

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, March 6, 2018 at 5:30 p.m. in the Logan City Municipal Council Chamber, 290 North 100 West, Logan, Utah. Chairman Tom Jensen conducting.

Councilmember's present at the beginning of the meeting: Chairman Tom Jensen, Vice Chair Jeannie Simmonds, Councilmember Amy Z. Anderson, Councilmember Herm Olsen and Councilmember Jess W. Bradfield. Administration present: Mayor Holly H. Daines, Finance Director Richard Anderson, City Attorney Kymber Housley and City Recorder Teresa Harris.

Chairman Jensen welcomed those present. There were approximately 22 citizens in the audience at the beginning of the meeting.

OPENING CEREMONY:

Kyle Hansen, CEO at Logan Regional Hospital gave the opening thought, prayer, and led the audience in the pledge of allegiance.

Meeting Minutes. Minutes of the Council meeting from February 20, 2018 were reviewed and approved with minor changes.

ACTION. Motion by Councilmember Olsen seconded by Vice Chair Simmonds to approve the February 20, 2018 minutes and approve tonight's agenda. Motion carried unanimously.

Meeting Agenda. Chairman Jensen announced there are no public hearings scheduled for tonight's Council meeting.

Meeting Schedule. Chairman Jensen announced that regular Council meetings are held the first and third Tuesdays of the month at 5:30 p.m. The next regular Council meeting is Tuesday, March 20, 2018.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL:

Logan resident Joe Tenant addressed the Council regarding the proposed new library. He suggested that the Council consider building the new library in more than one location such as a main location in the downtown and satellite locations on the North and South end of Logan.

Chairman Jensen thanked Mr. Tenant for his comments and said cost and staffing would be an issue if there were more than one library location.

Logan resident Sharla Smith addressed the Council and said she was driving along 200 East and noticed the street and sidewalks were cleared but the street corners are still covered with snow. As she drove by, she noticed a man in a motorized wheelchair was

out of his chair, digging himself out of the snow. She feels the City should do more to clear the corners of snow for those walking and those using a wheelchair.

Mayor Daines said clearing the snow on the sidewalks and corners is an ongoing challenge. The laws states that whoever resides on these ADA corners, on the adjacent property is responsible to clear the corners. There are certain areas that the City can plow and if there are concerns about a particular area, the City can evaluate and see what needs to be done and contact the property owner.

Chairman Jensen said he noticed there are areas in the downtown that need to be cleared of snow.

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

MAYOR/STAFF REPORTS:

Mayor Daines thanked the Logan City Information Systems Department for taking care of the audio and visual needs in the Council Chambers.

Proclamation: Child Abuse Prevention Month – Esterlee Molyneux, Executive Director of the Family Place

Esterlee Molyneux Executive Director of the Family Place addressed the Council and announced that April is Child Abuse Prevention Month. She stated the goal of the Family Place is to find the strengths that families have and to build on those so that abuse and neglect do not happen. She reported that 38% of child abuse victims in 2017 were under the age of 5, parents are mostly the perpetrators and between the age of 18 and 34. The Family Place offers various programs to help parents and children and everything is focused on the family. She requested that the Council adopt a proclamation stating that April is Child Abuse Prevention Month, she asked the Council to help promote the Family Place as a resource for parents and lastly, she asked for a liaison from the City Council to be involved with the Family Place.

Mayor Daines indicated that she signed the proclamation indicating that April is Child Abuse Prevention Month.

Introduction: Contractor of the New Treatment Plant – Mayor Daines

Mayor Daines and Mark Nielsen, Senior Project Engineer of the Wastewater Treatment Plant introduced Michael Haarman, Corporate Executive and John Kolkman, Project Manager both from MWH who, are the contractors for the new Wastewater Treatment Plant. Mr. Haarman and Mr. Kolkman gave a power point presentation of their past experience and performance of two Wastewater Projects, Central Weber, Central Weber Sewer Improvements District in Ogden, Utah and the North Davis Wastewater Treatment Plant Expansion and Upgrade, North Davis Sewer District in Syracuse, Utah. They pride themselves on being on time and on budget with their projects.

Chairman Jensen said he is impressed with MWH and their work. He said it was his understanding that MWH will work with Corollo for a three-month time period and will try and find other costs savings for the project.

Mr. Haarman responded that is correct, this is a three-year project with three months of pre-construction work.

Chairman Jensen reminded everyone this is a \$116M project. He thanked MWH for attending tonight's meeting.

Ratification of the new Logan City Public Works Director – Mayor Daines

Mayor Daines introduced Paul Lindhardt who has been selected as the new Logan City Public Works Director. Mayor Daines asked the Council for ratification of this new appointment.

ACTION. Motion by Councilmember Olsen seconded by Councilmember Jensen to approve ratification of Paul Lindhardt as the new Logan City Public Works Director as presented. Motion carried unanimously.

Neighborhood Meetings Update – Mayor Daines

Mayor Daines reported that neighborhood meetings have been held with all of the neighborhoods except for the Adams area and their meeting will be held on March 13. She expressed her appreciation to those who have attended the meetings and care enough about the City to voice their concerns and provide input. Going forward the various neighborhood groups will get organized, appoint a chair and start meeting. Mayor Daines thanked City staff for attending the meetings and addressing the various concerns that are brought forward from the neighborhood groups.

Chairman Jensen said he attended the Wilson Neighborhood meeting and heard a lot of positive feedback from those who attended. He and the attendees felt that Mayor Daines handled the meeting very well and was very open to everyone.

Chairman Jensen also thanked Sean Dolan, Herald Journal Reporter on the article he wrote about the Wilson Neighborhood meeting.

No further reports were presented.

COUNCIL BUSINESS:

Planning Commission Update – Vice Chair Simmonds

Vice Chair Simmonds reported that she attended the Planning Commission held on February 22. The Commission is working through the issues of Town Center 1 and Town Center 2. Commissioner Butterfield was the Chair at the February 22 meeting and opted to divide the discussion into a multi week, multi meeting format. Churches are zoned as Neighborhood Residential, six units to an acre (NR-6). There were some concerns from

residents so the Commission is changing the zoning of all church buildings to a modified form of recreation. At the next Planning Commission meeting they will discuss building design standards of buildings in Town Center 1 and Town Center 2 and it could take more than one Planning Commission meeting to go through all of the information. Vice Chair Simmonds said these are big changes and need to be considered carefully and how we want the commercial area of the downtown to look today and into the future.

School Safety – Police Chief Gary Jensen

Chairman Jensen said in light of the recent school shooting in Florida, he invited Chief Gary Jensen to talk about school safety and what is being done in Logan City.

Logan City Police Chief Gary Jensen addressed the Council and said school shootings are a local, national and international problem and is always in the minds of law enforcement in our Valley. He feels it's important for everyone to know that we have a community that cares but, there is the potential in any community for a shooting to occur. He said the police department handpicks the very best officers to work in our schools. The Logan City Police Department will continue to train and be prepared for the day he hopes will never come.

Chairman Jensen said it was his understanding that in the Florida school shooting there were police officers there that did not act when the shooting started.

Chief Jensen responded he has every faith in the officers that are in our schools and they will act if something happens. He also reminded everyone that if you see something, say something. If a shooting were to happen anywhere in the community there will be an overwhelming response of officers that arrive within minutes of the call going out. He stated the police department can also provide training in the community on active shooter scenarios.

Chief Jensen introduced Logan City School Resource Officers, Detective Brandon Bevan, Detective Dave Teeples and Detective Jonathan Gleisberg who attended tonight's meeting.

Councilmember Bradfield thanked the police department for their service and protecting the community and schools.

No further Council items were presented.

ACTION ITEMS: NO PROPOSED ACTION ITEMS WERE PRESENTED.

WORKSHOP ITEMS:

Budget Adjustment FY 2017-2018 appropriating: \$3,651,830 Sewer Treatment reserves for the Sewer Treatment Plant Project – Resolution 18-06 – Richard Anderson, Finance Director

Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustment. He said it is planned that this appropriation will get us to the guaranteed

maximum price and to the point where we will start construction. We don't yet have funds appropriated for construction so that will come before the Council for approval.

The proposed resolution will be an action item and public hearing at the March 20, 2018 Council meeting.

REZONE – Consideration of a proposed rezone by owners Nick Thompson and Jeff Ballard, Safe & Sound Storage of approximately 14.66 acres of property located at 2325 North 600 West, Logan, Utah from Airport (AP) to Industrial Park (IP) – Ordinance 18-04 – Russ Holley, Planner

Planner Russ Holley addressed the Council regarding the proposed rezone. The proponent is requesting to rezone approximately 14.66 acres of property from Airport (AP) to Industrial Park (IP), with the intention of developing single-story commercial storage units. The property is currently vacant with approximately 650' feet of frontage along 600 West. The grassy low-land and generally flat area, is predominately vacant, except for a concrete batch plant to the South and a couple of existing commercial storage facilities to the North and East. The property sits approximately 2000' directly South of the main runway at the Logan-Cache Airport. New development is required to coordinate with the Airport Authority for flight pattern approach and building height analysis and approval. The Logan City boundary runs along the property's western edge.

Staff recommended that the Planning Commission recommend approval to the Municipal Council for the proposed rezone.

On February 8, the Planning Commission recommended that the Municipal Council approve the Safe and Sound Rezone project that amends the Official Logan City Zoning Map.

Vice Chair Simmonds asked why wouldn't this type of use be added to the Airport Overlay, being a compatible use to restaurants or something else rather than change to Industrial which has different height requirements. She feels we should endeavor to make the storage units be a reality not an industrial zone possibility.

Planner Holley said there is an option to change the use table in the airport zone but, we would need to be prepared to see commercial storage units anywhere in the entire zone. Regardless of the zoning height allowances, the Airport Authority is involved in new development and adjustments can be made for height based on a development. Making this adjustment doesn't always guarantee that a project can go to maximum height.

Councilmember Bradfield asked is a rezone the best potential use for airport property. The airport is one of our biggest strengths and the ability to build near the airport impacts the aerospace industry within our community. He questioned if building a storage shed is a good idea for long term planning at the airport.

Vice Chair Simmonds said although this is an Airport Overlay Zone, the airport has never had the funding to purchase property surrounding them.

The proposed ordinance will be an action item and public hearing at the March 20, 2018 Council meeting.

Consideration of a proposed resolution approving Country Manor’s request to Dedicate Private Infrastructure – Resolution 18-07 – Mark Nielsen

At the February 20, 2018 Council meeting, Mark Nielsen addressed the Council regarding a request from the Country Manor Neighborhood to Dedicate Private Infrastructure. He stated that Kristie Cooley from the Country Manor Homeowners Association has requested the City of Logan receive dedication of the private infrastructure within the Country Manor Subdivision. This request is different than past requests due to City ownership of a significant portion of the infrastructure within the Country Manor Subdivision as well as ownership of 25% of the lots within the subdivision.

The original subdivision created 68 lots. As part of the NRCS flood repair project in 2011, the City of Logan purchased 17 of these lots along the Logan River to construct a flood levee. The infrastructure in Country Manor Drive which is the main road that provides access to the private cul-de-sacs is City owned and maintained and serves 22 of the remaining 51 lots. This leaves 29 lots within the Country Manor Subdivision that are served by private infrastructure.

The water lines and sewer lines are in good shape and vary in age from 22 to 38 years old. The water lines do not meet current State minimum requirements because they are 6-inch diameter rather than 8-inch diameter. The streets do not meet current City standards. There are no curb, gutter, and sidewalks on any of the private roads. The asphalt cross-section does not meet the City’s minimum standards and there is poor drainage along the road which further deteriorates the pavement without curb and gutter along the road.

The Homeowners Association currently has no reserve funds for infrastructure. They charge each homeowner \$10 per month for dues. Based on the infrastructure replacement costs in 2017, it will cost approximately \$1.1M. The piping would typically have approximately 30 years of life remaining. This would mean each homeowner would pay about \$60 per month to generate the needed funds in 30 years. This does not include the current costs of maintaining open space and the storm water pump station.

The City policy for dedicating infrastructure is that the homeowners should bring the infrastructure to current standards before the City accepts the dedication. In this case, the largest item that does not meet the standard are the roadways.

Mr. Nielsen recommend the roads be constructed to meet minimum structural standards, curb and gutter needs to be added, and where possible sidewalk on one side of the road should be added. In the past, the City has implemented a special assessment area to allow residents to spread these costs over 5 years. Doing that will provide a rough estimated monthly payment of \$75 for each homeowner and the City will pay for 17 lots each month.

In an email sent by President of the Country Manor Homeowners' Association Kristie Cooley to the Council she added the following to the original request.

1. The City presumes a 5-year amortization of the costs to upgrade roads and water lines. The neighborhood asked the City to consider instead, a 15-year schedule. There is a precedent for a 15-year repayment and the Downtown Main Street BID was amortized over a 15-years period.
2. The City consider splitting the cost to upgrade curb, gutter and (if applicable) sidewalk. The neighborhood has noted that the City has helped non-conforming areas make these upgrades by sharing the cost with property owners, as was the case with the 600 West BID.
3. Contrary to the information in the original memo to the Council, The Country Manor Homeowners' Association has approximately \$40,000 that can be contributed to the total cost of construction.
4. In regards to the sidewalks, Ms. Cooley asked the Council to note the unique circumstances of the four private roads in Country Manor: All are dead-end roads, three of the roads have only 4 homes, and the remaining road has just 14 homes. Because of this, there is extremely limited traffic on these roads which makes adding sidewalks a non-critical issue. In addition, there is limited right-of-way property in which to build the sidewalks.
5. Finally, the neighborhood would respectfully request that the Council consider that for the past 35 years, those living on private roads have contributed to the cost of City utilities and services which were not actually provided for their roads. Property owners have been paying for these costs through additional homeowners fees and/or assessments.

Mr. Nielsen gave an update on the proposed request from Country Manor. He presented the cost information associated with bringing the private streets within Country Manor to current standards. The information also provided an estimated cost required of the residents if the Council votes to work towards accepting the infrastructure.

The following streets are included in the cost calculations for infrastructure:

- Country Side Circle
- 1370 South Place
- 1490 South Place
- 1500 South Place

The typical street cross-section was assumed to be 20-feet wide asphalt with curb and gutter on both sides of the street. Sidewalk was only included on 1370 South Place.

- Curb and Gutter \$88,000
- Sidewalk \$8,500
- Pavement \$151,000
- Contingency (25%) \$61,500

ESTIMATED COST \$309,000

HOA costs assuming a Special Assessment Area is established with a 10-year payback period and 2% interest.

For all lots including City owned lots:

- $\$309,000 \div 68 \div 120 = \37.87 per month per resident or \$454.44 per year
- With 2% interest, payments would be \$505.88 per year or \$42.16 per month

For only lots not owned by the City:

- $\$309,000 \div 51 \div 120 = \50.49 per month per resident or \$605.88 per year
- With 2% interest, payments would be \$674.51 per year or \$56.21 per month

Mr. Nielsen indicated that another question was asked regarding how much life has been used by the water and sewer lines to date. In his opinion, the replacement costs of the water and sewer is the cost that would constitute the majority of this calculation. Based on the infrastructure varying from 22 to 38 years old, the average age is 30 years old. Typical life cycles for piping is 75 years. Therefore, 40% of the life of the system has been used which translates into 40% of the replacement cost. The replacement cost for the water mains and sewer mains is approximately \$8000,000. Therefore, \$320,000 is the liability amount of the private infrastructure that the City is accepting.

The proposed resolution states that the City of Logan will accept dedication of the water mains, sewer mains, storm drains, and streets based on the following conditions:

1. The Country Manor HOA will reconstruct the private streets to meet a minimum standard of curb and gutter with a minimum width of pavement of 20 feet.
2. The Country Manor HOA will install a 5-foot sidewalk on one side of 1370 South Place.
3. The Country Manor HOA will remit to the City of Logan the balance of their HOA savings.
4. The Country Manor residents will cease discharge of their sump pumps into the sanitary sewer mains. This must be verified by inspection by the City of Logan.
5. The City of Logan property will not participate in the costs of improving the existing infrastructure.

The City of Logan is willing to work through the process of setting up a Special Assessment Area (SAA) to provide a mechanism to spread the costs of the construction of the infrastructure over time. The SAA will be set up to spread payments over a 10-year period with interest. The City cannot guarantee approval of an SAA because if enough residents of Country Manor protest the SAA, State law mandates the SAA would not be established. In which case, the HOA would be required to pay for the improvements if they wanted to dedicate the infrastructure to the City of Logan. If the improvements are not made, then this dedication would be null and void.

He stated there are three options for the Council to consider:

1. The Council can approve the proposed resolution in two weeks.
2. The Council can modify the resolution to add or delete the current proposal.
3. The Council can vote not to approve the resolution in which case, the City would not accept the private infrastructure.

Councilmember Bradfield stated that he walked through the Country Manor neighborhood and at first he was against the City taking the private infrastructure. He saw how much property the City owns in this area and it made sense to him that the City should consider helping Country Manor.

Mr. Nielsen indicated that 99% of the time, private infrastructure should remain private and there is 1% where there are exceptions such as Temple Avenue. He feels that in some ways, Country Manor fits into the 1% but again, its accepting private infrastructure. In his opinion, there is no good deal when it comes to private infrastructure and when something fails and needs to be replaced, most HOA's are not viable and they can't raise the money needed to make repairs. With Country Manor, he feels there are reasons why the City would accept the private infrastructure but the question is, do those reasons fit into the 1% and he cannot give a solid recommendation on what the Council should do. He said the Country Manor HOA should have \$320,000 in the bank which is the liability amount of the private infrastructure the City is accepting.

City Attorney Kymber Housley said this isn't the City buying 17 lots in Country Manor and by paying HOA fees we are getting the benefit of utilities. The City bought the lots to build a berm and just like a common area such as a park, we don't pay an HOA fee and everyone pays to maintain the common space area. This is a policy decision for the Council to make and determine if they feel its equitable that we purchased the lots even though 80% was through grant money. The City tore down the homes, built a berm and we were also going to pay HOA fees on this property. Practically speaking if the City does not pay the HOA fees, a lien could be placed on the berm property. At worst case, it's one large lot and not 17 individual lots.

Mr. Nielsen said the numbers that have been presented to the Council are not intended to be the fixed numbers that will be paid. If the Council accepts the infrastructure and we proceed with a Special Assessment Area, he recommended that the design is done to include all of the improvements that are proposed and have an engineered solution with a cost estimate. What he prepared and presented to the Council are estimates only.

Country Manor resident Tami Pyfer addressed the Council and thanked the City of Logan for their support of the Country Manor Neighborhood especially, during the flooding events that took place and the berm that was put in place. The unintended cost of the berm going in was the loss of 17 lots that were removed and took a toll on the HOA reserves. She agreed that the Council needs to consider setting a precedent for future requests that might come before them. That is why a policy needs to be in place and if anyone else were to come forward there would be some type of baseline to make a decision. She requested that the Council consider extending the repayment period from 10 years to 15 years and again thanked the Council for their support of Country Manor

The proposed resolution will be an action item and public hearing at the March 20, 2018 Council meeting.

OTHER CONSIDERATIONS:

No further considerations were addressed by the Council.

ADJOURNED. There being no further business to come before the Council, the meeting of the Logan Municipal Council adjourned to a Closed Session at 6:55 p.m.

ACTION. Motion by Vice Chair Simmonds, seconded by Councilmember Bradfield to convene a Closed Session to discuss property acquisition. Chairman Jensen polled the Council with regard to the motion, which carried by roll call vote.

Tom Jensen, yay

Jeannie Simmonds, yay

Jess Bradfield, yay

Herm Olsen, yay

Amy Anderson, yay

Teresa Harris, City Recorder