

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, February 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 Jeannie F. Simmonds and Councilmember S. Eugene Needham. Administration present: Mayor H. Craig Petersen, Finance Director Richard Anderson, City Attorney Kymber Housley and City Recorder Teresa Harris.

Chairman Olsen welcomed those present. There were approximately 105 citizens in the audience at the beginning of the meeting.

Chairman Olsen announced that the Council met in a Closed Session at 4:45 p.m. to discuss possible property acquisition.

### **OPENING CEREMONY:**

Sara Woodbury gave the opening thought/prayer and Darren Bingham led the audience in the pledge of allegiance. Both are from the Logan High School LEAF Club.

**Meeting Minutes.** Minutes of the Council meeting from February 2, 2016 were reviewed and approved.

**ACTION.** Motion by Vice Chairman Daines seconded by Councilmember Jensen to **approve the February 2, 2016 minutes and approve the agenda.** Motion carried unanimously.

**Meeting Agenda.** Chairman Olsen announced there would be three public hearings at 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, March 1, 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 updated the Council on the following:

1. There are currently no construction projects to report.

2. This month's Sesquicentennial Celebration event is a Gallery Walk of historic pictures at the Logan Library.
3. A Rural Recycle Analysis has been completed by the students from the Community Bridge Initiative.
4. USU Extension will coordinate a City sponsored Community Garden.
5. Training was recently held for the new City website. The new website will go live March 15, 2016.
6. The Jack Draxler Transportation bill is awaiting its third reading.
7. A meeting was recently held with respondents to the City Block Request for Proposal.
8. The Logan River Task Force held an open house last Thursday.
9. RAPZ tax requests are being finalized. The Council is welcome to contact Russ Akina if they would like more information.
10. At the March 1, 2016 Council meeting, Mayor Petersen would like to have a discussion regarding code enforcement issues.

**Board Appointments (Library Board and Civil Service Commission) – Mayor Petersen**

Mayor Petersen asked for ratification of JaDene M. Denniston to serve on the Library Board which is a three year term and Dee Jones to serve on the Civil Service Commission which is a six year term.

**ACTION.** Motion by Councilmember Simmonds seconded by Vice Chairman Daines to **approve ratification of JaDene M. Denniston and Dee Jones** as presented. Motion carried unanimously.

**COUNCIL BUSINESS:**

**Consideration of a proposed resolution supporting Policy and Activities which address Air Quality and Climate Change – Resolution 16-06 – Logan High School LEAF Club and USU Student Organization for Sustainability and Natural Resources**

Piper Christian from the Logan High School Logan Environment Action Force (LEAF) Club addressed the Council. She indicated this resolution is a collaborative effort from several students from Logan High School. She explained the proposed resolution supports the policy and activities which address air quality and climate change. The adoption of the resolution will show that the Logan City Council and Mayor will continue their programs, projects, and activities immediate and are the following:

1. Make the transition from fossil fuels less onerous to consumers and to the economy by supporting policy which addresses long term economic viability on the local, state, and national level.
2. Encourage individuals and corporations to produce and use less fossil fuel as Logan City has done.
3. Continue support for the RECAB, the Conservation Coordinator, and the current programs and projects for the coming decade.

4. Complete the energy “roadmap” for the City in 2016 to guide them toward an efficient and economical energy future based primarily on clean, renewable forms of energy which will improve air quality and continue to reduce its carbon footprint.
5. Launch an ambitious educational program discouraging prolonged vehicle idling, especially for cold engines and encourage the reduction of vehicle miles driven.
6. Continue to increase the average fuel efficiency of municipal fleet vehicles and “right sizing” the fleet to match the work; continue the employee program including anti-idling messages.
7. Train and incentivize employees to conserve energy and save money.
8. Enforce existing land-use policies that reduce sprawl, preserve open space, and create compact, walkable urban communities.
9. Maintain healthy urban forests and promote tree planting to increase shading and to absorb CO2.
10. Incentivize conservation technologies that are recommended to the Council by the RECAP, such as exploring the efficiency of a geothermal source heat pump coop program for individual use.

**LONG TERM:**

1. Inventory global warming emissions in City operations, set reduction targets and create an action.
2. Make energy efficiency a priority through building code improvements, retrofitting City facilities for energy efficiency and lighting.
3. Continue researching energy tiered pricing for residents and businesses to encourage conservation.

Other students who addressed the Council are the following:

Carter MacDonald  
Elizabeth Hansen  
Wesley Carter  
Catherine Rigby  
Kai Torrens  
Daniel Anderson  
Meghan Hillingsworth  
Amy Kropp

Chairman Olsen thanked the LEAF Club for attending tonight’s Council meeting and for their initiative, effort and vision for looking at things that are important to our community.

Vice Chairman Daines said the LEAF Club outlined specific goals and she asked are there plans on how the City can meet some of these goals.

Councilmember Simmonds responded that the RECAP has been working on the “road map” and it will be completed in 2016. The “road map” will then come to the Council for their approval. RECAP is committed in bringing to the Council ideas on how we can reduce our fossil fuels and improve air quality.

Chairman Olsen said credit should be given to the LEAF Club, Logan High School and Utah State University for bringing this to the Council.

Vice Chairman Daines added that RECAB has a specific budget to address some of these issues and programs.

Councilmember Jensen complimented the LEAF Club and thanked them for their efforts.

**ACTION.** Motion by Councilmember Simmonds seconded by Vice Chairman Daines to **approve Resolution 16-06** as presented. Motion carried unanimously.

### **Neighborhood Renewal – Councilmember Tom Jensen**

Councilmember Tom Jensen addressed the Council regarding neighborhood renewal. The Council have all said they want to do something for the neighborhoods. He complimented Councilmember Needham who has given a lot of his time and money towards neighborhood renewal. He stated that Councilmember Needham made a proposal to purchase two homes on 400 North but Councilmember Jensen does not feel this is the right neighborhood at this time. He asked the following:

1. Is there a problem?
2. What is the problem specifically?
3. What is the extent of the problem – where and how severe?
4. Do we have data indicating the severity and direction of the problem?
5. What strategies would be useful for each neighborhood condition?
6. Which neighborhood should we start with?
7. Should we focus on a sub-unit of a neighborhood for greater effect?
8. What are the costs to implement different strategies?
  - a. Increased code enforcement
  - b. Investigation and reversal of illegal conversions
  - c. Code modifications to facilitate currently lifestyle need.
    - Garage/parking
    - Additions
  - d. Financial strategies
  - e. Design assistance
  - f. Incentives for developers to buy, fix-up and ‘flip’ to single family
9. What levels of funding are we willing and able to support?
10. What is the probable timeline? This is not a quick fix.

Councilmember Jensen said the main question is what is the interest level of families investing in residential properties to live here? If more families are interested in buying, fixing-up and moving in, we are healthy. If more families are moving out and properties are converting to multi-tenant rentals, we will deteriorate.

### **Proposal**

1. Small Steering Committee to guide the process of answering the questions.
  - a. Councilmember(s)
  - b. Community Development

- c. Administration
  - d. Enforcement
  - e. Neighborhood Representative(s)
  - f. Neighborhood Non-profit
  - g. Real Estate sector
2. Larger Task Force to meet as needed as a resource.
- a. Steering Committee
  - b. School District
  - c. Churches
  - d. Rental Management
  - e. USU
  - f. Funding Specialist
  - g. Small General Contractor(s)

Chairman Olsen agreed with the commendation made regarding Councilmember Needham who has done a lot to strengthen core neighborhoods.

Councilmember Needham said he likes the proposal that Councilmember Jensen has presented. He added that he would like to include the resolution where the City would renovate the two properties that have been mentioned on 400 North. Based on his experience the City could lose \$30,000 but he feels the City can well afford these two properties and should start with these two homes at a cost of approximately \$60,000 and see what can be learned.

Mayor Petersen said he likes the proposal from Councilmember Jensen and feels that two Councilmember's should serve on the committee and asked Councilmember Jensen to serve as Chair.

Vice Chairman Daines said she feels the proposal to form a committee sounds to her like an expanded Neighborhood Council group. One of the major complaints she has heard from the Neighborhood Council's is over occupancy. She feels we need to incorporate the Neighborhood Council groups as well when the committees are organized.

Councilmember Simmonds said there is also an opportunity for the Council to look at these questions with a varying group of individuals who can define if there really is a problem. She asked Councilmember Needham why he feels the two homes on 400 North should be considered.

Councilmember Needham said the two homes on 400 North are available right now. He feels that 400 North is the ideal street to "dress up" and more people will see improvements on this road. Right now the homes really aren't that vibrant and he feels this area can be improved.

Chairman Olsen suggested that first, the Council should approve or disapprove to proceed with the proposal from Councilmember Jensen to form a committee and then in two weeks come back with specific things the committee would recommend moving forward. He feels the Neighborhood Council should also be involved.

Vice Chairman Daines said we already have some of the data in place from a Housing Study that was completed approximately three years ago and the Adam's Neighborhood Plan which was completed within the last two years.

**ACTION.** Motion by Councilmember Simmonds seconded by Councilmember Needham to approve the Neighborhood Renewal Steering Committee and Task Force Proposal and that Councilmember Tom Jensen serve as Chair as presented. Motion carried unanimously.

**ACTION ITEMS:**

**PUBLIC HEARING - Consideration of a proposed resolution that Crumb Brothers (Rolo Enterprises DBA Crumb Brothers) located at 291 South 300 West, seeks local governing consent for a variance with regard to proximity of this establishment to specifically, Kilowatt Park; and includes public or private school, church, public library, public playground, or park – Resolution 16-03**

At the February 2, 2016 Council meeting, Community Development Neighborhood Improvement James Geier addressed the Council regarding the proposed variance. Crumb Brothers located at 291 South 300 West is requesting to become a Limited-Service Restaurant Liquor license for purposes of alcohol sales and is located beyond 200 feet but less than 600 feet of several community locations. The policy established by Utah Code Section 32B-1-202 that places proximity restrictions on retail licenses for purposes of alcohol sales in relation to the Logan High School Campus, Logan South Campus High School and Kilowatt Park, which are all community locations, should not apply because the negative impacts the State statute has are not present in this case.

City Attorney Kymber Housley stated the Council is consenting to the granting of a variance. This is not to grant a license to Crumb Brothers which, is done by the State of Utah.

Chairman Olsen opened the meeting to a public hearing.

Logan resident? addressed the Council. He said there is clearly a problem with underage drinking in many parts of the world. The proximity of Crumb Brothers to Logan High School has been mentioned but there are also several other local businesses where alcohol is served and are all within 1.5 miles of Logan High School. He said knowing that the School Board approves the variance he does as well and would ask the Council to approve the variance for Crumb Brothers.

Ogden resident Kendra Shard addressed the Council. She owns three restaurants in the Ogden and Layton area. She is here tonight supporting Crumb Brothers and asked the Council to approve the variance.

Logan resident LaDawn ? addressed the Council. She lives near Crumb Brothers and she said this is a great location for people to gather and she supports the variance.

Logan resident Beth Saul addressed the Council and supports the variance for Crumb Brothers.

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

Councilmember Needham said he is opposed to the variance and feels that alcohol has ruined the lives of many people. He would vote against this type of variance every time.

Councilmember Jensen said it was his understanding that alcohol cannot be served without a meal and alcohol cannot be taken off premise.

Mr. Housley responded the alcohol cannot be taken off premise and not being a drinker himself, he does not know the rules regarding a meal being served with alcohol. Those rules are made and regulated by the State of Utah.

**ACTION.** Motion by Vice Chairman Daines seconded by Councilmember Simmonds to **approve Resolution 16-03** as presented. Motion carried 4-1 (Needham voted nay).

**PUBLIC HEARING - Consideration of a proposed code amendment AE Urbia Architects/John & David R. Brandley, authorized agent/owner(s), request a 5-story student housing development accommodating 372 students. Application also includes a text amendment to modify the Campus Residential density calculation from the traditional unit per acre to a person/bed per acre in order to provide flexibility for designing multifamily residential developments in the Campus Residential zoning district. The project is located on 1.54 acres at 743 North 800 East in the Campus Residential (CR) zone – Ordinance 16-05**

At the February 2, 2016 Council meeting, Logan City Planner Russ Holley addressed the Council regarding the proposed code amendment. The applicant is proposing to amend the Land Development Code 17.12.110 and 17.15.120 so that the maximum densities are based on number of occupants/beds per acre rather than current ordinance language, which limits the number of dwelling units/apartments per acre. The existing maximum density in the Campus Residential (CR) zone is 40 dwelling units/apartments per acre with a maximum occupancy of up to 6 individuals per unit (no more than 2 per bedroom). The proposal is to amend the code to allow 240 occupants per acre configured in any number of dwelling units/apartments. For example, one could have 240 one-bedroom apartments, 120 two-bedroom apartments and so on per acre of land in the CR zone. Staff conducted research of six college towns throughout the State and Nation to determine if other cities based densities off total number of beds versus total number of apartments. All six cities base their densities off apartments/dwelling units per acre. Throughout zoning history in Logan City, with the exception of group homes/sororities/fraternities which are individually conditional permitted, maximum densities have always been based off of dwelling units per acre. The City allows up to three unrelated individuals per dwelling unit except for the Campus Residential Zone, which allows up to a maximum of six (6) unrelated per dwelling units. The allowance of up to 6 individuals does increase overall numbers and gives the option for more apartment unit size diversity and provide a wider range of housing options. Not all student housing projects maximize occupancy levels and some in recent years, based on

market demand from young married or similar situations have been built with low bedroom counts.

The CR zone was created to intentionally locate students near Utah State University for reasons including, reduced transportation impacts and relief to rental pressures on traditional single family neighborhoods. The Logan City General Plan indicates a density range of 30-50 units per acre and general regulations to accomplish goals based on future growth demands. The CR zone specifically regulates growth and development through the City's adopted zoning ordinance. Density of up to 240 units per acre would conflict with the adopted General Plan. Going from 40 units per acre to 240 units per acre would result in 6 times more kitchens and most likely additional bathrooms and overall square footages causing utility and infrastructure adjustments. Staff would consider the probability of sub-letting to increase in 240 one-bedroom apartments' versus 40 six-bedroom apartments.

Although the CR zone has been slightly adjusted, or refined, over the past few years based on being brand new, experience in student housing development and ample community feedback, staff concludes that the existing code manages growth appropriately based on the direction given in the General Plan and recommended denial of this code amendment to the Planning Commission.

On January 14, 2016, the Planning Commission voted unanimously on a recommendation for denial to the Municipal Council for a code amendment in the Campus Residential zone to allow densities based on number of occupants (240 per acre) rather than number of dwelling units (40 units per acre).

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

1. The Land Development Code's Campus Residential maximum density of 40 units/acre was established through public process with resident input and neighborhood feedback.
2. The current densities in the CR zone are within the range set forth in the General Plan with planning and engineering efforts and future growth impacts based on these figures.
3. A density of up to 240 units per acre in the Campus Residential zone is not consistent with the direction of the General Plan.

Chairman Olsen opened the meeting to a public hearing.

Jeremy Raymond, Attorney representing developer John Brandley addressed the Council. He said the code amendment is simple and straightforward but also very important. What the code amendment seeks to do is change the determination of density in the Campus Residential Zone from a unit per acre/occupant per unit method that is currently in affect to an overall occupant method. The code amendment is only going to apply to the Campus Residential Zone which is approximately a two block by six block area and the purpose of this zone is to place the highest density zone in the most appropriate area which has been identified in the General Plan. Mr. Brandley's proposed amendment is

necessary to bring proposed development to the Campus Residential Zone because it provides the flexibility to make this project make sense and give students attending USU diverse options in regards to student housing. They are not seeking to increase the maximum density at all. Under the current code, 240 occupants are allowed per acre. The current code incentivizes placing 6 tenants per unit to obtain that maximum density. What they are seeking to do is switch those incentives and to afford the developer the flexibility to utilize the maximum density of 240. The question is, where do we want the density? He said after implementation of the amendment the project will still be bound and subject to other requirements and restrictions that are currently imposed in the Campus Residential Zone. The proposed text amendment is in line with the General Plan and the City's policies and objectives.

Mr. Raymond continued and said there are several benefits with the proposed text amendment. First, it accommodates student growth, increased walk ability, decreased travel in cars, improved air quality, quality in variation of student housing and the students are better served. It also increases our tax base, utility revenues and is a win-win for all involved.

Logan resident Marilyn Griffin addressed the Council in opposition of the proposed code amendment. She was alarmed by the proposed amendment to the Campus Residential Zone because it took quite a bit of time to go through the specifics for that area a few years ago. She said it's always amazing to her that often there is someone who wants to change the zoning for their own personal benefit or interest for example, the Factory Student Housing project. She finds it interesting that nowhere else in Utah is there a zone that is 240 occupants per acre. She urged the Council to follow the Planning Commission and deny the proposed amendment. She realizes that parking has to be taken up by Planning and Zoning but as a resident she expressed her concern. She hopes that one parking space per bed will be kept in place. Parking is a problem if not addressed and will negatively affect the residential areas.

Ryan Mackoviak, Architect of the proposed project addressed the Council. What the developer and design team is saying is there are other ways to do this project without increasing the number of students that will go in this zone. He would like the Council to hear more about the benefits of changing things for this project.

Developer John Brandley addressed the Council. He lives in the Lundstrom Park Neighborhood and has lived in Logan for the past 15 years. He stated that he is not changing the zone. This is a code amendment that asks for common sense which is 240 equals 240. The outside of the building does not change and the zoning and height do not change. He feels the Council should be asking him as a developer to please, even if the development is not what the General Plan is asking for, please build this housing as big as you can 50 feet from the University, so we can reclaim our neighborhoods so families can move into homes. Mr. Brandley said his reasons and desire is to offer USU students more viable housing options which he thought, seemed to entice members of the Council. But, concerns about amending the code center on how it would impact future developments in the Campus Residential Zone. This is a \$30 million dollar project which is a huge investment and he said the policies of the City don't always match up with the vision the General Plan has stated and he is trying to do both. He asked for a decision on this amendment tonight.

Logan resident Michael Anthony addressed the Council. He said providing more individual housing units to students will be very beneficial. It will bring more affluent families sending their kids to USU and in turn they will spend more in the valley. He feels the real key is to look at the socio economic gain that Logan City will receive.

Logan resident Patti Reeves addressed the Council. She has always lived in an apartment and feels that people who live in apartments are looked down upon and she said they are important people.

Jason Hearst resident of Hyde Park addressed the Council and he is in favor of the code amendment. He is a USU alumnus and feels the options this development will provide for students will be very beneficial to live so close to campus and have the ability to walk. To increase density and pull the illegal rentals out of the neighborhoods is a great idea.

Jed Clark addressed the Council in favor of the proposed amendment and housing development. He was the bishop of a married student ward and has seen firsthand the lack of housing for married students and they are the ones moving into the homes in the neighborhoods, living in basements. Married students really have a hard time finding housing and this is something that should be addressed.

Dave Brandley, owner of the proposed development property addressed the Council. He asked the Council to approve the text amendment. He contradicted the earlier comments made by Marilyn Griffin and said it is not correct to say the project, which cost \$30 million dollars, is for their own personal benefit. He and others involved in this project really care about the students.

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

Mayor Petersen said the information that was presented to him and the Council from Orem City lists a maximum occupancy of 160 but tonight it was mentioned that is was a minimum occupancy of 160.

Planner Russ Holley responded that he spoke to David Stroud, Orem City Planner who said that the density in Orem's Student Housing Overlay Zone is 160 occupancy units per gross acre. A developer may come in and request a site specific planned development and use a lower or higher maximum occupant unit or they may request a total dwelling unit per acre. Student housing density is typically done based on occupancy units per acre. An occupant unit is a bedroom of 110 square feet or less. Over 110 square feet becomes two occupancy units. So, if an apartment has three bedrooms all over 110 square feet, the occupancy is six.

Mayor Petersen asked what is the configuration that is being proposed with the Blue Haven project?

David Brandley responded the configuration is broken up into two, three and four occupant units. Primarily they are four occupant bedrooms because they are mostly addressing younger students but they also have options for two and three bedrooms (occupants per bedroom). He said the last research he completed did not include an

overlay zone and had minimum beds per acre. He has not yet reviewed the information provided by Orem City.

Community Development Director Mike DeSimone said the amendment request is not to increase density but how we calculate people per acre. Staff's concern is how we manage occupancy. If there are six students in an apartment that is less likely to be over occupied than if you build a one bedroom apartment where there is enough room to add other occupants and there needs to be a way to manage the potential for over occupancy. He feels the way its written now is too wide open and there is no way to manage it. He suggested going back to the Planning Commission with parameters and then craft different language.

Councilmember Simmonds said if the Council were to send this back to the Planning Commission does the Council need to approve or disapprove at tonight's meeting.

Mr. Housley responded the developer has the right for a decision to be made by the Council tonight.

Councilmember Simmonds said she is nervous about applying this to the entire zone and feels it's worth looking at again. There have been a lot of challenges with the Campus Residential Zone and she believes that we have tried to thoughtfully respect both the community and our need for greater density through the ways we've changed the zone over time and she would hate to approve a "blanket" change without having further input from the Planning Commission and the Planning Department.

Councilmember Jensen said he is in favor of this amendment because it just makes sense. The students will go somewhere either into a housing project like this or they will find something further away from campus, likely a neighborhood. By creating options it will attract students away from the neighborhoods and closer to the University. There were concerns because there were concerns with the Independence and Factory Student Housing projects. He suggested an overlay that would limit this away from 600 East so it gives a buffer to the Adam's Neighborhood. He said there is a number of ways to enforce density, parking is one way. There are also ways to monitor the usage of water and other metered utilities and we could through a device on a meter, track the usage of water and if someone is using excess water every day and they are a single occupant and that usage goes up it would alert us to the possibility of over occupancy.

Mr. DeSimone recommended the Council do this with a Conditional Use permit process. That way the Council can look at a specific property in the Campus Residential Zone. This would also apply to new projects as opposed to older projects to manage the impact of additional parking and also meet some of those standards. Mr. Brandley is going to build to the extreme of the property either way with height, size and bulk. The project will also have landscaping and parking. It's internally what they are going to do and if we can manage the impacts is it really an issue because it will still be done with the net gain of occupants. The concern is how we manage over occupancy. He suggested the Council look at how they want to manage and narrow the impact and remand it back to the Planning Commission.

Vice Chairman Daines said she is not comfortable with the way the amendment is currently written and likes the idea of sending it back to the Planning Commission.

Councilmember Jensen said he would like to have an amendment that works for the community and protects the neighborhood but also allows the students to have a variety of housing.

Attorney Jeremy Raymond said Mr. Brandley would like a decision from the Council tonight either to approve or deny.

Mr. Holley said Blue Square was built at 40 dwelling units to the acre but it was a different code back then with heights, bonuses and setback that were in place. It was not built per bed or occupant. It was built per apartment.

Mr. Housley said the proponent indicated there is no practical difference in enforcement and not speaking to the policy issue, he feels there is a way to get to what they want to do that will address our concerns as well. As currently written, there is a major difference with enforcement. Right now we can go to any one unit and determine whether it's over occupied. With this proposal we would essentially have to do an inventory of all the units. He said a possible solution is a combination, they can go up to 240 beds but then define those beds based on if it's a studio they can't have more than one person, if there are two beds they can't have more than two occupants, etc. From an enforcement standpoint then it would be the same and we could go to one unit in that development and if built as a studio we know they can't have more than one person. How they decide to rent the unit is up to the landowner but we can at least determine a hard count. The way it's currently written, we just have to do a count of the entire development before we can determine if we have over occupancy and it cannot be enforced.

Mr. John Brandley addressed the Council and said he has other options including working with the University to bring this housing to campus. He asked if the Council wants students in the Campus Residential or do they want more students in family neighborhoods. He is willing to invest in Logan and the growth that is coming. If not then he can move onto some other community or work with the University. He would like a decision made tonight.

Councilmember Needham stated that he would like to see this project go forward. He feels that if it can go back to the Planning Commission then a compromise can be made.

Mr. John Brandley said the Planning Commission changed the code seven times during their last meeting. His project has met the code since the beginning and he was tabled from the meeting and the Planning Commission would not let him speak. He does not feel the Planning Commission knows their role or what they should do and it's very frustrating. He feels that he has gone out of his way to meet the General Code and it will not be harder to enforce the way things are now.

Councilmember Simmonds said the Council's responsibility is to do the best they can for Logan City. She believes the Planning Commission works very hard and they have a difficult job to do and they know the zoning codes and the General Plan. She is not

saying by recommending denial that she does not think that we should look at options but she feels the Council needs to take time to look at those options and it should not be done universally across the zone but perhaps site by site.

Mayor Petersen said he is not sure that this simple text amendment is the right solution. What he does believe is that our current code provides the wrong incentives. He said there has never been adequate housing for married students. He feels we need a code that provides incentives for greater diversity and we are not where we need to be.

Mr. Housley reminded the Council this is a text amendment that applies to the entire zone and they have to look at the worst case scenario and that is why Staff is cautious realizing that something needs to be done but the current language does not work.

Mr. DeSimone said the Campus Residential zone is from 600 East to 800 East and 400 North to 1000 North.

Councilmember Jensen said he feels this is a good thing to do but the text needs to be re-worked and would hope that the developer would recognize this as well.

Mr. DeSimone stated he will have new language drafted and ready to present to the Council on March 1. It will also go the Planning Commission on February 25.

**ACTION.** Motion by Councilmember Simmonds seconded by Vice Chairman Daines to **deny Ordinance 16-05** as presented. Motion carried 3-2 to deny (Needham abstained and Olsen voted nay to deny).

Councilmember Simmonds asked Staff to explore ways that we can accommodate student population per acre instead of a unit per acre in the Campus Residential Zone.

**Consideration of a proposed ordinance amending Sections 10.52.040 of the Logan Municipal Code regarding Vehicle Impounding – Ordinance 16-07**

At the February 2, 2016 Council meeting, Logan Police Gary Jensen addressed the Council regarding the proposed ordinance. The proposed amendment is the following:

B. Vehicle Impoundment After Notice: A vehicle not subject to impoundment under subsection A of this section may be impounded with notice in compliance with this section. Notice of such proposed impoundment must be securely attached to and conspicuously displayed on the vehicle for a period of ~~seventy two (72) hours prior to such impoundment~~ **forty-eight hours (48) prior to such impoundment.** Where the vehicle's owner is ascertainable, **if possible, verbal** notice must be **attempted via telephone or at the registered owners address.**~~(mailed to the owner at the address on the vehicle's registration).~~ A vehicle may only be towed with notice for the following reasons:

1. When such vehicle is parked and/or used in violation of any law, ordinance, or regulation;

2. When such vehicle is an abandoned or junked vehicle (**State Code 41-6a-1408 defines abandoned as left unattended for 48 hours on a highway or road**); or

**ACTION.** Motion by Councilmember Simmonds seconded by Vice Chairman Daines to **adopt Ordinance 16-07** as presented. Motion carried unanimously.

**Consideration of a proposed ordinance amending Chapter 2.19 of the Logan Municipal Code regarding Police and Fire Residency Requirements – Ordinance 16-04**

At the January 19, 2016 and again at the February 2, 2016 Council meeting, Chief Gary Jensen addressed the Council regarding the proposed ordinance amending the language by eliminating that an employee of the department of public safety of the municipality live within twelve highway miles of their place of employment.

The proposed change is to clarify that Public Safety is Police and Fire. Also, the Municipal Council requires that sworn full-time officers of the Logan City Police Department and firefighters and fire officers of the Logan City Fire Department to resident within the boundaries of Cache County, and no further than 17 miles from the Logan City office building 190 North 100 West Logan, Utah such that their response time in an emergency may be within the requirements of the department.

**ACTION.** Motion by Vice Chairman Daines seconded by Councilmember Jensen to **adopt Ordinance 16-04** as presented. Motion carried unanimously.

**PUBLIC HEARING - Budget Adjustment FY 2015-2016 appropriating: \$26,000 Police Department rolling stock reserves for the purchase of a replacement vehicle - Resolution 16-05**

At the February 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 Councilmember Simmonds seconded by Vice Chairman Daines to **approve Resolution 16-05** as presented. Motion carried unanimously.

**Consideration for adoption of a resolution of the Municipal Council of Logan City, Utah authorizing the issuance and sale of not more than \$110,000,000 aggregate principal amount of Sewer Treatment Revenue Bonds, Series 2016; and related matters – Resolution 16-04**

Finance Director Richard Anderson addressed the Council and said he does not anticipate that we will borrow the entire \$110,000,000 and right now the estimated loan amount is \$80,000,000 but that could change based on when rates are adopted and how we proceed with construction.

Matt Dugdale with George K. Baum addressed the Council regarding the proposed resolution. He commended Rich Anderson, Environmental Director Issa Hamud and Mayor Petersen for their work during a three year process negotiating with the State on the best financing for the bond. The State approached Logan City to move forward and close on the bond which is currently scheduled to occur on March 22, 2016. A public hearing will be held at the March 15, 2016 Council meeting and at that time the Council will be presented with the final bond resolution.

Councilmember Simmonds asked will this new bond affect the City's overall bond rating.

Mr. Dugdale responded the City currently does not have an outstanding bond rating and they are privately held. The new bond will not affect the rating.

Mr. Anderson added that while this does not affect our G.O. bond rating or any other bond ratings that the City might have, we certainly need to raise rates and Council should be aware this needs to be done. What raising the rates does is that anyone interested in purchasing our debt either G.O., General Fund or otherwise, the insurance properly leveraged on those other bonds are paid back so there aren't any issues. Once we issue the bonds we are guaranteeing that we will raise rates in order to have sufficient funding to pay them back. Because we are issuing bonds from the State and if we don't use the bonds to build a sewer treatment facility, we would simply return the money and the only cost would be the fees for issuing the bonds.

**ACTION.** Motion by Councilmember Simmonds seconded by Councilmember Needham to **approve Resolution 16-04** as presented. Motion carried unanimously.

**Consideration of a proposed ordinance amending Sections of the Logan Municipal Code regarding signup for utilities service, amending Section 13.16.050 – Ordinance 16-06**

At the February 2, 2016 Council Meeting, Finance Director Richard Anderson addressed the Council regarding the proposed ordinance which is the following:

Application and agreement to pay for electricity, water, sewer and refuse service must be made at the same time and must be signed by the owner (or his agent) of the property or the tenant. The utilities customer shall be liable under this agreement for services furnished. and the tenant. Owners of real property shall remain liable under their agreement for all service furnished under the combined utility service billing not paid by the tenant. (Prior Code § 8-5-5)

Councilmember Simmonds asked how does having owners or tenants sign up for utilities affect our ability to collect money that is owed if they leave town without paying their bill.

Mr. Anderson responded our bad debt is extremely low. If we were to have the utilities in the owner's name, the debt would possibly be even lower. This is managed very well,

we are quick to react and have the ability to turn off the electricity of someone who has not paid.

**ACTION.** Motion by Councilmember Simmonds seconded by Vice Chairman Daines to **adopt Ordinance 16-06** as presented. Motion carried unanimously.

**WORKSHOP ITEMS:**

**Budget Adjustment FY 2015-2016 appropriating: \$60,000 to increase the budget for pro shop sales and cost of goods sold at the Logan River Golf Course; \$24,000 for the reimbursement to the Parks & Recreation budget for expenses incurred for maintenance of the Ice Rink – Resolution 16-08 - 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 March 1, 2016 Council meeting.

**Discussion: Capital Improvement Projects – Richard Anderson**

At the February 2, 2016 Council meeting, Finance Director Richard Anderson addressed the Council regarding the Capital Improvement Projects and referred the Council to the printed Capital Projects Summary and attachments. He stated this list has gone out to departments for their review.

**Fund 100 – General Fund**

Police	-
Fire	-
Public Works Class C	-
Public Works Streets	\$600,000
Public Works Facilities	\$65,000
Parks & Recreation	\$64,000
<b>SUBTOTAL</b>	<b>\$729,000</b>

Fund 200 – Library	\$7,500
Fund 211 – Recreation Center Maintenance	\$20,000
Fund 217 – Communication Center	\$182,500
Fund 235 – Redevelopment Agency	\$675,351
Fund 300 – Capital Projects	-
Fund 500 – Golf Course	-
Fund 510 – Water & Sewer	\$1,500,000
Fund 520 – Sewer Treatment	\$3,000,000
Fund 530 – Electric	\$9,387,000
Fund 570 – Environmental Health	\$9,320,000

Fund 580 – Storm Water Management	\$810,000
Fund 600 – Information Technology	\$39,807
<b>TOTAL</b>	<b>\$25,671,158</b>

Vice Chairman Daines referred to the following items in the list of Capital Improvement Projects and asked for clarification.

Question: Fund 100 Public Works Class C – Why isn't there a 2017 budget in this fund and is the total amount listed in Fiscal year 2018 and 2019?

Public Works Director Mark Nielsen responded the bond will be paid so the balloon payment is due at the end of the next Fiscal budget year and will take all of the allocated money from that fund. The entire Class C amount each year is approximately \$1.3 million dollars.

Finance Director Richard Anderson added that funding for Class C projects will go up from the changes made after last year's legislative session but at this time we don't know what that amount will be.

Question: Regarding the 1400 North 600 West intersection, it shows the money split in 2018 and 2019. Does this mean it won't be completed until 2019?

Mr. Nielsen responded the intersection is engineered and the funding is strictly for construction which will be completed in 2019.

Question: Regarding 1000 North 200 West, rather than having 1000 North torn up for two years would it be possible to complete the project all in one year.

Mr. Nielsen responded they can delay construction for one year and complete the work all in one year if needed.

Mr. Anderson said one thing to keep in mind regarding the 300 Fund. The funding mechanism with this is savings from the General Fund. He reminded the Council that last year we had to help the Golf Course in their budget so this fund is contingent on the savings being there and other projects not coming in and taking this funding.

Mr. Anderson said regarding the proposed new Library building which, he indicated is listed only as a place holder in the amount of \$15 million dollars. If the new Library is not built there are several upgrades and things that must be done on the current Library including heating, cooling, windows, carpeting, etc.

Vice Chairman Daines feels the amount listed for Recreation Center upgrades is underfunded.

Question: Fund 100 Parks & Recreation – There is an amount of \$50,000 for a playground at the new Trapper Park and the trail and road are not completed at this time. Should this amount be moved to other projects until the road and trail are completed?

Parks & Recreation Director Russ Akina responded that the connection at 1600 West is to buy additional frontage to widen the road. The proposal to purchase the playground equipment is listed at \$40,000 and the remaining section of the trail is due to be completed this Spring and that would make the connection to allow people to get from 10<sup>th</sup> West to Trapper Park. Until we get the Thatcher property access addressed we would not have complete trail access to Trapper Park but there is another trail access from 1800 South. The playground equipment is also being proposed as a RAPZ project.

Fund 217 Communication Center – Is this entirely self funded?

Mr. Anderson said this fund is kept separate so anything that is paid from this fund would come from those resources. We also charge an administrative fee in the amount of \$130,000 which pays for payroll and support services.

Question: Fund 510 Water & Sewer – There are several expenses listed for 1150 North, 400 East and 500 East. Are those paid by impact fees?

Mr. Nielsen responded we do get some impact fees but those projects are actually repairs of sewer lines that already exist so we do not get impact fees.

Vice Chairman Daines said she would like more information regarding the \$10 million dollars for the Third Dam project and another \$9 million dollars budgeted in 2019.

Mayor Petersen stated there is a draft report on this project that Vice Chairman Daines can review.

Vice Chairman Daines said asked about the landfill road in the Environmental Fund for 2017.

Mr. Anderson responded that funding was appropriated in the current year that will carry forward from 2016 to 2017.

### **OTHER CONSIDERATIONS:**

Mayor Petersen said he is concerned that the Council didn't consider all of the options on the Brandley property that was presented earlier in the meeting. The Council has before them a proposed amendment to an ordinance but feels it would have been appropriate to amend what was presented.

Mr. Housley responded that a certain text amendment was noticed and if that text amendment were to substantially change the public could question it because it would not have been what was noticed. If the amendment is keeping the intent and changing the wording slightly, that would be appropriate. If it's going a different direction or if additional regulation is included then the Council should be on the side of caution and go back through the Planning Commission.

Mayor Petersen said although the developer, John Brandley demanded and received a decision it wasn't mandatory that a decision be made tonight. The Council could have continued the decision.

Mr. Housley said yes, the Council could have continued making a decision but the code requires the Council to make a decision yea or nay.

Mayor Petersen said he feels the possibility existed that the Council could have modified the text amendment without it going back to the Planning Commission.

Mr. Housley responded it could have been done through a continuance but the developer wanted a decision tonight. He doesn't know what the amendment would be so it's hard to say whether it could have been done tonight or if it needs to go back to the Planning Commission.

Chairman Olsen feels the Council should not walk away from the opportunity to have that concentration of students right on the edge of campus. If the Council wants to reconsider, there is no parliamentary procedure that if someone voted for a motion and then changes their mind, they can request that the issue be reconsidered.

Mr. Housley responded that is correct and Council can ask for the decision made earlier to be reconsidered.

Vice Chairman Daines said Mr. Brandley was offered the opportunity to have further discussion but he wanted a yes or no decision made tonight.

Mayor Petersen said what Mr. Brandley saw as an alternative was another three months going back through the Planning Commission.

Councilmember Simmonds said she does not feel the Council made a mistake in denying the amendment. She believes that the Council is responsible to craft and pass the best possible ordinances they can. What was presented is a structural shift in the way we define zoning in the Campus Residential area. We as a City and Council should take the time to get it right. She is not saying that the Council would not let them have 240 people but she feels we should not let every building in Campus Residential have that many people and if the Council had passed the amendment tonight they would have allowed every potential building on 600 East and anywhere in the Campus Residential area to have that same capacity.

Mayor Petersen agreed but the Council should not have taken action that completely closed the door on Mr. Brandley's project and it could have been continued. He requested that Community Development Director Mike DeSimone evaluate a modification to the ordinance.

Community Development Director Mike DeSimone said there are some very important points to remember. The Factory student housing project is being built at its utmost highest density so they are getting the maximum number of occupants as are other projects. We would allow a project to max out their number of occupancy based on what

the code allows but it's the way we measure that occupancy and density that is the distinction. As far as remanding this back to the Planning Commission, that will take three months and will allow Staff enough time to put together a proposal that makes sense for everyone.

Mr. Housley said the challenge is the Council can't look at this as just an individual project. It's a text amendment that applies to everyone and that's why it's important to look at this thoroughly. It's unfortunate that Mr. Brandley wanted a decision from the Council tonight.

Councilmember Jensen said he appreciates Mayor Petersen voicing his concern. He made the motion to approve the amendment but didn't have the confidence that it wouldn't have unforeseen consequences in other parts of the zone.

Mr. Housley said if the changes are to create an overlay zone or a conditional use permit then it has to go back to the Planning Commission because it is a substantial change.

Councilmember Simmonds said the Council voted down the proposed text amendment so the Council could then ask Staff to craft an amendment that gets to the idea of whether it's an overall or conditional use permit, run it through the Planning Commission and then bring it back again to the Council.

Councilmember Jensen said that is not what the Council voted to do.

Mayor Petersen said the Council voted to send it back to the Planning Commission but he feels it should come directly back to the Council.

Mr. DeSimone said if the changes are substantially different than what is before the Council right now then it should go back to the Planning Commission. If it's simply changing a few words in the text amendment then it's probably fine to come back to the Council.

**ACTION.** Motion by Councilmember Jensen seconded by Councilmember Needham to **continue Ordinance 16-05 to allow for minor text amendments and bring back to the Council** as presented. Motion carried 3-2 (Simmonds and Daines voted nay).

Councilmember Simmonds said the overlay or the conditional use permit is considered a substantial change and it would have to go back to the Planning Commission. That is what she thought the Council agreed to by denying the text amendment the way it was written and agreed to send it back to the Planning Commission and create a structure where it would be permissible.

Mr. Housley said we can start the Planning Commission process and look at an overlay zone or conditional use permit, something that is substantial and then at the same time can consider minor changes to the language. Then, in the event the Council can't come to an agreement then at least we have started the process with the Planning Commission.

**ADJOURN to meeting of the Logan Redevelopment Agency.**

Chairman Herm Olsen welcomed everyone to the Logan Redevelopment Agency meeting.

**WORKSHOP ITEM:**

**Consideration of a proposed resolution approving Agency Assistance in Neighborhood Nonprofit Housing Corporation's "Welcome Home – Own in Logan" Program – Resolution 16-07 RDA – Kirk Jensen, Economic Development Director**

Economic Development Director Kirk Jensen addressed the Council regarding the proposed resolution. He stated that the Neighborhood Nonprofit Housing Corporation, in partnership with Logan City, has offered "Welcome Home: Own in Logan!" since 2003. Households must make less than 80% of the area median income; new construction, condominiums, and town homes are excluded. The continued intent of the program is to encourage families to purchase and care for homes that might otherwise be purchased by non-occupant owners. Individual grant amounts, matched savings funding, and additional grant funding for rehabilitation of purchased homes has varied over the past 13 years to more specifically address city goals and needs. The RDA Committee has recently changed the recapture policy so that the initial \$5,000 city investment is now never forgiven. The matching funds (up to \$2,500) still have a ten year recapture period before that portion is forgiven.

To date, the program has provided \$1,213,825 in funding to help 195 families purchase homes. The average income of participants is \$31,611 or 63% of the area median income. The average home was built in 1962, and the average purchase price is \$129,567. A total of 84% of all program participants are still in their homes. These statistics demonstrate that the program is working as intended; families are purchasing older homes in Logan City, and they are staying in them. During 2015, 24 families qualified for the Welcome Home program and became first-time homebuyers. Of these qualified families, 16 used RDA funds totaling \$108,250, seven used \$50,000 in CDBG funds and one used NNHC Recapture funds for \$5,000.

NNHC has currently expended all available Welcome Home funding that was awarded to NNHC from both RDA and CDBG. NNHC is planning to apply for more CDBG funds but these funds will not be available until July 2016. In order to maintain the program and to assist Logan City in its efforts to attract homebuyers to the city, we would request \$75,000 in RDA Affordable Housing funds. We appreciate Logan City's support for affordable housing and interest in strengthening your neighborhoods, and look forward to working together in the future.

The proposed resolution will be an action item and public hearing at the March 1, 2016 Council meeting.

**ADJOURNED.** There being no further business to come before the Council, the meeting of the Logan Municipal Council adjourned at 8:30 p.m.

Teresa Harris, City Recorder