

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, August 16, 2016 at 5:30 p.m. in the Logan City Municipal Council Chamber, 290 North 100 West, Logan, Utah. Chairman Herm Olsen conducting.

Councilmembers present at the beginning of the meeting: Chairman Herm Olsen, Vice Chairman Holly Daines, Councilmember Tom Jensen, Councilmember S. Eugene Needham and Councilmember Jeannie F. Simmonds. Administration present: Mayor H. Craig Petersen, Finance Director Richard Anderson, City Attorney Kymber Housley and Deputy City Recorder Sylvia Tibbitts. Excused: Teresa Harris, City Recorder.

Chairman Olsen welcomed those present. There were approximately 20 citizens in the audience at the beginning of the meeting.

### **OPENING CEREMONY:**

Logan City Poet Laureate Star Coulbrooke read the following poem titled:

### **SEASONS IN THE CITY OF POETRY**

A Collaborative, Commemorative, Community Poem compiled by Star Coulbrooke, Logan City Poet Laureate, from lines written by participants of the Logan Poetry Walkabouts, 2015-16, presented to Mayor Petersen and the Logan City Council 08/16/2016

I

Under summer shadow  
of the comforting oak

we drift,  
enveloped in warmth,

ravens spiraling, primary feathers  
thrusting skyward, flamenco dancer fans  
disappearing against the blue.

Summertime seeps like water  
rolling off plump rounded bodies of raspberries,  
sweet things bending to memory:

afternoons we spent as children  
stretching into age,  
dressing in dim stardust.

## II

Twin white pinnacles  
thrust their spires  
through lowering El Greco skies,

thin streams of sunlight  
dancing from tree branches, yellow jackets  
swamping fountains of blue water.

We look up, remember  
day after day of rain,  
and recognize  
the season has changed.

No sound, no sense of being,  
no movement of air,

just the falling away forever,  
one petal, then another,

fragments out of time,  
incongruous  
against the cityscape,  
the cafés and theaters,  
hardware stores.

## III

Rotation of clouds  
through high atmosphere,  
the vivid, vital force of winter:

Willow trees touched by arctic winds  
transform to fountains of thin, silver glass.

Weighted with ice, power lines  
dip, sway, ring like plucked strings.

Then freshly fallen snow remakes everything  
in pristine softness, smooth and deep.

Another December skating party,  
another white sky gone gray.

Teased by tropical dreams  
of January thaw, we trod  
through a month-long inversion,

remind ourselves  
it's temporary.

#### IV

We want to hold a sign  
saying  
DO NOT ENTER,

because sometimes  
the world can hang so heavy.

Instead, we  
hold one saying  
WELCOME  
to this new season of serenity.

We hold a place for those  
who arrive,  
never questioning their right  
to stay.

We don't know how they felt,  
those who came before us,  
though we've sat on the same  
screened porch

watching red maples scatter long rays  
of the setting sun

until the trees outside our windows  
grow heavy with snow  
and a longing for spring.

#### V

Hear the spring birds  
twinkling in the branches,  
their voices like starlight.

See the crocus forcing its bright candle,  
see the willow goldening.

Barren boughs of March  
host little ripples of bud-break,  
sweet green progeny glimmering  
against a calico sky.

How tall, how resilient  
the sea of tree tops in April,  
interlaced branches, everything green,

then blossoms. Blossoms alive  
with the warm, wet buzzing of bees.

When they're through, we look up in surprise  
at the petalfall.

## VI

Here on the river's edge  
the trees are heavy with contentment,  
arching their thick leafy arms over berries  
and sedge, shading the supple grass.

Summer sun lights up the mountains,  
unfurls weathered scrolls of recall.

It's then we realize and maintain  
everything is beautiful.

Morning light raises the faces of sunflowers,  
the stubborn ones Nature loves,  
the willful seeds, determined roots.  
The flowers lean, the sun moves on  
not looking back or down.

Meanwhile, there's no fear  
of being left behind, no angry spirits  
pointing spears,  
just the endpoint of Eternity  
in sapphire skies.

So little is expected  
to fly through to joy.

Contributors to the poem:

Sabine Barcatta  
Shanan Ballam  
Shannon Branfield  
Riley Burke  
Helen Cannon  
Gail Christensen  
Jessica Christiansen  
Brock Dethier

Lisa Duskin-Goede  
Terysa Dyer  
Kat Farrow  
Jordan Floyd  
Mary Ellen Greenwood  
Chloe Hanson  
Anne Hedrich  
Danny Howell  
Brooklynn Knight  
Luke Lemmon  
Iris Nielsen  
Winona Perry  
Justin Peterson  
Alyssa Quinn  
Felicia Rose  
Amias Shipley  
Aaron Timm  
Isaac Timm  
Millie Tullis  
Charles Waugh  
Alexa Aho West  
Maria Williams  
Thomas Worthen  
Robert Woodbury

Chairman Olsen led the audience in the pledge of allegiance.

**Meeting Minutes.** Minutes of the Council meeting from August 2, 2016 were reviewed and approved as amended with one change.

**ACTION.** Motion by Councilmember Simmonds seconded by Councilmember Jensen to **approve the August 2, 2016 minutes and approve tonight's agenda.** Motion carried unanimously.

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

**Meeting Schedule.** Chairman Olsen announced that regular Council meetings would be held the first and third Tuesdays of the month at 5:30 p.m. The next regular Council meeting is Tuesday, September 6, 2016.

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

There were no comments or questions for the Mayor or Council.

## **MAYOR/STAFF REPORTS:**

### **Updates on Projects/Issues – Mayor Petersen**

Mayor Petersen reported the Steep Dugway road is planned to be open this Friday, August 19, 2016. The pedestrian path will open shortly thereafter once the railing has been installed.

Mayor Petersen advised that the bulb-outs at 100 North and Main will be scaled back to two feet where there will be an ADA accessible curb at the edge. This will enhance pedestrian safety and allow trucks to turn safely. Additionally, it will add another lane to those vehicles coming to the east.

Mayor Petersen spoke of a grant program from the State of Utah called “Safe Routes for Schools”. At Stewart Nature Park, there will be a grant request for a bridge across Logan River to improve the route students take from the Cliffside area to the Wilson Elementary School.

Mayor Petersen reported the new Trapper Park is finished. There will be a ribbon-cutting ceremony held September 1, 2016 at 11:00 am. Mayor Petersen invited the Council, newspaper media present, and audience to the ceremony at approximately 1600 West 1800 South. There have been road improvements in the park and parking lot.

Mayor Petersen reported that City Recorder, Teresa Harris’ daughter had her baby girl today and excused Mrs. Harris from the meeting. He thanked Deputy City Recorder, Sylvia Tibbitts, for substituting at the last minute.

### **Urban Deer Management –**

Mayor Petersen provided a brief background of the Urban Deer population increase and problems they present in the City. He expects the problem to only increase over time. Last year, the relocation program was not an option when the City attempted to determine how to control the population, however, that has apparently changed. He distributed a newspaper article to the Council members reporting Provo City just allocated \$35,000 for an Urban Deer Control project. Other cities are also addressing the issue, which is what Mayor Petersen desired to do. He introduced Daren Debloois from the Division of Wildlife Resources.

Mr. Debloois provided an Urban Deer Control Rule R657-65 Summary handout to the Council. He explained the procedure in the handout that is necessary for the City to qualify for help from the Division. The Division of Wildlife Resources feels good about capturing deer and releasing them from the Logan area as these deer were not affected by the chronic wasting disease that occurred in other parts of the state last year. They will work hand in hand to develop this program with Logan. The Division will have personnel on site during the capturing of deer and placing them into trailers for relocation.

Vice Chairman Daines asked if Mr. Debloois had any data on survival rate of catch and relocate deer.

Mr. Debloois replied the overall number was around 50 percent. He indicated the approximate cost of catching and relocating is \$250 per deer. The deer would be relocated to Central Utah. Trapping the deer would need to be worked out in the plan with the City. North Logan and Hyde Park presently provide the service through an employee of their cities. There would be an employee from the Division of Wildlife Resources on scene to tag the deer, check for chronic wasting disease and any other requirements they need to perform. They would ask the City to provide personnel to actually trap the deer with its own traps.

Mayor Petersen asked if the Division of Wildlife Resources had a preference of relocating deer versus euthanizing them.

Mr. Debloois replied the Division of Wildlife Resources is willing to work either way with cities depending on their preferences. Obviously, the cost of euthanizing the deer is less expensive with no transportation and radio tag costs involved. The meat from the euthanized deer has been donated to food shelters and other organizations desiring it. He indicated urban deer do not tend to thrive as well when they are relocated.

Mayor Petersen noted that there is also loss with urban deer due to causes such as being struck by a vehicle and/or other injuries.

Councilmember Jensen asked Mr. Debloois if the Division's program and thinking were consistent with the studies at Utah State University.

Mr. Debloois replied they were. He pointed out that this program is new to the Division. The goal is to minimize the deer population to an acceptable level, not eliminate it. Division of Wildlife Resources has been working with property owners who want the deer in their neighborhoods, and that is a challenge.

Mayor Petersen asked what the inclination of the Municipal Council was at this time.

Chairman Olsen replied it may be advisable to revisit the previous ordinance that was tabled, if the council wants to pursue a management policy. He suggested a survey should precede the determination for the nature of the ordinance.

### **COUNCIL BUSINESS:**

#### **Winter Parking Permits -**

Mayor Petersen asked Chief Jensen and Mark Nielsen to speak of the winter parking challenges.

Chief Jensen and Lt. Brett Randall reported that over the past decades, the City has grown with upwards of 18,000 full time students alone at USU. The number of vehicles registered in Cache County has almost quadrupled. This is forcing more vehicles to park

on the roadways during the winter months as parking lots are full. Some students simply do not have a place to park their vehicles. There are many complaints from students at parking enforcement attempts during this time. Last year, over 600 citations for parking violations were issued. The goal is to avoid conflict between snow plows and vehicles parked on the streets. The City does not have a comprehensive plan to address this matter and will not be able to enforce its way out of the problem.

Chief Jensen expressed concern with the criteria used to issue parking permits to various people for various reasons. He acknowledged this is a difficult matter for the Council and City to consider.

Mark Nielsen reported the preference of the Public Works Department is that there would be no cars on the City Streets at night during snow removal. The main problem is when many cars are parked on the street if snow removal is needed. Essentially, it means that only the center portion of the roadway gets plowed. He suggested the elimination of overnight parking on major roadways would definitely make snow removal less complicated.

Councilmember Simmonds asked Mr. Nielsen for a list of which roads he would consider as being major roadways.

Mr. Nielsen replied that the Type 1 roads as shown in the Council packet are the most important roads involved.

Mr. Housley advised the City would need to amend the ordinance to remove the blanket prohibition and to identify the streets individually that would involve the parking prohibition. Signage would be placed on those streets.

Councilmember Needham asked if the City could make parking available in the inner blocks.

Mr. Housley replied property owners could create parking lots adjacent to their properties, however, the challenge would be determining who would pay for the parking lots.

Chairman Olsen noted presently the City provides parking along the streets through permits. However, if the property owner has inadequate parking space at their rental units, it may be necessary to notify the owner of his duty to provide adequate parking space on that property, or rent to tenants who do not have vehicles. Parking permits are granted to property owners allowing them to park on the City streets. He was concerned that all City residents are paying for the private parking needs of some property owners because they rent to people who have too many vehicles.

Councilmember Jensen noted the area is divided into two groups, that being the home owners and renters. The renter's area divided into two groups, those who are in managed apartments, and those who live in basements, units with no manager on-site and so forth. The apartment units with absentee landlords seem to be the largest problem where

parking spaces seem insufficient. He would favor encouraging renters to move more toward managed units for parking purposes.

Vice Chairman Daines addressed the fact that one single homeowner in a home that was built before there were parking regulations may have several vehicles, especially if they have several teenage drivers who live there and have their own cars.

Mayor Petersen briefly reviewed seven possible options suggested by Community Development.

Councilmember Simmonds would like to have a public forum to speak to the possibilities.

Vice Chairman Daines and Councilmember Jensen agreed. The matter will be placed on the council agenda for a public hearing in one month.

Vice Chairman Daines would like to discuss the possibilities in two weeks internally as a council.

Chairman Olsen announced that the public hearing for **Code Amendment – Consideration of a proposed ordinance amending Subsection (C)(2) of 10.52.285 of the Logan Municipal Code Regulating the Booting of Vehicles – Ordinance 16-23** has been continued to the September 6, 2016 Council meeting.

#### **ACTION ITEMS:**

#### **PUBLIC HEARING - Deer Pen Rezone – Consideration of a proposed rezone of 33 acres (Deer Pen) from Public (PUB) to 23.42 acres of Recreation (REC), 8.63 acres of Neighborhood Residential (NR-4) and 1 acre of new public roads – Ordinance 16-25**

At the August 2, 2016 Council meeting, Community Development Director Mike DeSimone addressed the Council regarding the proposed Deer Pen Rezone. The proposal is to rezone approximately 32 acres from Public (PUB) to 23.42 acres of Recreation (REC) and 8.63 acres of Neighborhood Residential (NR-4). The NR-4 area will be developed with a 22 lot residential subdivision while the areas zoned as Recreation will become formally incorporated into the Logan Parks & Recreation system.

The proposed Deer Pen Subdivision is located adjacent to Aspen Drive and 1500 North. The proposal is to create a total of 22 residential lots, eight of which are accessed off of Aspen Drive, five of which are accessed off 1500 North, and the remaining nine will be accessed off of a new cul-de-sac, Sharptail Circle. The lots range from 13,700 square feet up to 26,692 square feet in size and are compatible with surrounding neighborhoods. The proposed lots meet the minimum sizes, densities, and dimensions for new development in the NR-4 zone. The lots fronting onto Aspen Drive will have some significant slopes to deal with when they are developed, while a high voltage power line is located between Lots 14 & 15. The remaining acreage may be incorporated into one or two additional parcels, or remain as residual acreage. The project is consistent with the intent and

technical requirements of the Neighborhood Residential (NR-4) as these lots meet minimum frontage, size and dimensional requirements.

Staff recommended that the Planning Commission consider the following:

1. Recommend approval to the Council for a rezone of approximately 32 acres from Public (PUB) to 23.42 acres of Recreation (REC) and 8.63 acres of Neighborhood Residential (NR-4)
2. Conditionally approve a Subdivision Permit for Project #16-030, Deer Pen Subdivision, in the Neighborhood Residential (NR-4) zone located adjacent to 1500 North and Aspen Drive, creating 22 residential lots and potentially two (2) residual lots for future park space.

On July 14, 2016, the Planning Commission recommended that the Municipal Council approve the Rezone of approximately 32 acres from Public (PUB) to 23.42 acres of Recreation (REC) and 8.63 acres of Neighborhood Residential (NR-4). The boundaries of the proposed rezone follows the 22 lot preliminary plat also approved by the Planning Commission on July 14, 2016.

Mr. DeSimone said the subdivision has been conditionally approved pending approval of the rezone.

Chairman Olsen opened the meeting to a public hearing.

Resident Michael Timmons provided a power point presentation of his basis for the goal of imposing CC&R's to minimize visual intrusion on new parkland, existing residences, and Logan's East Bench. Existing code is insufficient to cover their needs. One specific issue he addressed was the architectural design of the back of homes facing the park. He would like the back side of those homes to have the same façade requirements that exist for the front of the homes. The next issue involved heights of the homes on hillsides. With the existing code, it would create a large, looming back to the homes built there as viewed from the roadways. Mr. Timmons next spoke of the landscaping, that it should be harmonious with the natural land formation and topography. Mr. Timmons spoke of the color of future residences built, indicating the colors used on the exterior should blend with the natural color of the landscape. He encouraged xeriscaping and specifications for trees and vegetation using native materials. Mr. Timmons addressed fencing in the area and felt there should be conditions attached to this project that would not interfere with the overall look of the natural features of the land.

Mayor Petersen thanked Mr. Timmons for his presentation.

Citizen Pam Trussel asked for clarification regarding lots along 200 East spoken of at the last Municipal Council meeting. She felt any CC&R's imposed regarding neighborhood compatibility should be consistent citywide.

Mayor Petersen noted the houses on 200 East would be more than compatible with the neighborhood, in fact, they will be an upgrade to the neighborhood.

Citizen Greg Podgorski supported the notion of the CC&R's for the development in the Deer Crest Neighborhood. He felt it would be a win/win situation for new homeowners and existing residents.

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

Vice Chairman Daines asked Senior Planner Russ Holley if the City had an overlay in its hillside area regarding height and colors.

Mr. Holley replied the City does, however, he was not aware of the specifics.

Councilmember Simmonds felt the City may need to tweak the critical land overlay pertaining to the back side of the residences with attention to the concerns that have been brought forward.

Mr. Housley advised the City would need to craft a critical land overlay zone for this project, as none presently exists. The City would have to have an objective standard. The practical impact is the overlay zone would need to come before a staff design review or the Planning Commission for approval.

Councilmember Jensen added there needs to be some type of standards given to the design committee and it would have to be carefully done.

**ACTION.** Councilmember Simmonds **moved to continue the item to the September 20, 2016 Council Meeting, to allow Community Development to explore the option of a more extensive overlay and perhaps a more extensive design review on individual homes. Vice Chairman Daines seconded the motion.** Chairman Olsen asked Mr. Holley to be prepared at the next meeting regarding this issue to address the three components from a letter he had received and provided to Mr. Holley earlier. Those components were: 1) access to each house from Aspen Drive; 2) color of roof, siding, fencing and external parts; and 3) limits to the heights of retaining walls. Motion passed unanimously.

**PUBLIC HEARING - Text Amendment – Consideration of a proposed request to amend the Land Development Code Chapters 17.46, 17.47 and 17.62 to define minor subdivisions and the review process for minor subdivisions – Ordinance 16-26**

At the August 2, 2016 Council meeting, Community Development Director Mike DeSimone addressed the Council regarding the proposed text amendment. The proposal is to amend the Subdivision review process to provide an administrative review track for Minor Subdivisions involving three or fewer lots without any new road construction. The intent is to review these types of minor actions administratively rather than sending them through the Planning Commission process. This proposal is similar to the Track 1 versus Track 2 Design Review Permit process and would help streamline the smaller, less controversial types of activities while reducing the overall costs associated with this type of project review. The one difference is that the public notice component was not eliminated, so the City will still notify surrounding property owners of the pending

subdivision. Finally, this proposal does not modify or eliminate any of the existing subdivision or access standards.

Staff recommended that the Planning Commission recommended approval to the Municipal Council for the following amendments to the Land Development Code: Sections 17.46 (Permit Authority), 17.47 (Subdivisions), and 17.61 (Definitions).

On July 14, 2016, the Planning Commission recommended that the Municipal Council approve the amendments to the Land Development Code.

Chairman Olsen opened the meeting to a public hearing.

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

Vice Chairman Daines felt one item should be amended to say if there are more than two objections; the subdivision review process should go to the Planning Commission.

Mr. Housley clarified the Community Development Director does have the authority to approve it if it meets every condition of the ordinances. If the Director feels the matter needs to be taken before the Planning Commission, he can do that.

Mr. Holley reported the Planning Commission has approved this amendment for adoption.

**ACTION.** Motion by Vice Chairman Daines seconded by Councilmember Jensen to **adopt Ordinance 16-26** as presented. Motion carried unanimously.

**PUBLIC HEARING- South Gateway Rezone – Consideration of a proposed request to rezone 68 parcels from Gateway (GW) to Industrial Park (IP), Commercial (COM) and Recreation (REC) – Ordinance 16-27**

At the August 2, 2016 Council meeting, Community Development Director Mike DeSimone addressed the Council regarding the proposed South Gateway Rezone.

This proposal is to amend the Future Land Use Plan (FLUP) designations on 70 parcels of property from Gateway or Rural Reserve to either Industrial, Commercial, or Recreation, rezone the same parcels from Gateway to either Industrial, Commercial or Recreation, and amend the Land Development Code to create a South Gateway Overlay Zone to replace the Gateway Zone along Highway 89/91. The South Gateway Overlay Zone would originate at the Union Pacific Railroad right-of-way (east of Park/1700 South intersection) southwest along SR 89/91 to the 2200 South/SR 89/91 intersection, and would extend 300' from either side of the highway. The proposed FLUP and Zone changes also include Trapper Park which was recently annexed into Logan City. The proposed code amendment language in Section 17.28 defines the overlay zone's boundary, the general site design and development standards, and the range of permitted and/or prohibited uses.

Staff found that the proposed amendments will enable Logan City and landowners within the gateway corridors to explore a wider range of different land uses with more of a focus on site design, building form and building design rather than limiting the range of uses to a point where very little is permitted.

Staff recommended that the Planning Commission recommend approval to the Municipal Council for the following:

1. Amend the Future Land use Plan Map changing the identified parcels from Gateway (GW), Resource Conservation Area (RCA), and Rural Reserve (RRA) to Industrial (I), Commercial (C), and Recreation (REC).
2. Rezone the identified parcels from Gateway (GW) to Industrial (I), Commercial (C), and Recreation (REC); and
3. Amend the Land Development Code Section 17.28 creating the South Gateway Overlay Zone.

On July 14, 2016, the Planning Commission recommended that the Municipal Council approve the above.

Chairman Olsen opened the meeting to a public hearing.

Bronwyn O'Hara admonished the Council to be careful in allowing any more quick loan or payday loan businesses in opening this area to commercial businesses.

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

Chairman Olsen asked Mr. Housley what restrictions Logan City can impose on nondepository financial institutions. Mr. Housley advised the City has a limit of one per 10,000 residents. These types of businesses that exist within the city are grandfathered. The City ordinance on this was passed after there were more than five businesses, however, it no longer allows any more than five of them and as they close, they will be eliminated.

**ACTION.** Motion by Councilmember Simmonds seconded by Councilmember Jensen to **adopt Ordinance 16-27** as presented. Motion carried unanimously.

**PUBLIC HEARING - South Gateway Future Land Use Plan (FLUP) – Consideration of a proposed request to amend the Future Land Use Plan (FLUP) Map to replace Gateway with Industrial, Commercial and Recreation and includes designating and zoning Trapper Park as Recreation on the FLUP and Zoning maps – Ordinance 16-28**

Chairman Olsen opened the meeting to a public hearing.

There were no comments and Chairman Olsen closed the public hearing.

**ACTION.** Motion by Vice Chairman Daines seconded by Councilmember Needham to **adopt Ordinance 16-28** as presented. Motion carried unanimously.

**PUBLIC HEARING - South Gateway Code Amendment – Consideration of a proposed request to amend the Land Development Code Section 17.28 defining the South Gateway Overlay Zone – Ordinance 16-29**

Chairman Olsen opened the meeting to a public hearing.

There were no comments and Chairman Olsen closed the public hearing.

**ACTION.** Motion by Councilmember Simmonds seconded by Vice Chairman Daines to **adopt Ordinance 16-29** as presented. Motion carried unanimously.

**PUBLIC HEARING - Budget Adjustment FY 2016-2017 appropriating: \$32,916 to reduce the CDBG budget to match the final award letter from HUD – Resolution 16-45**

At the August 2, 2016 Council meeting, Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustment.

Chairman Olsen opened the meeting to a public hearing.

There were no comments and Chairman Olsen closed the public hearing.

**ACTION.** Motion by Vice Chairman Daines seconded by Councilmember Simmonds to **approve Resolution 16-45** as presented. Motion carried unanimously.

**WORKSHOP ITEMS:**

**Budget Adjustment FY 2016-2017 appropriating: \$40,560 for the Logan City portion of the early distribution from the Logan River RDA to the taxing entities; \$104,475 for the After School Match Partnership Grant that was awarded to Parks & Recreation; \$90,000 for the After School Grant the Parks & Recreation Department was awarded for FY 2017; \$86,000 for the State Task Force Grant the Police Department was awarded for FY 2017 – Resolution 16-47 – Richard Anderson, Finance Director**

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

The proposed resolution will be an action item and public hearing at the September 6, 2016 Council meeting.

**Unspent Appropriations FY 2016 – Carry Forwards:**

**COMMUNITY DEVELOPMENT** - \$45,000 Wayfinding Project

**POLICE DEPARTMENT** - \$26,003 Police vehicle to arrive in FY 2017

**PUBLIC WORKS** - \$862,551 Public Works Infrastructure Projects (roads, curbs, gutters & sidewalks);

\$60,000 Public Works Building Roof Project

**PARKS & RECREATION** - \$19,700 Compactor for trails project; \$6,600

Cemetery utilities for pumphouse conversion

**WATER & SEWER** - \$78,285 purchase of a new generator; \$32,552 Water & Sewer vehicle to arrive in FY 2017; \$16,007 Water & Sewer vehicle to arrive in FY 2017; \$65,498 backhoes that we could not purchase due to State Contract issues; \$228,868 - 700 North Well Chlorinator, GCS to Castle Hills Transmission Line, Cliffside Booster (PO 16-000424); \$210,698 North Lift Station Retrofit (PO 16-000434); \$233,230 SCADA site upgrades (PO 16-000409)

**SEWER TREATMENT** – \$1,069,705 Wastewater Treatment Facility final engineering and construction management (PO 16-000201); \$15,117 Wastewater Treatment Rates Cost of Service Analysis (PO 16-000290)

**ELECTRIC** - \$73,690 Electric Administration Building (PO 16-000141); \$1,530 Electric Administration Building design (PO 15-000319); \$44,363 Hydro II PLC Hardware Upgrade (PO 16-000314); \$86,144 Hydro II Voltage Regulator Upgrade (PO 16-000315); \$8,618 Administration Building Furniture; \$21,870 Substation Batteries

**ENVIRONMENTAL** - \$124,870 North Valley Landfill Road-Construction Engineering Management Services (PO 16-000236); \$3,143,704 North Valley Landfill Road Construction (PO 16-000241); \$323,796 North Valley Landfill Phase I-Earthwork; \$31,238 North Valley Landfill Habitat Monitoring (PO 16-000330); \$103,855 North Valley Landfill Project Management (PO 16-000388); \$208,000 CAT Wheel Loader (PO 16-000331); \$7,730 Skabelund Wetland Mitigation

**STORM WATER** - \$120,000 SW Monitoring Stations; \$154,296 Logan River/Blacksmith Fork Hydraulic and Floodplain Map (PO 16-000432); \$8,200 LRTF Conservation Action Plan and preliminary design; \$28,150 Logan River Baseline Topo/Habitat Survey (PO 16-000430); \$22,000 100 North Main Storm Drain Line (PO 16-000151); \$3,560 - 400 East 1000 North to 100 North Roadway (PO 16-000424)

**Unspent Appropriations FY 2016 – Restricted:**

**POLICE ALCOHOL ENFORCEMENT** - \$95,000 for Police Department Alcohol Enforcement

**Carry Forward of Capital Projects:**

**PARKS & RECREATION TRAILS PROJECTS** - \$1,003,100

**PUBLIC WORKS STREET PROJECTS** - \$1,107,047

**Carry Forward of Reimbursement Grants:**

**FEDERAL GRANTS** - \$525,941 CDBG; \$12,450 Bullet Proof Vests

**STATE GRANTS** - \$25,000 Waypoint Grant-Boulevard Trail Expansion

**LOGAN SCHOOL DISTRICT GRANTS** - \$100,182 21<sup>st</sup> Century Grant #69

**MISC GRANTS** - \$1,637,925 County Road Grant Tax-1400 North 600 West Signal; \$504,852 Willard Bay Mitigation Funding Grant

**RAPZ GRANTS** - \$486,791 - **Resolution 16-49** – **Richard Anderson, Finance Director**

Mr. Anderson provided a brief explanation of each of the items listed.

Mayor Petersen reported the signal at 1400 North 600 West will be installed next year.

Councilmember Simmonds asked if the City would receive any funding this year for the roundabout at 600 East 600 North.

Mark Nielsen replied we would receive \$750,000 for that, however, the funds themselves would go through UDOT.

The proposed resolution will be an action item and public hearing at the September 6, 2016 Council meeting.

**Consideration of a proposed resolution approving a Cable Television Franchise Agreement between the City of Logan and Comcast of Indiana/Kentucky/Utah – Resolution 16-50 – Kymber Housley, City Attorney**

Mr. Housley reported this agreement is essentially the same as the agreement Logan City has had with Comcast for the past six years. The format is the same throughout the State of Utah. What has changed is the definitions of gross revenue. There were changes to language regarding access along the City right of ways, primarily to make sure the City can adequately regulate Comcast as they are in the City's right of ways.

Vice Chairman Daines asked what the revenue amount would be.

Mr. Housley replied it is 5% of gross revenue.

Vice Chairman Daines also inquired as to how the City can contact Comcast with questions or problems they may have. She expressed concern that it is difficult to residents and businesses to contact the appropriate individuals.

Mr. Housley will send Vice Chairman Daines the contact information for Comcast.

Chairman Olsen pointed out that under Section 2.1, this is a non-exclusive franchise, allowing for possible competition from another provider.

Councilmember Jensen inquired if this has anything to do with issues aligning the cell towers atop the Ellen Eccles Theater.

Mr. Housley replied it did not.

Councilmember Simmonds asked how the City regulates where Comcast locates its lines.

Mr. Housley replied the City has control over location of lines in the public right of ways. If it is over private property, Comcast would need to work with the property owners or within any easements. Councilmember Simmonds noted the contract allows Comcast to trim the City's trees as needed, even though their lines are not high voltage.

Chairman Olsen expressed concern over the comprehensive insurance liability limits in the contract. He felt the amount per occurrence should be at \$1 million rather than \$500,000.

Mr. Housley replied this amount involves the automobile liability insurance, and noted the commercial liability is at \$2 Million per occurrence and aggregate.

Chairman Olsen expressed concerns with the indemnification as there is no bond requirement attached to it.

Councilmember Jensen noted the requirement for tree trimming on private property is that Comcast obtain written permission to trim trees from the property owners.

Mr. Housley advised the Council has two weeks to review and comment on any changes they would like in the agreement as it is a first draft.

The proposed resolution will be an action item and public hearing at the September 6, 2016 Council meeting.

**Consideration of a proposed ordinance vacating a Logan City Drainage Easement located at 1122 South 1000 West Tax ID 02-081-0085 – Ordinance 16-30 – Mark Nielsen, Public Works Director**

Mr. Nielsen reported the drainage easement involved a subdivision from many years ago. It no longer has drainage going into it since 1000 West was improved. The property owner has asked for the vacation of the easement.

Councilmember Simmonds inquired whether the lot could be subdivided.

Mr. Housley answered it could unless there was an overlay issue. The City has no fair market value in the easement as it exists.

The proposed ordinance will be an action item and public hearing at the September 6, 2016 Council meeting.

**Consideration of a proposed ordinance vacating a Public Utility Easement located at 270 North 1000 West Tax ID 05-094-0009 – Ordinance 16-31 – Mark Nielsen**

Mark Nielsen reported the owner has acquired two properties and the utility easement, which has no fair market value, runs through the property.

Mayor Petersen noted the easement has no fair market value, however, it has value to the property owner in that it allows him to do something with the property he could not do otherwise. Therefore, it has value only to the property owner.

The proposed ordinance will be an action item and public hearing at the September 6, 2016 Council meeting.

## **OTHER CONSIDERATIONS:**

### **Citywide Residential Zoning – Councilmember Simmonds**

Councilmember Simmonds stated the City has zoned all of its neighborhoods essentially the same. She expressed concern of the individual nature, vitality, and life of the different neighborhoods within the City and their challenges. She felt the City may be taking away the character of neighborhoods and their vibrancy through present zoning. Her goal was to bring discussion on these matters and possibly add to questions, or possibilities as to what to do. Citizens have attended Planning Commission Meetings frustrated with the present compatibility of development in their neighborhoods. She wondered if the City could create code to define compatibility and character more efficiently and encourage that character. The City should implement suggestions from the Neighborhood Revitalization Committee. She asked if the City could do more to obtain accountability from absentee landlords.

Mr. Housley advised the Landlord licensing addresses this matter. He also addressed compatibility in noting the City has defined compatibility with objective standards such as lot sizes, height and setback. If it meets that, by definition, it is compatible.

Chairman Olsen asked if the City has the ability to quantify compatibility.

Mr. Housley indicated the way to quantify compatibility is by density, setbacks, and height.

Councilmember Jensen noted there are many issues involved and perhaps neighborhoods should be included in planning.

Councilmember Simmonds encouraged more thought and discussion on this subject at the next council meeting.

Councilmember Jensen suggested the school district may need to be included in this discussion.

Chairman Olsen appreciated the inquiries from Councilmember Simmonds and suggested the she could select one or two topics to begin discussion with.

### **Healthy Neighborhoods – Councilmember Simmonds**

This matter was discussed with the previous item.

### **ADJOURNED to meeting of the Logan Redevelopment Agency**

Chairman Olsen welcomed those present. There were approximately 5 citizens in the audience at the beginning of the meeting.

## **WORKSHOP ITEMS:**

### **Budget Adjustment FY 2016-2017 appropriating: \$260,000 for an early distribution from the Logan River RDA to the taxing entities – Resolution 16-48 RDA – Kirk Jensen, Economic Development Director**

Kirk Jensen explained the proposal to distribute collectively \$260,000 to the taxing entities. The public hearing will be the first week in September. Logan City will receive approximately \$39,000; Cache County will receive approximately \$42,000; and Logan City School district will receive approximately \$178,000.

Mayor Petersen reported the reason for the distribution at this time is that the school district has inquired about it and the City felt this is a good time for distribution.

The proposed resolution will be an action item and public hearing at the September 6, 2016 Council meeting.

### **Consideration of a proposed resolution adopting a survey area to initiate the potential creation of the Quayle/Jones Community Reinvestment Project Area Plan – Resolution 16-46 RDA, Kirk Jensen**

Mr. Housley explained the intent here is to investigate the feasibility of creating a Community Reinvestment Project Area. This combines the urban development areas, economic development areas and community development areas into one. The purpose is to encourage single family homes in an area that has been filled with apartment and rental units. This allows staff to proceed to create a plan. The taxing entities will need to be provided 30 days notice. A public meeting notice will be sent out 14 days prior to a public meeting to allow comment. Thereafter it will go to the Municipal Council to be passed as an ordinance. This will create a project area and does not guarantee any tax increment. The City would have the opportunity to negotiate with the various taxing entities for participation with tax increment. At this point, the City is not certain it will ask for anything and may only use its portion of the tax increment, and to use increment from other areas to install infrastructure to promote a housing project.

Mayor Petersen commented that this allows the City to incentivize the project by putting money from other RDA's into this project.

Mr. Housley added that although the RDA itself will not generate enough to pay itself back, however, this project will generate additional property taxes that will eventually justify the investment.

Councilmember Jensen felt this project is very important to the vitality of the neighborhood and justifies incentivizing.

The proposed resolution will be an action item and public hearing at the September 6, 2016 Council meeting.

**ADJOURNED.** There being no further business to come before the Council, the meeting of the Logan Municipal Council adjourned at 8:00 p.m.

Sylvia Tibbitts, Deputy City Recorder