

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, September 20, 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 City Recorder Teresa Harris.

Chairman Olsen welcomed those present. There were approximately 46 citizens in the audience at the beginning of the meeting.

### **OPENING CEREMONY:**

Jan Nyman gave the opening prayer and led the audience in the pledge of allegiance.

**Meeting Minutes.** Minutes of the Council meeting from September 6, 2016 were reviewed and approved with minor changes.

**ACTION.** Motion by Councilmember Simmonds seconded by Vice Chairman Daines to **approve the September 6, 2016 minutes as amended 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, October 4, 2016.

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

Tony Nielsen addressed the Council and expressed his thanks to Public Works Director Mark Nielsen, Vice Chairman Holly Daines and Environmental Director Issa Hamud for their response to the issues he brought forward at the September 6, 2016 Council meeting. He also received a call from Comcast who stated they will work to improve their customer relations with Mr. Nielsen.

Clint Bisbee addressed the Council and introduced himself as the Government Relations City Liaison from Utah State University.

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

## **MAYOR/STAFF REPORTS:**

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

Mayor Petersen addressed the Council on the following projects and issues.

1. Current Construction Projects
  - a. The two East-West roads at the South end of the Logan Cemetery are being repaved. The work will be completed by the end of the month.
  - b. Construction continues on roads at 800 West from 600 North to 750 North and 350 South from 1000 to 1350 West.
2. A survey of Logan resident's attitudes regarding urban deer management is in progress.
3. A revised plan for allocation of road tax funds was approved by the Cache County Council of Governments (CCOG).
4. The City is working on implementing suggestions from the Roger Brooks analysis of Logan City. Plans include moving the benches on Main Street and providing incentives to business owners to add blade signs and to use the first 30" in front of their buildings to more effectively market their business.
5. Paving of the new landfill road will be completed by the end of next week. Excavation for the first cell is finished and that cell will be lined next spring.
6. Ken Hira, Senior VP of Kosmont Companies, will be meeting with staff this Friday at 8:00 a.m. The discussion will be on how to attract retail business to Logan. Two Council Members are invited to attend.

### **Corridor Study and Intersection Design 1000 North/200 West – Mark Nielsen, Public Works Director**

Kyle Comer and Ryan Hales from Hales Engineering addressed the Council regarding the Corridor Study and Intersection Design for 1000 North/200 West.

Mr. Hales explained potential improvement alternatives on 50 West are the following:

- Closure of 50 West
- Right in Right Out – Various options including raised island
- 50 West – One way only

Councilmember Simmonds asked how the decision regarding 50 West would be made.

Mr. Hale responded that the analytical side will be considered. He said from an engineering standpoint the most advantageous would be to limit the conflicts to as close to zero as they can be. They will also gather input from the public which will weigh into the decision making process.

Chairman Olsen also suggested that the engineers talk with business owners in the immediate vicinity of 50 West and his initial response is that closing this road is not a good idea but he would like to hear how the business owners feel about his happening.

Potential improvement alternatives on 200 West

- Base model (5 lanes)
- Lane Imbalance
- Minimum crossing section
- Multi-land roundabout

Next Steps

- Complete Traffic Study Report
- Public outreach – Property owner workshops and individual owner coordination (near intersection improvements)
- Alternative selection meeting with staff
- Design – Through the end of 2016

Councilmember Simmonds said the two areas are large four-plex buildings. She asked if there is any possibility that the intersection can shift if the properties were more readily accessible for us to use.

Mr. Comer stated this is a balancing act for this area and they will also be looking and will minimize the acquisition costs.

Councilmember Jensen said he likes the lane imbalance intersection because it brings the advantages of a couplet without the cost. He also asked how far this will extend.

Mr. Comer responded it will go as far as 1800 North and then to the South they will go as far as possible and then back onto Main Street.

Public Works Director Mark Nielsen added there is a project to connect across the Logan River on 100 West which is why they want to connect 200 West to 100 West. By doing this drivers would not need to get back onto Main Street.

### **COUNCIL BUSINESS:**

#### **Utah Associated Municipal Power Systems (UAMPS) meeting Re: Small Modular Reactors (SMR) – Chairman Olsen**

Chairman Olsen spoke about the recent seminar he and others from the City attended regarding Small Modular Reactors (SMR) presented by UAMPS. He stated this is important because potentially millions of Logan dollars ride on our participation of the Carbon Free Power Project (CFPP). The notion is that a SMR would be built at the Idaho National Laboratory and the site will have a 99 year lease. If Logan who is a part of UAMPS, wants to get onboard then we can do so and if we think it isn't a good idea then we don't have to participate. He said the question has been asked, how the cost of a SMR compares with solar, wind, and other renewables. He said the online costs for SMR are projected to be less than the normal renewable portfolio. It will actually be about on par

with natural gas power projects. He said that ultimately the SMR costs would be virtually the same as natural gas.

Vice Chairman Daines said there were four scenarios that had to be met, all of which had question marks on them. The first is that the nuclear production tax credit had to be renewed in congress. Second, the Department of Energy (DOE) had to provide incentives to help make the project feasible. Third, the DOE also had to provide plant rebates. Fourth, the cost of natural gas would have to increase by a certain amount because of carbon tax. In addition to these four things, we have to purchase all the water required for the plant, get the permits and that seemed to impact the Snake River. There are significant conditions to even put this into the ballpark and we'll need to decide if we can afford this if the scenarios are not met.

Chairman Olsen said aside from the carbon tax there might be economic pressures that would increase natural gas costs which would make it a little more comparable. The bottom line is does Logan City want to invest in this and is this an energy source we want to utilize. We'll be making decisions today that won't be effectuated for at least 10 years.

Vice Chairman Daines said contracts are being prepared and will be available by the end of the year and at that time we'll discuss our next step of participation. Until we see those contracts it's hard to make a decision. They also said there are "off ramps" later on and we can continue to invest until they go forward with a site selection and the permitting process. The entire concept could be sold even if we chose not to be involved. She feels it's an interesting concept but there is so much uncertainty right now and we'll just need to look and consider carefully once the contracts are available.

Mayor Petersen said if nuclear is going to be an option, it was stated this is a radically different type of technology where its small nuclear reactors that are built in factories so you have standardization and the safety controls represent an evolution in safety for nuclear technology. He said that under the very best scenario this is a break even in terms of natural gas. Historically, nuclear has large overruns in terms of cost and time.

Councilmember Jensen said there will be a point at which Logan has to commit. He said when dealing with mega projects such as this one, things aren't projected very well and there are cost escalations, unforeseen conditions and all kinds of contingencies. He asked what protection does the City have against buying something that could have 10-20% or more increase?

Mayor Petersen responded stating that the City will bear the risk.

Mayor Petersen said the Department of Energy has looked at alternative technologies and they are heavily subsidizing this project so at least there is some buy in from them.

Councilmember Simmonds said her take away from the seminar was that she now has more questions than before she went to the seminar. She said there are some elements of the plan, especially the amount of water that has to be secured to run the plant each year. She said it will be interesting to see how other members of UAMPS who have

participated in the early site selection process, on whether they will continue to participate.

Chairman Olsen said the good news with water consumption is that the small modular reactors are a closed water system and they do not require massive water investments. The water usage is for cooling the turbines that are generating the electricity and will be the same whether its coal fired, nuclear or natural fired.

Vice Chairman Daines said there is a wet and dry system and the dry system which uses less water was considerably more expensive to build and operate.

Chairman Olsen said this is a very important municipal topic and ultimately the public will need to weigh in on this issue and it will be a very big decision.

Mayor Petersen said he came away with the confidence that the technology works and is safe. He is concerned about the economics and not the technology.

### **ACTION ITEMS:**

***(Continued from August 16, 2016) 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***

Community Development Director Mike DeSimone addressed the Council regarding the proposed Deer Pen Rezone. The proposal is to rezone approximately 33 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. Mr. DeSimone asked the Council for feedback from the email he sent to them with the proposed elevation of 4,850 and anything above that would require additional design standards.

Vice Chairman Daines feels this is a good approach but wondered if the Council should wait on the rezone until all of the information is in place with the design standards.

Mr. DeSimone said his preference would be to adopt the rezone tonight and then go through the process with the Planning Commission in the next few weeks regarding the design standards.

City Attorney Kymber Housley added that the City is the property owner so there is no danger that anyone will come in and develop this property without the standards in place. The Mayor could commit that we will not sell until those standards are in place.

Councilmember Jensen said he received feedback from residents in the Lundstrom area and they are concerned about the road coming down along 1200 East.

Mr. DeSimone said that would be a separate issue and there is a lot of traffic along that roadway.

Chairman Olsen opened the meeting to a public hearing.

Logan resident Greg Podgorski addressed the Council. He lives at 1802 East 1700 North. He asked how certain is the 4,850 elevation.

Planner Russ Holley responded the elevation is based off of GIS information which is accurate.

Mr. DeSimone said we currently regulate development above 4,950 so if someone wants to build a home above that point you have to get a design review and there are no standards but an additional permit is required. Setting the elevation at 4,850 would define a line and anything above the 4,850 would be required to adhere to additional design standards. We could use a contour line or could use a feature. This part needs to go back through the Planning Commission to work out the details.

Mr. Housley responded that if any part of a home is above the proposed 4,850 then it would be subject to design review.

Mr. Podgorski said he likes this idea but asked who would take care of enforcement.

Mr. DeSimone responded it would be taken care of through a building review process at staff level and would not go to the Planning Commission.

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

Councilmember Simmonds said she would prefer to wait on approving the rezone until we have the overlay process started at least through the Planning Commission.

Vice Chairman Daines added that Logan City is the owner of the property and nothing will be developed without the standards in place.

Mayor Petersen said it's useful to get the rezone completed but the City is not in a hurry to sell the lots and he pledged to the Council that the lots would not be sold until the design standards are in place.

**ACTION.** Motion by Councilmember Simmonds seconded by Councilmember Needham to **continue Ordinance 16-25 until the Planning Commission has an opportunity to review the Overlay** as presented. Motion failed 3-2 (Daines, Olsen and Jensen voted nay to continue).

**ACTION.** Motion by Vice Chairman Daines seconded by Councilmember Jensen to **adopt Ordinance 16-25** as presented. Motion carried 3-1 (Simmonds voted nay, Needham abstained).

***(Continued from September 6, 2016)* PUBLIC HEARING – Winter Parking Permits (Updated)**

Mr. DeSimone addressed the Council regarding Winter Parking Permits. He said that based on the September 6, 2016 meeting regarding winter parking, the following two options are presented for discussion purposes:

1. Scale back the winter parking permit system and restrict its use for only those properties that have lost parking due to the park strip reclamation program (or a well defined set of criteria) and consider a permit fee increase to help additional parking enforcement during the winter months.
2. Eliminate all overnight parking permits and prohibit all on-street parking between the hours of 1:00 a.m. and 6: 00 a.m. November 15 through February. This could happen immediately or over a prior of 1-2 years to allow time for property owners and tenants to make alternate parking arrangements.

He also stated that a notice was posted in the newspaper, the City's website and on the City's social media inviting public input and participation at tonight's meeting.

Mr. DeSimone stated that other than the two proposed options there is a third option of expanding the daytime residential parking system and creating a Campus Residential Zone.

Chairman Olsen opened the meeting to a public hearing.

Kimball Fife property owner on 600 East addressed the Council and said he is in favor of keeping the winter parking permit. He said as an owner of property he feels it's his duty to provide a quiet, useful utility enjoyment for his tenants. He acknowledged that the police department does an exceptionally good job to make sure his tenants don't abuse the parking system. He is in favor of keeping the permits and feels they make things easier for the police and everyone involved. His properties are located between 400 North and 500 North, 820 North 600 East.

Councilmember Simmonds asked if we were to say that parking was open year round in Campus Residential in those areas would that be an option that Mr. Fife would support.

Mr. Fife responded that he would support it but we need to ask why there is a permitting process now. He feels it helps the people who live there and also the students who are commuting. He feels at some point the Council is going to have to deal with the fact that we are a University City and we will always need to deal with parking issues. He feels the Council should consider the need for on street parking.

Wes Johnson addressed the Council and also owns property on 600 East. He said the overnight parking program has benefited him. He suggested that some of the properties were harmed when the park strips were removed and he does not have a problem with increasing the permit fees.

Paige Young addressed the Council. She is a tenant who lives in an older home and does not have a driveway or an option for off street parking. She lives at 265 North 300 East and there are other homes near her that also don't have parking options.

Logan resident Joe Tennant addressed the Council. He said he does not know why we are subsidizing someone's vehicle and if you are going to rent an apartment the permit should be part of the cost of renting.

Bruce Rigby addressed the Council, he owns properties on 300 East between 500 and 600 North. The City took away the park strips and the only option was to park in the street. He paid \$2,000 every winter for a three month parking permit for his tenants. He is not in favor of raising the cost of permits and feels it's working well the way it is now.

Terry Oliver addressed the Council, he has four properties affected by on street parking. He agreed that the cost of permits should not be increased. He pays his parking permit fees and had to prove that his park strip was removed. He is concerned about where residents in the Factory Housing and other student housing areas on 1000 North are going to park. He suggested that the City completely eliminate the winter parking permits.

Logan resident Larry Brown addressed the Council. He lives in the Hillcrest Neighborhood. He opposed any permit fee increase. He feels where a hardship has been proven for some of these properties; there should be a reasonable fee. He said when the University does not provide enough parking for students and Logan City does not require proper parking for these new housing developments, then the City should step in and help the residents who live in these areas. He feels the Police Department does an excellent job and makes the Hillcrest Neighborhood and others habitable.

Cody Christensen addressed the Council and said he supports keeping the parking system the way it is now.

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

Councilmember Simmonds asked how many properties were affected by park strip removal.

City Attorney Kymber Housley responded there were more than 84 properties that were affected but if the question is how many were impacted and did not have onsite parking then it would be less than 84 properties.

Mr. DeSimone said the number of properties affected was under 50.

Councilmember Simmonds said the hardship for her are those who had their park strip removed, who are grandfathered and who do not have any onsite parking ability.

Mr. Holley said the most common case is insufficient onsite parking. There are less than 12 that have zero onsite parking options.

Mr. Housley stated that what Councilmember Simmonds described was the original program and parking permits were just for those residents whose park strip was removed they did not have adequate parking for their structure.

Councilmember Simmonds said she is not opposed to creating a solution that does not harm those individuals any further. She feels that we either let everyone park everywhere or try and get a handle on the parking issues. The concerns brought forward are brought on by over occupancy and people don't have enough parking available.

Mr. DeSimone clarified that originally the cost of permits was \$200 and they were lowered to \$50 three years later.

Mr. Housley added that a resolution was passed but not an ordinance regarding the permit fee.

Vice Chairman Daines said last year, winter parking wasn't really enforced.

Police Department Lt. Brett Randall reported that last year 600 tickets were issued for overnight parking and the cost of each ticket was \$20.

Councilmember Needham said we are allowing our neighborhoods to be transformed from single family to multifamily housing. He feels we need to get back to the idea of creating neighborhoods for single family homes then we would not have the problems we are having now.

Councilmember Jensen said it would be nice to get everything off the street but that is not going to happen. He recognized there are extreme hardship situations and they simply have no place to park and they are already grandfathered. He said over occupancy is an issue and he would like to reduce it as much as possible. He is annoyed with the Factory and Independent Student Housing projects and feels this is an important issue, parking should be enforced and we need to support the neighborhoods. This is a University town but we should not have to sacrifice neighborhoods that are still healthy and strong. We should however, take into consideration the extreme hardship cases.

Councilmember Simmonds asked if we were to limit the parking to legally existing dwellings who were impacted by a park strip removal and have no other place to park, can they park anywhere in the City with a permit.

Mr. Housley responded there were no limitations placed on the permits that were given.

Councilmember Needham said he has the impression from this discussion that the tenants needed to be controlled and it was their fault. He said it's not the tenants fault but the landlords that feel they can put more people in a dwelling. He feels the City has an obligation to lead out and do things for our neighborhoods.

Mayor Petersen asked Lt. Randall how does a police officer on patrol make the decision to give a parking ticket.

Lt. Randall responded the tickets the parking enforcement officers are electronic. The camera uploads the violation and the person getting the ticket can log into the systems, view the violation and then pay or appeal the ticket.

Councilmember Simmonds said when someone gets a parking permit at the University they have to fill out a form with all of the information regarding the vehicle. She asked would it be possible to coordinate this process with license plates so it would be easier for the police officer to see which cars are parked illegally.

Lt. Randall responded when people get a residential parking permit they provide information including their address but the license plate number is not included. As long as we know the person is going to stay at the address listed then it can be done that way to include the license plate.

Mr. Holley said the information is tied to the property owner at the address given.

Mayor Petersen asked when officers are out in the early morning hours giving a parking ticket is likely their lowest priority. What would get an officer to stop and give an overnight parking ticket to someone.

Vice Chairman Daines said she is hearing that enforcement is an issue. She would like to talk more about the possibility of having an extra parking officer or two that will work through the night and issue tickets. She would like to address this further at the October 4, 2016 Council meeting.

Police Chief Gary Jensen responded he will report on this at the October 4, 2016 Council meeting. He said there are three part time parking enforcement officers that typically work daytime hours. They do however, watch the weather report and the three parking officers are at times asked to modify their work hours and will go out and issue overnight parking tickets. Patrol officers can also give parking tickets and training can be provided on the system used by the parking enforcement officers.

**ACTION.** Motion by Vice Chairman Daines **to continue the discussion regarding Winter Parking Permits until the October 4, 2016 Council meeting and holding another public hearing** seconded by Councilmember Needham as presented. Motion carried unanimously to continue.

**PUBLIC HEARING - Consideration of a proposed resolution approving the CDBG PY2015 Consolidated Annual Performance and Evaluation Report – Resolution 16-51**

At the September 6, 2016 Council meeting, Community Development Director Mike DeSimone addressed the Council regarding the proposed resolution. He said the CAPER is a performance report that discusses the accomplishments of the previous year which is July 1, 2015 to June 30, 2016. The CAPER format is dictated by HUD. Two main goals of Program Year 2015 were to invest in public infrastructure and facilities. Also, to support public services. Accomplishments in 2013 and 2014 Neighborhood Infrastructure were the following:

- 500 W 500 S Sidewalk
- 400 E 1300 N Sidewalk
- 300 S 100 W Sidewalk
- 500 N 100 W to 550 W Sidewalk
- Golf Course Road Crossing

Accomplishments in 2014:

- 200 S Sidewalk
- Low Water Demo Garden
- 400 N Pedestrian Lighting

2015 Project Updates

- 1800 S Sidewalk to begin the first week in September.
- 300 S Sidewalk – Bid documents are being prepared and construction to begin fall of 2016 and finish in Spring of 2017.
- Boulevard Sidewalk – Completed with Short Dugway improvements. Not bid with David Bacon requirements and is no longer eligible for CDBG funding. Funds will be applied to 2016, 400 N medians. This change will be reported in the 2016 CAPER.
- Rendezvous Park Railroad Crossing – Is in the design phase and should be going out to bid soon. Completion is Spring/Summer of 2017.

Neighborhood Nonprofit Housing Corporation Homeownership Assistance.

- Total Investment \$50,000 and assisted 7 households in 2015.

Analysis of Impediments to Fair Housing Choice (AI).

- Total Investment \$14,000 and AI was adopted by Council June, 2016.

Update to Historic District Standards

- Total Investment \$11,000. First draft has been completed, awaiting second draft. Likely to come to the Council later this year.

Total Investment during Program year 2015 is \$588,000. There was \$443,000 invested in public infrastructure and facilities and support to one public service provided which was Neighborhood Nonprofit Housing Corporation.

Chairman Olsen opened the meeting to a public hearing.

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

**ACTION.** Motion by Councilmember Jensen seconded by Vice Chairman Daines to **approve Resolution 16-51** as presented. Motion carried unanimously.

***(Continued from September 6, 2016) - PUBLIC HEARING - 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***

At the August 16, 2016 and September 6, 2016 Council meeting, 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 are 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.

Chairman Olsen opened the meeting to a public hearing.

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

Chairman Olsen said he is concerned about the issue regarding liability coverage for injuries and damage done as a result of negligent behavior. He contacted the Comcast governmental representative and he adjusted the proposed agreement to bring us into line to the same level that is required in Denver. There were some points raised about the building, being a good neighbor, and the issues brought forward by Mr. Tony Nielsen.

Chairman Olsen said he also raised issues that did not have anything to do with Comcast but the issue of utility companies hiring people who did not apply for a permit or some who did have a permit and did not properly reclaim the damage that might have been done to the property owner.

Vice Chairman Daines said one of the issues brought forward was increasing the deposit required to work in the public right-of-way which she feels is reasonable because the current amount does not seem to be solving the problem.

Councilmember Jensen asked about bonding so if the utility companies don't satisfactory perform there is a financial incentive to take care of any issues.

Mr. Housley responded that we already have in our current ordinance an insurance requirement that they need to meet in order to draw the permit. The issue with increasing the fee is it might punish unintended people and anyone who works in the public right-of-way has to pay for this permit. A resident that lives in an 80 year old home and their sewer lateral has gone out; generally those living in that situation don't have \$5,000 which was the recommended amount to pay for the permit. He feels it will punish those that can least afford it.

Chairman Olsen said the \$5,000 is what the permit would cost and would be a security/bond amount so if the utility company goes out and does any damage to the property owner there is greater amount than the \$700 that we currently impose.

Mr. Housley said on top of a deposit, the homeowner would have to pay for the cost of a lateral and that is a lot of money for an individual to come up with. For those who aren't even getting a permit, raising the fee won't solve that problem no matter what the amount might be. They can come in over the weekend and try and get away with doing the work. Those who actually get the permit and don't comply we can take action on those people.

Chairman Olsen suggested making it a Class B Misdemeanor and a criminal offense would help as well.

Mr. Housley said that is why it's an enforcement issue and it's already in our ordinance as a Class B Misdemeanor and can be enforced administratively or criminally. We also have the highest insurance requirements. This is not a lack of regulation and we have the tools in place. It might be a lack of enforcement and we might need to be more aggressive. He does not feel that the magnitude of this is what the Council thinks and we don't have that many violations. A lot of times its home owners who don't get their sprinkler system repaired the way they would like it and they are small dollar items that we can eventually get compliance on.

Councilmember Simmonds asked do we have the manpower to do the enforcement.

Mr. Housley said we already require bonding and we have higher insurance requirements. Comcast hasn't really been the problem and it's some of the smaller operations that come in and get a permit but they don't get the job done as fast as someone might like. He still does not feel that more regulation is the issue and should instead look at more aggressive enforcement. It's required in our ordinance that even if a subcontractor is used that the permit has to be in the owner's name who is having the work done.

Vice Chairman Daines asked of the permits we issue how many are private homeowner versus a subcontractor or contractor that are working in the right-of-way.

Mr. Housley responded that the homeowner still has to get a permit even if they hire a subcontractor.

Public Works Director Mark Nielsen stated that over the past two years the majority of permits have been boring companies doing work for communication companies. There are a significant amount of individuals wanting to replace or fix their sewer lines. On a normal year it's 50/50.

Councilmember Simmonds asked if Mr. Nielsen feels the City needs additional enforcement and do we have the manpower to do so.

Mr. Nielsen's said we cannot catch everyone who wants to do work without getting a permit because most of the utility companies know that the City inspectors are not out on the weekend which is when the work is being done a lot of the time. Most of the people we catch doing work without a permit are not the large corporations such as Comcast and Century Link. He stated it was the issues on Tony Nielsen's property when the ordinance was changed to include public utility easements so we could do enforcement for contractors that did not complete their work. He feels we have made improvements but there are still contractors that try and escape. Because they can't meet the insurance requirements and they don't want to try and get a permit. They feel it's easier to ask forgiveness than permission.

Mr. Housley said the current cost of a permit is \$650 and if we catch them without a permit, our ordinance allows us to charge double the permit fee and we can also charge them with a Class B Misdemeanor and take administrative enforcement.

Mr. Nielsen said most of the things they don't repair are little things such as sprinklers and replacing grass. With a lot of these companies it depends on what crew is doing the work. Some do a better job than others when doing the work and cleaning up afterwards.

Mr. Housley said our best enforcement action generally is that we won't issue any new permits to the asking party if they haven't done something to the City's standards. We don't issue another permit until they get it fixed and doing that takes care of most of them. If there is a onetime contractor coming up from Ogden and doing work on the weekend, he isn't sure there is anything we can put in an ordinance to stop that from happening.

Chairman Olsen asked what about raising the deposit amount from \$650 to \$2,500 because he hates to see that some are getting away with not completing their job and making a mess for the property owner.

Mr. Mark Nielsen said yes, in some instances the \$2,500 amount would be appropriate but that cost will also be passed on to homeowners even though it's a deposit and there are some homeowners that cannot afford a \$2,500 deposit in addition to the cost of fixing a lateral.

Mr. Housley said he doesn't feel that increasing the fee will punish the people who the Council wants to punish.

Chairman Olsen said the deposit would not be cashed in unless there was damage and it could be refunded.

Mr. Housley said the reality is that the contractor will pull the permit and it will be in the name of the property owner.

Mr. Nielsen said right now there are contractors who walk away from their deposit.

Chairman Olsen suggested that the Council act on proposed Resolution 16-50 and ask Public Works Director Mark Nielsen to come back with a proposed resolution about increasing the deposit from \$650 to \$2,500.

Vice Chairman Daines said if the Comcast Franchise Agreement is for five years, the fee change would still apply to them if it were changed.

Mr. Housley responded that fees are addressed in Section 2.2 and are listed in the Franchise Agreement. Setting fees is always something we can do.

**ACTION.** Motion by Councilmember Simmonds seconded by Vice Chairman Daines to **approve Resolution 16-50** as presented. Motion carried unanimously.

**PUBLIC HEARING - Zone Change – Consideration of a proposed zone change. Lance Parker/Family Place of Cache Valley, authorized agent/owner, request a rezone of .82 acres from Mixed Residential (MR-12) to Community Commercial (CC) on the property located at 380 West 1400 North; TIN 05-041-0042 – Ordinance 16-32**

At the September 6, 2016 Council meeting, Planner Russ Holley addressed the Council regarding the proposed zone change. The request is to rezone a 0.82 acre parcel from Mixed Residential Low (MR-12) to Community Commercial (CC) with the applicant's intent of broadening the range of permitted land uses for the purposes of selling the property to a future user. A commercial daycare (17 or more clients) is indicated as the proposed future land use.

This building was constructed as a commercial structure and to convert it to a residential structure in conformance with the MR-12 zone is impractical. The allowed commercial uses on the MR-12 are very limited. The property is already developed in a manner that is sensitive to the adjacent residents and with Conditional Use Permits required for most CC land uses, further opportunities to control impacts will be reviewed case by case. Staff considers the rezone request and the opportunity for additional small-scale walkable neighborhood serving commercial beneficial to the area.

Staff recommended that the Planning Commission recommend approval to the Municipal Council for a rezone from MR-12 to CC, the Family Place Rezone, for the property located at 380 West 1400 North.

On August 11, 2016, the Planning Commission recommended that the Municipal Council approve a Rezone of approximately .82 acres from MR-12 to Community Commercial (CC).

Chairman Olsen opened the meeting to a public hearing.

Lance Parker agent for the Family Place addressed the Council. He said the Family Place, formerly known as the Child and Family Support Center recently opened a new facility and he is trying to sell the old facility so they can use those funds to help pay off their new building. With the current zoning of Mixed Residential, it just doesn't allow much leeway for potential buyers and what they can do with the property. Community Commercial opens a broader spectrum on possibilities but still gives most control to the City Council to give Conditional Use Permits on a case by case basis. He said the original building was for the use of the Family Place. Most of the inquiries he's had for future use of the building have been for daycare use. It could also be used as a senior care facility or a counseling center/office building. As the building sits now, with Mixed Residential, if it's any type of a care facility they could only have up to 16 clients. Community Commercial would increase that number to 17 or more.

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

Chairman Olsen said we don't zone relative to a particular purpose and this can go to a Conditional nature with any future request. He is concerned about a daycare center which

would have a lot of cars dropping off and picking up children and this would be a high traffic area with high pedestrian travel.

Councilmember Simmonds added that when she served on the Planning Commission and they were talking about a daycare center of any size they always talked about traffic and neighborhood impacts with respect to pick up and drop off situations.

Mayor Petersen asked does this fall under the category of “spot or island zoning” and is this something that we do.

Mr. Housley responded that in the State of Utah there is no longer “spot zoning”. There is specific language as long as you can make justification as to why the zoning is being done.

**ACTION.** Motion by Vice Chairman Daines seconded by Councilmember Jensen to **adopt Ordinance 16-32** as presented. Motion carried unanimously.

**PUBLIC HEARING – Consideration of a proposed sale of surplus real property located at 1120 West 400 North Lot #5 in the Sorensen Industrial Park Subdivision, Logan, Utah**

Mr. Housley addressed the Council and said this is a parcel that we acquired through a trade. The original owner was looking to develop and there was some uncertainty as to what was going to happen on 400 North so we traded a piece of property to preserve the rights for what could happen there. Those issues are no longer applicable and we’ve had inquiries from at least two property owners who are interested in buying this parcel. It seems like a piece of property that would be better in private hands and would not be of use to the City. Mr. Housley stated that no action is needed by the Council other than a public hearing.

Chairman Olsen opened the meeting to a public hearing.

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

**PUBLIC HEARING - Budget Adjustment FY 2016-2017 appropriating: \$75,000 for a grant the Parks & Recreation Department will receive from the Utah League of Cities and Towns to promote and encourage healthy activities through trail improvement and purchasing of outdoor fitness equipment; \$50,000 to amend funds from one of the FY17 RAPZ projects the City was awarded from Cache County (Park Avenue Connector Trail); \$1,500 for the State Asset Forfeiture Grants (SAFG) the police department was awarded from the State of Utah; \$700 donated funds for the purchase of a flagpole to be constructed at the Don Reese Park baseball complex; \$2,124 restricted funds received from the Peer Court program toward program expenses for FY 2016 - Resolution 16-52**

At the September 6, 2016 Council meeting, Finance Department Controller Rueben Nelson addressed the Council and explained the proposed budget adjustments.

Chairman Olsen opened the meeting to a public hearing.

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

Vice Chairman Daines asked Parks & Recreation Director Russ Akina to confirm that \$50,000 is for the Park Avenue Connector Trail.

City Attorney Kymber Housley was excused from the meeting at this time.

Assistant City Attorney Craig Carlston joined the meeting at this time.

Parks & Recreation Director Russ Akina responded there are two different participating grants for the Connector Trail. One is a RAPZ grant and the other is a State grant (UDOT) for \$15,000.

Councilmember Simmonds thanked Emily Malik for her work in writing the grant for the Connector Trail.

**ACTION.** Motion by Councilmember Simmonds seconded by Vice Chairman Daines to **approve Resolution 16-52** as presented. Motion carried unanimously.

#### **WORKSHOP ITEMS:**

#### ***(Continued from September 6, 2016)* 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**

Logan Police Chief Gary Jensen addressed the Council and said he feels that those involved in the proposed ordinance have gone through an exhaustive process to try and come up with something to represent fairly the property owners in Logan, the booting companies, citizens and students. When this was presented to the Council on September 6, it was proposed that a one hour response time be added to the ordinance. Since September 6, there have been several meetings held with the booting companies and others involved to help bring this ordinance together. Research has been done and there are a couple of cities similar to Logan such as Orem and Provo who are also have university communities and both have active booting and towing ordinances. Looking at these two city's ordinances, he is now presenting a hybrid which he feels best represents Logan. The one hour response time to release a boot also included in the Provo City ordinance. Other changes are that the practice of booting has the potential for problems such as damage or even injury that might occur from the booting or releasing of a boot on a vehicle. He proposed a general liability insurance requirement in the amount of \$250,000 be added to the agreement as a protection for the booter as well as the person being booted. He proposed the amount of \$250,000 general liability policy to be added. Other small additions would be that the booting employees should be visibly recognizable with clothing, name tag, etc. Another proposed item is the booting companies be required to have an authorized agent that would be capable of removing the boot in the event that someone that has been booted contacts them. There are two booting companies in our community. One booting company feels this is an imposition and the

other feels the one hour response time is not a problem whatsoever. The booting company should also be able to handle a transaction in whatever way the person wants to pay.

Assistant Attorney Craig Carlston also added that the booting company would be required that anyone hired by them would have to go through a BCI Criminal background check.

Chief Jensen said the reason for the background check for anyone working for the booting companies is that we don't want to put people out in our community who have a criminal background and are out walking around in the middle of the night. He proposed that the Police Department complete the background checks and that wasn't something that the booting companies wanted the Police Department to do. Tow truck drivers have the same requirement at the State level and it's a simple application to the State of Utah for the background check.

Councilmember Daines asked are the items we are recommending for booting companies also required for towing companies.

Chief Jensen said that is correct they are for both booting and towing companies.

Councilmember Jensen said he differs with some of the items mentioned by Chief Jensen. He reviewed the proposed ordinance with Dennis Shaw who is the owner of a booting company here in Logan. He said the ordinance that he and Mr. Shaw received differs from what Chief Jensen presented. He has 15 items that he found in the ordinance and suggested that he spend time outside out of the Council meeting with Chief Jensen and others who are involved in the ordinance and review the 15 items.

Chairman Olsen recommended that Councilmember Jensen work through these items in the next two weeks with Chief Jensen and others. The ordinance will be scheduled as an action item and public hearing for October 4, 2016.

Councilmember Jensen asked if there are two or three items in the ordinance that are in dispute how we work through them.

Chairman Olsen responded that more discussion will take place at the October 4 Council meeting when a motion is made whether to continue, adopt, etc.

The proposed ordinance will be an action item and public hearing at the October 4, 2016 Council meeting.

**Budget Adjustment FY 2016-2017 appropriating: \$8,000 for a grant the Police Department was awarded from the Internet Crimes Against Children (ICAC) Task Force of Utah. These funds will be used to investigate, protect, and educate the community on child exploitation; \$4,380 funds the Police Department was awarded for bullet proof vest purchases this fiscal year; \$200,000 for a grant the Parks & Recreation Department received from the Utah Department of Transportation (UDOT). These funds will be used for trail improvement from 1500 East to the Bonneville Shoreline Trail; \$3,018 for a grant the Communications Center was**

**awarded this fiscal year. These funds will be used for certification, training, and continuing medical education for the Communication Center - Resolution 16-53 – Richard Anderson, Finance Director**

Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustments. The \$200,000 is a grant from UDOT for the Canyon Connector Trail.

The proposed resolution will be an action item and public hearing at the October 4, 2016 Council meeting.

**Request by Ashbury Court Phase 3 for the City of Logan to accept their private infrastructure – Mark Nielsen**

Public Works Director Mark Nielsen addressed the Council regarding the proposed request by Ashbury Court. He received a letter requesting that the City consider accepting private infrastructure in the Ashbury Court 2 Subdivision. Based on this request, the Public Works Department has analyzed the existing private infrastructure to determine what measures would be required to bring it up to current City standards. The letter requesting the City accept the infrastructure only specifies the roads and does not include all private infrastructures. After conversation with Derek Salisbury who is making the request, he indicated that all private infrastructures should also be included. The private infrastructure in Ashbury Court 2 includes streets, sewer lines, curb and gutter, sidewalk, storm drain and detention basin.

Mr. Nielsen stated that this subdivision has much of the infrastructure installed to City standards and the biggest impact will be bringing streets up to City standards. Public Works recommended that the Council not accept the infrastructure. Short cuts were made to maximize the number of homes within this subdivision which creates the issues associated with bringing the streets up to current standards.

Mr. Nielsen said the right-of-way would need to be widened, not necessarily the road. This subdivision has CC&R's that list the requirements and these are given to the property owners and they should know what the requirements are before they buy property in the area.

Councilmember Simmonds said if we were to accept this request then each property owner would lose a portion of their property.

Mr. Nielsen said that is correct and they would have to deed a portion of their property to the City unless the City agreed to having a public sidewalk on private property.

Mr. Nielsen recommended that the Council does not approve the request from Ashbury Court.

The proposed request will be an action item and public hearing at the October 4, 2016 Council meeting.

## **OTHER CONSIDERATIONS:**

### **Zoning Discussion – Councilmember Jeannie Simmonds**

Councilmember Simmonds said as the Council has talked about zoning, Community Development Director Mike DeSimone provided a map which showed several empty lots. She said it seems logical to her for the Council to start looking at places in the Wilson Neighborhood because there seems to be a large amount of open space that might be relatable to different zoning than Single Family (R-6).

Mr. DeSimone responded that he will provide further information to the Council regarding the Wilson Neighborhood at a future meeting.

Chairman Olsen thanked citizens in the audience who have stayed through tonight's meeting and appreciates their interest in City issues.

Chairman Olsen asked that a report on the recent Utah League of Cities and Towns Conference be added to the October 4, 2016 Council agenda along with a report regarding the Use of Force Simulator that the Mayor and several Councilmember's recently attended.

### **Neighborhood Revitalization – Councilmember Tom Jensen**

Councilmember Tom Jensen gave a power point presentation on Neighborhood Revitalization. He said this is an interim report on the progress and accomplishments of the Logan Council Committee on Neighborhood Revitalization.

Problem: Previous consideration on upgrading our neighborhoods?

- Buy dilapidated or absentee landlord properties?
- Fix-up and sell, hoping for an owner occupied, single family buyer who will stay?
- It's expensive and does not guarantee results.

New approach: Use diverse expert-stakeholders to study the issue and propose solutions.

The prime question is are stable citizens moving away, replaced by absentee landlords or moving in, fixing up and living there?

The Neighborhood Revitalization Committee consists of the following:

Tom Jensen – Chair

Jeannie Simmonds – Council Member

Mayor Craig Petersen

Mike DeSimone – Community Development Director

Marilyn Griffiths – Adams Neighborhood Advocate

Blake Parker – Real Estate

Kim Datwyler – Neighborhood Housing Solutions

Jacob Hales – Resident, Investor, Landlord

Councilmember Jensen said the committee is trying to understand the issue and the issue is not homeowners vs. absentee landlords, rich vs. poor or stable vs. renters. It's about respect. Do your neighbors respect you? Do you respect your neighbors? Good neighborhoods require respect.

Unlawful and Reportable Actions:

- Over-occupancy
- Loud noise
- Trash
- Parking
- Reckless behavior

Challenge: How do we stop disrespectful behavior? How do we attract respectful citizens?

- Good place to live
- Good investment
- Good lifestyle – amenities, beauty
- Convenience
- Safety
- Infrastructure
- Quality of people

Ideas:

- Use “311” hot button to report
- Recognize improvements
- Show ideas – what can be done?
- Before/After images published
- Design assistance by City
- Use “Bridge Initiative”
- Value appreciation – “If you do X your home will appreciate Y.”

More Ideas:

- Public will follow if they know we care
- Use social media/Facebook
- Incentivize improvements
- Encourage community efforts
- Code changes may be needed
- Improve “Core” amenities
- Walking/bicycle friendly
- Engage school and church leaders

Investor Ideas: Work with investors to increase return for development new or recaptured single family homes.

- Twin homes doubles the return
- Incentivize key infill developments
- Concentrate efforts on specific neighborhood

Councilmember Jensen said he does see problems throughout Logan neighborhoods and he sees hopeful signs but he feels we can accelerate the quality of our neighborhoods.

Councilmember Simmonds said for the Adam's Neighborhood we are working on parking, realtor advertising and over occupancy issues which would require us to increase enforcement and these things can be done with a resolution and presented to the Council.

**ADJOURNED.** There being no further business to come before the Council, the meeting of the Logan Municipal Council adjourned at 8:55 p.m.

Teresa Harris, City Recorder