop in sensitive lands along rivers in staff's view.

### AGENCY AND CITY DEPARTMENT COMMENTS

- Engineering

### PUBLIC COMMENTS

Notices were mailed to property owners within 300 feet of the subject property. As of the time of this report, there have been no comments from the public.

## PUBLIC NOTIFICATION

Legal notices were published in the Herald Journal on 4/10/21 and the Utah Public Meeting website on 4/10/21. Public notices were mailed to all property owners within 300 feet of the project site on 4/5/21.

## RECOMMENDED FINDINGS FOR DENIAL

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

1. The Future Land Use Plan (FLUP) designates this property as REC.
2. This property has been zoned REC for over 21 years.
3. The environmental constraints on this property make permanent structures potentially problematic.
4. The permitted current land use is well suited for this location.
5. The project met the minimum public noticing requirements of the Land Development Code and the Municipal Code.
6. Engineering Department Finding. Current Flood Insurance Rate Maps show 100 % of this property in Special Flood Hazard Area (referred to as the 1% Chance Flood Area and previously the 100-year flood area), with some areas in a designated floodway. A proposed Physical Map Revision (PMR) being submitted to FEMA will show the majority of the proposed rezone area to be in a floodway. If the PMR mapping is accepted by FEMA there cannot be any building in a floodway area. Any modifications proposed by the developer to the floodplain will require a CLOMAR/LOMAR approval from FEMA. The proposed current model for the PMR will be designated as the base effective model for any modeling to be done by the developer. All requirements of the Land Development Code shall apply to any changes to the existing and or PMR flood maps.

On April 22, 2021, the Planning Commission recommended that the Municipal Council deny the Riverside RV Park Rezone (6-1), (nay – Dickinson).

Councilmember Jensen stated that if the reason to not rezone this property is because of the floodplain, then it can be rezoned as he feels if it can be mitigated by engineers. In his opinion that is not enough of a reason to deny a rezone request.

Mr. Desimone commented that it is a similar discussion to the project on 10<sup>th</sup> West when looking at the technical issues of the floodplain through the subdivision. If the floodplain factor is removed from the equation, the only remaining question left is if the site is appropriate for this type of development.

City Attorney Kymber Housley interjected that the Planning Commission did not zone that area as it was already zoned as single-family residential. Once the legislative decision is made on a zone one of the consequences is that the discretion is gone.

Councilmember Jensen reminded the Council of Country Manor and the flooding that occurred in that area.

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

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

**ACTION. Motion by Vice Chair Simmonds seconded by Councilmember A. Anderson to deny Ordinance 21-11 as presented. Motion carried 3-1 (Jensen voted nay; López abstained).**

**PUBLIC HEARING - Consideration of a proposed resolution Designation a Closed Area to Ignition or Use of Fireworks – Ordinance 21-24 – Assistant Craig Humphreys**

At the May 4, 2021 Council meeting Assistant Chief Craig Humphreys addressed the Council regarding the proposed ordinance. Several years ago, the State passed a State Statute that put the responsibility of establishing firework restricted areas at the City Council level instead of the Fire Marshall level. Every year, the restricted areas are brought for review to give the Council the option to change or maintain as is. Traditionally, the restricted areas are set around areas with fires, dry areas, line up with other communities, etc. In review, there is an eastside restriction from the North City boundary 1600 East to Hwy 89; both the North and South slopes of the Island area; East of Gibbons Parkway to the southern border of the City; the gravel pit between 1200 and 1400 East, and 1400 and 1200 North; and westside from the North City boundary to 600 West to 200 South down to 1000 West to the southern border of the City. It is a very dry year, and the governor has already signed a drought declaration. Chief Humphreys stated that all the Fire professionals are expecting a rough year with wildfires.

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

Logan resident Gail Yost addressed the Council . She lives on 100 East in Logan. She briefly described a neighbor, whose wayward son threw fireworks purchased in Wyoming into their backyard. She called the police to help him understand that his actions were a safety concern and considered hazardous. She feels it is important to keep fireworks in a position and place that will not threaten homes and livelihoods.

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

**ACTION. Motion by Councilmember Jensen seconded by Councilmember A. Anderson to approve Resolution 21-24 as presented. Motion carried unanimously.**

**PUBLIC HEARING - Budget Adjustments FY 2020-2021 appropriating: \$300,000 State grant funds for the 700 North realignment project; \$3,600 donated funds toward the Police Department banquet; \$11,751 Hazmat training funds received from the State of Utah – Resolution 21-25 – Richard Anderson**

At the May 4, 2021 Council meeting, Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustments.

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

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

**ACTION. Motion by Vice Chair Simmonds seconded by Councilmember Jensen to approve Resolution 21-25 as presented. Motion carried unanimously.**

**PUBLIC HEARING - Budget Adjustments FY 2020-2021 appropriating: \$325,000 Capital Project reserves for the design of a new Fire Station 70 – Resolution 21-26 – Chief Brad Hannig**

Fire Chief Brad Hannig addressed the Council regarding structural fire station issues in 2018. Station 70 is a 47-year-old structure with an urgent need to replace the roof, upgrade the station bathrooms, and the structure itself is very poor and energy inefficient. The largest concern is seismic in the building and prior to the 1970's did not have reinforced masonry. Chief Hannig stated that during an earthquake equipment most likely would be damaged and employees would be seriously injured. The Fire Department has outgrown the building size and configuration. The pandemic showed many flaws in structure design with administration/fire prevention and suppression crews.

There are four options available to Fire Station 70. The first option is to rebuild in place, but that will compromise service delivery. The second is to rebuild on an existing lot on 100 East, but that will affect the parking location. The third is to rebuild in a residential neighborhood but that will increase traffic. The last option is to rebuild in a commercial area via eminent domain or through an expensive purchase.

The complication of building in place is it will compromise services. As a result, deployment of resources is limited such as which services will be cut in certain areas. For example, the ladder truck for building rescues and truck work, the engine for firefighting, brush trucks for wildland fires, and ambulances for EMS. Then there is the additional expense and construction time to consider \$500,000 to \$1 million dollars in construction and temporary sites. Additional time in construction will be due to setting up temporary conditions, doubling the setup, and the demolition of the building. As well as a larger final footprint and construction area. There will be a limit to designing forcing construction to work around the current configuration and limitations.

There is a small, designated area where fire stations must be located to best serve the public. The designated area must be able to respond to call volume, high-risk occupancy, quick response times, and be found within geographical area/distance. The proposed area will not change the pedestrian travel from the parking area. Chief Hannig stated that as a public official, it is his responsibility to encourage safe pedestrian travel for any patrons or employees of businesses using the East parking lot. Based on the distance from the old parking area to the new parking shown, travel is negligible.

Councilmember Jensen inquired if traffic collision is counted as one of the factors for the high volume of EMS calls. Chief Hannig replied that was correct.

The pros and cons of the proposed location for Fire Station 70 is that the new location is close to the current location, thus keeping their response times similar to what they are currently. It will also further beautify the neighborhood, improve the parking surface and landscape. On the other hand, there will be reduced parking for fire personnel, and a smaller footprint behind the station for training and large apparatus. There will be a disruption of parking during construction and the layout changes in proximity to some of the business owners.

Mayor Daines said that discussions regarding the Fire Station will continue and tonight's public hearing is an initial presentation to the Council to present all the facts and receive input and suggestions, before bringing the subject back to the Council sometime in the future for a final decision.

Finance Director Richard Anderson reminded the Council that if the fire station is built elsewhere other than on 200 North due to the high costs, the fire station will be sold to recuperate costs, but that will be far from sufficient to cover the incurred costs.

Vice Chair Simmonds inquired further about the resolution as the funds are for the design of a new fire station and verify if the site is already determined.

Mayor Daines responded that a presentation is being made to the public and Council first and to receive feedback and then to proceed forward in a direction the Council determines.

Councilmember Jensen asked if any other City properties had been considered for the fire station.

Mayor Daines stated that staff had looked at initial figures for properties within the developed area, but prices are expensive, and the response times are excessive. There are not many options, but staff will present all available recommendations. She added that the City does have the right to exercise eminent domain if needed.

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

Jason Holmes lives in Providence but owns Achievement Property Management (Achieve Rentals) on 64 Federal Avenue. The brokerage has been on Federal Avenue for about three years. The Federal District is liked because of the area and the parking. Jason stated that small businesses are the fabric of America and a disruption of parking can have long-term impacts on foot traffic. He applauded the public servants such as Police Chief Jensen and Fire Chief Hannig for their service. However, there are concerns over parking especially for the 77 business owners, who traverse 100 North to the Tabernacle and they do not want to see blight come to 100 East.

Raeghn Torrey lives in Petersboro and owns the yellow home located at 130 N 100 E that is currently being used as a school of music. She said there are concerns about neighbors at Sunrise, but bicyclists that will be on the bike path. She said Utah Code states, there are marked and unmarked sidewalks. She said no one is jaywalking when crossing the road as it is next to a four-way intersection. There is a limitation on what the City can do, and sked what possible liabilities the City will face if the fire station emerges onto 100 East. *(Please visit Utah Code 41-6a-1002 & 1003 for the correct clarification of the Utah Code on unmarked and marked crosswalks).*

Courtney Larsen owns That Sandwich Place located on Federal Avenue. He said one of the key aspects of a restaurant is that parking can make or break them. Parking is a huge issue on how a business can stay in business. He greatly supports the fire department and if the change needs to occur, so be it. He asked the Council to please consider or look at the buildings on the corner of the previous USU Credit Union that sold their parking and as a direct consequence are unable to now sell their property because there is no parking available.

Sara Colson along with Peggy McDonald have owned Leilani & Spa for 9 years. They have employed 45 residents and on average have seen 475 clients per month with roughly a total of 5,680 clients per year. Every guest is greeted with a friendly smile with their doors open to all. She is concerned about the parking that will affect her many clients and her business.

Jason Henderson resides in River Heights but owns the buildings at 180 North & 182 North on 100 East. He stated that his tenants have about 12 employees that utilize the parking across the street. Five stalls were removed from the parking lot for green space. He questions the research process and if any or rather which realtors were consulted. He requests further transparency and studies on the proposed location of the fire station.

Aaron Riche representing Mama's Kitchen addressed the Council. He knows the importance of fire stations and EMS, but he said nothing is quicker for the destruction of a downtown than no parking. He respectfully asked the Council to table the decision and withhold deciding at this time.

Peggy McDonald is co-owner of Leilani & Spa. She expressed her concern of the limited time limit of three minutes for the public hearing but continued to address the Council. She requested further research on the traffic study moving North and South or from East and West. She is also concerned whether it would even be possible for emergency vehicles to get in and out of 100 East with the traffic flow on that roadway.

*The Council and Mayor gently reminded the public that they are always available, and the public may express their opinion via email or on the phone, but for time's sake there is generally a three-minute time constraint at public hearings per individual as there are further items on the agenda to discuss.*



Dan Kelly is a property owner on Federal Avenue. When he first moved to Logan, he was very attracted to Federal Avenue and invested in this area. He said the Federal Avenue/Church Street Business District is very important to Logan and said a lot of great things are being done in the downtown area and this should continue.

Renee Raber, (spouse of Jeff Keller) owns Health in Motion Message Therapy at 184 North 100 East. The parking lot will not affect her business but will affect Sunrise Cyclery. She prepared a brief history of Church and Federal which she gave each of the Councilmembers. Included is a list of businesses on Federal Avenue and their history. She wished to highlight the unique aspects of Federal Avenue all of which she feels depend on critical parking.

Sunrise Cyclery business owner Jeff Keller addressed the Council. His business is located on 100 East and he has been there for over 40 years along with 2 other business owners. He presented a petition of 500 signatures to the Council. He also expressed his dissatisfaction concerning the notification process of the proposed fire station to the business owners. He questioned the data and recollection process and requested the Council decision be withheld until further research is provided.

Kristian Hallam addressed the Council and thanked the Council and Mayor for their efforts in improving downtown Logan. She suggested that the Council consider alternative locations and possibly even create a subcommittee to help preserve further expansions down the line.

Beth Smith, Chief Executive Officer of the Bear River Mental Health Department addressed the Council. She stated that she was neutral, but she understands that the community may not want the services in their backyard unless they needed them. She addressed the concern of Bear River Mental Health taking more parking and they have already contracted for parking. She requested a compromise and that both forces work together for a solution. The fire station and mental health services are vital to the community and need to meet those needs. She reminded everyone that they all live together to form a unique community.

Russ O'Donnell resides at 1580 East 1425 North in Logan. He is empathetic with the business owners' concerns, but from personal experience when the parking area is full, he has parked at the Tabernacle because that is what's needed. His primary concern is if the fire station is moved further away every, single, second matters. Firefighter's practice each day to shave off seconds to make a difference. When looking at the proposed map site 2 minutes do not seem to be a lot, but 2 minutes can make a difference between brain damage. A couple of minutes in a lag of service means someone's baby is not breathing. Every single second counts but most importantly it is a critical service that is needed by every single citizen. He requested that the service not be compromised.

Dr. Gail Yost addressed the Council and advocated for the most important thing of all, life. She stated that a good livelihood will not do anyone any good in the worst of circumstances. She lives in one of the oldest neighborhoods and desires that emergency

services be as close as possible. In the past, she has required minor emergency services for her foster children. The point is to ensure that every single member of the community survives an emergency. As much as she loves the parking area, it is important to be able to live not just comfortably, but in a place that cares about one another. It is important to take care of each first for that is the highest priority. We need to protect what we already have.

Sara Colson reiterated the fact that she is not against fire services nor is ungrateful as emergency services have impacted her life personally.

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

Mr. Housley clarified the information on unmarked and marked crosswalks and read from *Utah Code 41-6a-1003* which states “*Between adjacent intersections at which traffic-control signals are in operation, a pedestrian may not cross at any place except in a marked crosswalk.*” Because there is a lighted intersection at 100 North and 200 North, a pedestrian may not cross the street anywhere on that block except if there is a marked crosswalk such as at an intersection, any other instance is considered jaywalking.

Vice Chair Simmonds requested the presentation of more information as to other locations for a fire station.

Mayor Daines agreed as she is genuinely concerned about the stability of the current fire station if there were an earthquake. Further information will be presented within two weeks and a continuation can be extended if the Council deems it so.

Councilmember Jensen requested further information on other site options as well and the rest of the Council agreed.

Councilmember López specifically asked if one of the options was to rebuild on the current site.

Chief Hannig replied that there are 10 different types of units at the current station. Depending on the call that is the type of apparatus that will be used. If the fire station is built on-site, some services will be lost. It is impossible to keep all the apparatus available on site for a variety of reasons including the winter months. The units cannot be left outside during winter. There will be a disruption of service, the question will be which services can be given up. If the units are put elsewhere, the units will take time to be retrieved or simply not used at all. It is a question of how services are delivered and not a decision that he wants to make. Another issue is that a portion of that parking lot will be taken up regardless and will likely take up more space based on how the building sits presently at the location. There is no definitive answer, but something has to give. As Fire Chief, he is being asked to compromise service and he is honestly not prepared to do so.

Chairman M. Anderson thanked those that commented and the remarks of Chief Hannig. He is not prepared to sacrifice services and understands the concerns presented by Chief Hannig. He also agreed that 2 minutes can make all the difference for those injured or needing lifesaving assistance.

Vice Chair Simmonds stated that considering the comments of the evening would it be wise to consider the location of a second fire station or even build that station first as an alternative means.

Mayor Daines responded that the next fire station will be located near the airport as that area of the City continues to grow. However, they are currently far from being able to achieve that goal nor the funding.

Mr. Anderson stated that the cost of a second fire station built is negligible. The next fire station that is built must also include the staff for the station. The station will pay off in twenty years, but staff must always be paid. A minimum of twelve staff members are needed to staff a station. That second fire station is not a station that the City will be able to afford. It would require property tax be doubled to fund such a station.

**ACTION. Motion by Councilmember A. Anderson seconded by Councilmember Jensen to continue Resolution 21-27 until City staff and administration can provide additional information to the Council regarding the proposed fire station as presented. Motion carried unanimously.**

Mr. Anderson added that the City cannot have a subcommittee nor public discussion and be financially responsible about the property that the City might be interested in purchasing. The discussion cannot take place as the property is already owned by another entity. It would be one of the worst financial decisions to make by stating that the City is offering a blank cheque for the property. The public should not expect a public discussion unless the property has been tied up financially.

#### **WORKSHOP ITEMS:**

**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**

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

The proposed resolution will be an action item and public hearing at the June 1, 2021 council meeting.

**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**

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.

The proposed resolution will be an action item and public hearing at the June 1, 2021 council meeting.

**OTHER CONSIDERATIONS:**

An email was received by Eldon Peterson, *“I would like to know where Logan City is at with the Union Pacific negotiations for 1400 North. Has a decision been made to pursue legal options or are you actively engaged in negotiations?”*

Mr. Housley replied that the City is proceeding with legal options and UDOT is proceeding with negotiations.

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 8:40 pm.

Esli Morales, Deputy City Recorder