

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, September 6, 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 18 citizens in the audience at the beginning of the meeting.

OPENING CEREMONY:

Bronwyn O'Hara gave the opening prayer and led the audience in the pledge of allegiance.

Meeting Minutes. Minutes of the Council meeting from August 16, 2016 were reviewed and approved.

ACTION. Motion by Vice Chairman Daines seconded by Councilmember Simmonds to **approve the August 16, 2016 minutes and approve tonight's agenda.** Motion carried unanimously.

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

Meeting Schedule. Chairman Olsen announced that regular Council meetings would be held the first and third Tuesdays of the month at 5:30 p.m. The next regular Council meeting is Tuesday, September 20, 2016.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL:

Adam's neighborhood resident Burt Lamborn addressed the Council and distributed his comments in writing and also read his comments to the Mayor and Council. Mr. Lamborn suggested the following steps from the Logan City General Plan which he feels can bring significant, positive improvement to the Adam's neighborhood. Prevent encroachment of new multi-family units, reduce illegal multi-family units through enforcement of zoning laws and prevent encroachment of non-single family uses. He feels the over occupancy and now the huge student complex on 600 East are causing unsafe traffic and parking conditions in the Adam's Neighborhood. Mr. Lamborn requested that the City immediately paint the curbs and increase enforcement and ticketing of the obvious offenses. He asked the City be more responsive to actionable violations.

Regarding over occupancy, Mr. Lamborn proposed that the City require a placard on every house “For Sale” sign that states the zoning for that property. He feels this will make potential buyers somewhat more aware. He also proposed that the City generate an “Affidavit of Occupancy” that the tenants fill out.

Regarding traffic, Mr. Lamborn requested that the City install solar powered “Yield to Pedestrian” signs that are similar to those found on roundabouts.

Mayor Petersen asked regarding the “Affidavit of Occupancy” how would that be administered by the City.

Mr. Lamborn responded that every time the neighborhood issues a complaint, the enforcement officer would respond and meet with the occupant. Mr. Lamborn stated the neighborhood would like the burden of enforcement transferred from the neighborhood to the City.

Chairman Olsen stated he likes the suggestions mentioned by Mr. Lamborn. He feels that enforcement has limited capacity because of budget and staffing restraints. The City needs the neighborhood to call and be the “eyes and ears” so the City can be more responsive.

Mr. Burt Lamborn responded the neighborhood would like something done the first time they make a complaint to the City and if the problem is dealt with quickly there would not be a need for more staffing.

Councilmember Jensen thanked Mr. Lamborn for his thoughts and for coming to the Council with these issues.

Councilmember Needham suggested that a committee be formed with representatives from the City and the neighborhood.

Adam’s neighborhood resident Nancy Stewart addressed the Council. She is very concerned about the problem of over occupancy of single family dwellings in Logan. She feels that the laws for grandfathering a house into a duplex seems easy to put in place but very hard to get out of. Her biggest concern is enforcement of the single family dwelling laws the City has now. She stated the neighborhood has reported on incidents of over occupancy in the Adam’s neighborhood for years and most of the homes are still not within the law. She asked the Mayor and Council the following questions and asked them to research these items.

1. Why is the burden of proof on the citizens rather than on the City or the police?
2. If lawbreakers are given a warning, how long do they have to be in compliance?
3. What is the penalty for having more than 3 unrelated individuals in a home?
4. How many actual fines are given in the Adam’s Neighborhood area yearly?
5. How many fines are actually collected?
6. How much is the fine?
7. Can we make it harder to turn a single family home into a duplex?
8. Can homes that have been granted duplex status be reversed and how?

9. If the laws are not enforceable, what can we do to help change them?

Mrs. Stewart feels that the solution is actual enforcement with significant fines. The money gained from actually fining the lawbreakers would then easily pay for additional staff to enforce the laws.

Adam's neighborhood resident Frank Stewart addressed the Council. He asked the Council to consider extending the residential permit parking for the northern Adam's Park neighborhood (approximately 1000 North to 1400 North and between 700 East and 400 East). Doing this would allow residents to maintain the value and beauty of their neighborhood.

Adam's neighborhood resident Ted Nyman addressed the Council. He has lived in the Adam's neighborhood area for 38 years. He feels the key issues facing the Adam's neighborhood are parking, over occupancy and the middle canal. He distributed information (Problem and Solutions) to the Mayor and Council regarding these issues. He feels that enforcement of occupancy laws would also help with some of the parking issues including parking on lawns and illegal street parking. The City could do more than pay for the cost of enforcing occupancy laws by issuing significant fines for noncompliance. He added that he is also in favor of not allowing overnight winter parking on City streets.

Vice Chairman Daines commented that part of the issues with canal is the City tried to obtain right-of-ways and some of the neighbors did not want to turn the canal into a path and so it was left and nothing was done. She suggested this area of the canal be looked at again by the City.

Adam's neighborhood resident Jan Nyman addressed the Council. She feels that the City bends over backwards to accommodate the University, its students and high dollar, high density housing units but they forget about the permanent residents and the average citizens in some areas of Logan. She suggested the Mayor and Council drive through the area of 600 East to 700 East between 1000 North and 800 North between the hours of 8:00 a.m. and 2:00 p.m. This is the area of the Factory and Independent Student Housing. She stated that cars are parked up and down the streets, in front of fire hydrants, stop signs, etc. She feels this neighborhood needs the City's help in taking action and making improvements.

Councilmember Simmonds expressed her thanks to those here tonight from the Adam's neighborhood. She has been worried about these issues for some time and appreciates the solutions brought forward tonight. She also stated that if Ordinance Enforcement Officer Jim Geier is notified that a home is being advertised on the market of having a "basement apartment" etc that he can put a restriction on the title so when the house is sold people are aware that the home is single family only.

Logan resident Tony Nielsen addressed the Council. He thanked the Council for all they do and he personally thanked Vice Chairman Holly Daines for going above and beyond to help find solutions. Mr. Nielsen stated that he owns property on 1000 West 1300 North and he is tired of the right-of-way permit process and the way the parking in this area is

handled. He asked the Council for their help because he is constantly dealing with utility contractors coming on his property and doing work in the right-of-way, they leave and then don't clean up or put things back the way they were. He feels the deposit is not enough for these contractors and it should be increased. He asked the Council to give the Logan City's Public Works Department the resources so they can deal with the utility contractors.

Chairman Olsen said the Adam's neighborhood brought forward several issues and multiple City departments need to weigh in and be part of the solution.

Councilmember Simmonds stated that Councilmember Jensen has organized the Neighborhood Revitalization Committee and zoning was discussed at the last meeting. She suggested that the various issues brought forward from the Adam's neighborhood could be discussed in the next committee meeting.

Vice Chairman Daines added that parking needs to be talked about now since the winter season is coming very soon. She feels we either need to enforce the current ordinance or make changes.

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. 400 East between 1000-1100 North will be open this Friday.
 - b. Construction has started on roads at 800 West from 600 to 750 North and 350 South from 1000 West to 1350 West.
2. A citywide survey of Logan resident's attitudes regarding urban deer management will be conducted this month.
3. A revised plan for allocation of road tax funds will be presented to the Cache County Council of Government (CCOG) on September 19.
4. The City continues to implement the use of 311 for non-emergency calls. It currently works for calls placed from Century Link landlines.
5. A new gavel was presented to the City Council which was handmade by Police Chief Gary Jensen.

Councilmember Simmonds commented that she received a complaint about the short dugway improvements taking so long but after completion the same person complimented how nice the project turned out. She has also heard of more than one instances and/or potential instances of people bow hunting deer in Logan City limits. She feels we need to make it very clear that bow hunting in Logan City limits is not allowed. Mayor Petersen stated that the hunting of deer in any form is not allowed in Logan City limits and the police should be notified as soon as possible if this occurs.

Chairman Olsen asked if there are any updates regarding the gravel pit project on 1200 East 1400 North.

Mayor Petersen responded that progress has been made and he expects to receive a revised proposal back from the developer this week.

Councilmember Simmonds added the proposal will still need to go through the Planning Commission process.

Councilmember Jensen asked about the top area of the short dugway and will the railing be extended further from where it is now?

Mayor Petersen said he will check into this and respond back to Councilmember Jensen.

Board Reappointment (Logan River Golf Advisory Board) – Mayor Petersen

Mayor Petersen asked for ratification of John Hansen to be reappointed to the Logan River Golf Advisory Board which is a three year term.

ACTION. Motion by Councilmember Simmonds seconded by Vice Chairman Daines to **approve ratification of John Hansen** as presented. Motion carried unanimously.

Rural Recycling Study Presentation – Emily Malik, Conservation Coordinator

Mayor Petersen commented that for many years he struggled with Logan's Recycling Program and not that he doesn't support recycling, but as an economist in terms of the benefits of costs. The program we do now is quite different than what has been done in the past. His main concern with the initial program was that we were paying people to take the recycled materials and now we are being paid for the recycled materials. Last year the City negotiated a substantially higher price that we are now being paid. The one thing he always wondered about was does it make sense to do recycling in rural areas and would it be possible to do recycling once a month rather than every two weeks, which we do now. He felt the City should gather data to determine if a monthly recycling pickup was a feasible solution. He asked Emily Malik to do analysis as to the impact on spreading out the collection of rural recycling. With the help of interns, Emily did an excellent job gathering this information which she presented to the Council.

Conservation Coordinator Emily Malik addressed the Council regarding the Rural Recycling Study. She stated that with the help of interns they chose the areas of Cornish and Newton. In April, they looked in every recycling can (or marked that they were not out) throughout Cornish twice. Here are the results:

Total Cans – Cornish 4/4/2016 – 55% full
Total Cans – Cornish 4/18/2016 – 69% full
Only Cans Set Out – Cornish 4/4/2016 – 79% full
Only Cans Set Out – Cornish 4/18/2016 – 77% full

In June, they looked in every recycling can (or marked that they were not out) throughout Newton. Here are the results:

All Counted Cans – Newton – June – 63% full
Only Cans Set Out – Newton – June 80.5% full

In April, they also looked in every garbage container (or marked that they were not out) throughout Cornish. They only looked in garbage containers once. Here are the results:

Total Cans – Cornish – April – 58% full
Only Cans Set Out – Cornish – April 77% full

In June, they also looked in every garbage container (or marked that they were not out) throughout Newton. Here are the results:

All Counted Cans – Newton – June – 61.8% full
Only Cans Set Out – Newton – June 72% full

Ms. Malik added that this summer, there were two interns that performed targeted education throughout Cache County. As part of their project, they looked inside random recycling containers in various areas throughout Cache County. To give additional insight into the volume of recycling we are collecting from households, the interns were asked to record volumes in the cans. Here are the results:

Average Gallons/Can was 82.3% full.

Ms. Malik concluded that the frequency of recycled materials is adequate countywide. She said there is not enough evidence that there should be weekly recycling collection.

Chairman Olsen said there are probably spike periods of recycling such as after Christmas. He asked would it be worthwhile to two weeks in a row during the holiday season.

Ms. Malik said that was done in the past but there wasn't enough extra recycling to justify the cost of sending out drivers for collection. It also added confusion to the public on which day their recycling would be collected.

Mayor Petersen stated that Emily Malik is asked to do a wide variety of things throughout the City and he thanked her for making this presentation.

Chairman Olsen suggested that the presentation be made to the County Council as well.

COUNCIL BUSINESS:

Open & Public Meetings Act Update – Kymber Housley, City Attorney

Logan City Attorney Kymber Housley addressed the Council and gave an update on the Open and Public Meetings Act. He stated the Open and Public Meetings Act was enacted upon the premise that the state, its agencies, and its political subdivisions exist to aid in the conduct of the people's business. As such, a public body should deliberate and take action openly. The Open and Public Meetings Act requires that members of a public body be provided with annual training on the requirements of the Open and Public Meetings Act.

2016 Amendments to the Open and Public Meetings Act are the following:

S.B. 190 – Modified definitions to exempt a conference committee, rules committee, or sifting committee of the Legislature from the Open and Public Meetings Act.

The definition of a meeting is a convening of a public body or a specified body with a quorum present to discuss, receive public comment about, or act upon a matter over which the public body or the specified body has jurisdiction or advisory power. A meeting does not include a chance or social gathering, a convening of a public body that has both legislative and executive responsibilities. The Council cannot deliberate as a body outside of a public meeting.

Mr. Housley said the main issue is whenever discussing Council business, do so in a public setting and not discuss Council business with more than two Councilmember's if not in a public setting. This also applies to electronic correspondence. Meeting does not mean a chance or social gathering but he advised the Council to ere on the side of caution and when in doubt it should be noticed as a public meeting. More information regarding the Open and Public Meetings Act can be found in Utah Code Section 52-4-102.

Councilmember Simmonds stated when she was on the Planning Commission she was told that the Commission was not allowed to discuss projects with the public that were under deliberation. She asked does that include the Council.

Mr. Housley responded that the Planning Commission wears a "different hat" than the City Council. The City Council is making legislative decisions and they need all the input they can get. The Planning Commission is making quasi judicial or administrative decisions. If the Planning Commission is looking to make recommendations to the City Council on legislative issues such as zoning designation or zoning changes to the code, then it's appropriate for them to talk to whomever they need to when making that type of decision. The City Council can ask questions but it's not appropriate for the Planning Commission to discuss items of a quasi judicial nature.

Vice Chairman Daines said she is struggling with this issue and referred to an email that Mr. Housley sent to the Planning Commission stating, "Planning Commission Members are prohibited from engaging in ex parte communications, communications from one party without notice from the other party with any individual on a project that will come before the Planning Commission for a decision. This includes staff members, elected officials or anyone else that wishes to discuss the project." Vice Chairman Daines asked aren't we all on the same team and she does not understand why there can't be one on one discussions.

Mr. Housley responded that again, the Planning Commission wears a “different hat” and they are acting as a quasi judicial function. They are making a decision on an individual project and this is not the same as making a legislative decision where it could have a broader impact and is setting policy.

Chairman Olsen commented that the Planning Commission sometimes will discuss broader general issues and that is appropriate. The concern is the discussion about a specific project.

Mr. Housley stated then when the discussion is about a specific project it comes down to the appearance of fairness and nobody wants to come across as unjustly trying to influence decision makers.

Mayor Petersen asked would the distinction be that if it’s an issue that’s going to come to the City Council for a final decision then the conversation is appropriate. But, if it’s a situation where the Planning Commission has final decision making authority that is when there should be caution?

Mr. Housley responded the only place that the Planning Commission has final decision making authority is in those quasi judicial matters. The Planning Commission is only a recommending body to the City Council. This is not limited to the Planning Commission and any citizen speaking on legislative issues there are no restriction on who you can talk to because you are trying to get the most information you can in order to make a decision. The Planning Commission bylaws can be found online and the information that has been discussed is stated in those bylaws.

(Continued from August 16, 2016) Winter Parking Permits

At the August 16, 2016 Council meeting, Police Chief Gary Jensen, Public Works Director Mark Nielsen and Bret Randall spoke about the winter parking challenges. Chief Jensen and Lt. Brett Randall reported that over the past decades, the City has grown with upwards of 18,000 full time students alone at USU. The number of vehicles registered in Cache County has almost quadrupled. This is forcing more vehicles to park on the roadways during the winter months as parking lots are full. Some students simply do not have a place to park their vehicles. There are many complaints from students at parking enforcement attempts during this time. Last year, over 600 citations for parking violations were issued. The goal is to avoid conflict between snow plows and vehicles parked on the streets. The City does not have a comprehensive plan to address this matter and will not be able to enforce its way out of the problem.

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

Mark Nielsen reported the preference of the Public Works Department is that there would be no cars on the City Streets at night during snow removal. The main problem is when many cars are parked on the street if snow removal is needed. Essentially, it means that

only the center portion of the roadway gets plowed. He suggested the elimination of overnight parking on major roadways would definitely make snow removal less complicated.

Vice Chairman Daines asked why the number of permits has significantly increased.

Mr. DeSimone responded that as people have become aware of the permits the number has gone up. Russ Holley issues the permits and he is careful to make sure they are legitimate. He denies almost 40% of the requests received for permits. He tried to be responsive to people who have a single family home and legitimate grandfathered properties that have a reason for additional parking.

Councilmember Simmonds said from the last Council meeting it was decided that one or two options would be selected and then a public hearing would be held.

Chairman Olsen said that is correct.

Mr. DeSimone said what the Council will find is there are two sides when it comes to winter parking permits from the residents and the landlords. Regarding the Factory Student Housing, the parking requirement is 76% and Independence Living is 50%. Part of the issue with parking is that it's not only the tenants that live in those areas but those who don't get a parking permit on campus/students who commute into these areas and it's easier to park and ride the shuttle to campus than to buy a parking permit and park near the stadium. He has talked with James Nye with USU Parking and he stated they are parked with 75% of their existing residents that live on campus and other students park any place they can find. There is a limited parking permit area in the Hillcrest area and South of 1000 North.

Logan Police Lt. Bret Randall said that residential parking goes from 400 North to 900 North on 600 East and 700 North on 700 East.

Chairman Olsen said whatever decision is made the Council also has to expand parking enforcement.

Mr. DeSimone said it's also important to make sure everyone knows the different distinctions between all of these systems.

Councilmember Jensen asked isn't there adequate parking in the USU stadium parking lot and then students can take a shuttle up to campus.

Vice Chairman Daines said the USU stadium parking permit is \$75 each semester and students don't want to pay it or can't afford to pay it.

Councilmember Jensen said he feels we need to do things that support the owner occupied homes and support the neighborhoods.

Vice Chairman Daines suggested that the cost for a parking permit be increased to \$200-\$250 when the request is legitimate.

Councilmember Simmonds said she feels that one of the real challenges is there are some people on the same street who have parking permits and others don't. She feels we should either eliminate all winter parking on City streets or increase the cost of the ticket if someone does park on the street making it easier to enforce and helps with snow removal. The only other alternative would be to expand the neighborhood parking in a more broad sense, charge for every permit and let people park on the street 24/7.

Lt. Randall said when someone applies for a permit they prove they are a resident through Utility Billing and there is no charge. Residential permitting does not allow on street parking between 1:00 – 6:00 a.m. November 15 – February.

Councilmember Needham suggested having alternate parking from one side of the street to the other and asked would that work here in Logan.

Mr. DeSimone responded that was discussed but it would require a lot of signage and because we are a University town we would continually have to train new students and visitors coming to these areas on which side of the street they can park.

Chairman Olsen asked Mr. Holley are there circumstances where a particular home has no parking whatsoever.

Planner Russ Holley responded there are approximately 20 homes that have no parking and are typically rental homes.

City Attorney Kymber Housley added that originally only those who were affected by their park strip being removed were eligible for a residential parking permit because they had no other parking options.

Mr. DeSimone said there are 84 residents who, based on the number of stalls eliminated were given a certain number of parking permits. He said Mr. Holley has tried to be very selective when issuing parking permits and to distinguish the reasons for the permit. He feels we owe it to the people who currently have a permit to notify them and let them know if the policy is going to change so they can find alternative parking.

Vice Chairman Daines asked the Adam's Neighborhood residents who were in the audience their thoughts about parking.

Mr. ?? responded one of the biggest issues they are seeing is that people aren't using their garage to park their vehicles. They are being used for storage and other things.

Councilmember Jensen asked is there a possibility for some provision for people who have no alternative parking options available to them.

Mr. DeSimone stated there will always be exceptions but if we open the door for those exceptions they will always be there and more will come.

Councilmember Jensen said he would be lenient toward owner occupied situations and more stringent toward multifamily residents. He asked Mr. Housley if we can be selective when issuing permits.

Mr. Housley responded it's possible, but we need to be cautious and there are going to be different hardships and situations.

Councilmember Jensen commented if we make it so difficult for a single family homeowner to accommodate parking for their family then we are defeating our purpose of neighborhood revitalization.

Councilmember Simmonds responded that she doesn't think there are that many people in that situation.

Councilmember Needham said we have gone a long time with no parking at all on the streets and he feels we can go back to doing it this way.

Chairman Olsen said for purposes of preparing for the September 20 public hearing and after hearing the comments made tonight, he asked Mr. DeSimone to present a combination of Options 2, 3, 5 & 6.

ACTION. Motion by Councilmember Simmonds seconded by Councilmember Jensen to **present a combination of Options 2, 3, 5 & 6 for the public hearing scheduled for September 20, 2016** as presented. Motion carried unanimously.

Mayor Petersen said typically during the holiday season (Thanksgiving and Christmas) the on street winter parking ordinance is not enforced.

Councilmember Simmonds suggested that it also might be time to increase the fine for parking on the street during the winter months.

Vice Chairman Daines added that the Council might also consider changing the on street parking restrictions to begin December 1 of each year.

Mr. DeSimone stated that he will prepare noticing for the public hearing on September 20. It will be published in the Herald Journal, the City Website and Facebook page.

ACTION ITEMS:

PUBLIC HEARING - Budget Adjustment FY 2016-2017 appropriating: \$39,364 for the Logan City portion of the early distribution from the Logan River RDA to the taxing entities; \$104,475 for the After School Match Partnership Grant that was awarded to Parks & Recreation; \$90,000 for the After School Grant the Parks & Recreation Department was awarded for FY 2017; \$86,000 for the State Task Force Grant the Police Department was awarded for FY 2017 – Resolution 16-47

At the August 16, 2016 Council meeting, Finance Director Richard Anderson 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.

ACTION. Motion by Councilmember Simmonds seconded by Vice Chairman Daines to **approve Resolution 16-47** as presented. Motion carried unanimously.

PUBLIC HEARING - Unspent Appropriations FY 2016 – Carry Forwards:

COMMUNITY DEVELOPMENT - \$45,000 Wayfinding Project

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

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

\$60,000 Public Works Building Roof Project

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

Cemetery utilities for pumphouse conversion

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

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

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

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

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

Unspent Appropriations FY 2016 – Restricted:

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

Enforcement

Carry Forward of Capital Projects:

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

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

Carry Forward of Reimbursement Grants:

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

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

LOGAN SCHOOL DISTRICT GRANTS - \$100,182 21st Century Grant #69

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

RAPZ GRANTS - \$486,791 - Resolution 16-49

At the August 16, 2016 Council meeting, Mr. Anderson provided a brief explanation of the proposed Carry Forwards.

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 Councilmember Simmonds to **approve Resolution 16-49** as presented. Motion carried unanimously.

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 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.

Vice Chairman Daines said she and Tony Nielsen talked with representatives from Comcast and some of the issues are landlord specific and others are specific to Comcast. After talking with them she thought there was a resolution to the problem but after hearing Mr. Nielsen's comments tonight, she's not sure it can be solved yet. She suggested continuing a decision on the proposed Comcast Franchise Agreement for two more weeks.

Councilmember Simmonds asked is there any way that we can ask Comcast, Century Link or whomever is ultimately responsible for the utility work being done to be responsible for their subcontractors.

Mr. Housley responded they are responsible for their subcontractors but our Franchise Agreement deals with work within the public right-of-ways. A lot of these issues become

private property issues and that is why we are having such a hard time getting it resolved. This is really between a private property owner and Comcast or other utility providers.

Councilmember Simmonds said the challenge is those of us who own property know the park strip is owned by the City but the homeowner still pays the cost of putting in a sprinkler system, watering the grass and the utility company comes and digs it up and does not repair it and then it becomes the homeowners responsibility to make the repairs.

Mr. Housley said it's still the utility company's responsibility to repair any damage although they might not do it correctly and the City can help in those situations. The last time that Mr. Nielsen brought this issue forward we ended up changing our ordinance to increase the deposit amount and maybe the Council needs to look at changing that ordinance again. If the damage is done in the park strip they are required to fix it and that is what the proposed Franchise Agreement mentions. He thinks some of the more complicated issues that Mr. Nielsen is dealing with are on his personal property where damage has been done and there is no right-of-way permit or permission from Mr. Nielsen.

Vice Chairman Daines said that notification is required as per the ordinance but that is not happening and she feels we need to do more and make sure it's being enforced or possibly increase the deposit.

Mr. Housley said the problem is we have all of these fiber optic companies that are competing with each other and it's not Logan City going in and digging up properties.

Chairman Olsen said when the franchise company hires a subcontractor that comes in on someone else's property, makes a mess and then leaves that is inappropriate and it leaves the property owner helpless with a large company that simply doesn't care.

Councilmember Jensen asked can we have a bond for the performance of the utility service that would be forfeited if they do not complete their obligation.

Mr. Housley stated the amount at this time is \$700 and apparently it's not enough because these companies are comfortable walking away from it. The amount can be increased but it cannot be specific to Comcast and would affect all utility companies.

Vice Chairman Daines asked can we also put a hold on a permit.

Mr. Housley responded the way the Franchise Agreement is structured it's referenced that they have to comply with Title 12 which is our right-of-way regulations section. Any changes we put in Title 12 to address these issues will automatically apply.

Councilmember Simmonds said when the right-of-way is owned by UDOT it gets more complicated. Can we impose additional regulations beyond those that are imposed by UDOT or coordinate with UDOT in some way.

Mr. Housley said there are some things we can do but he doesn't know if there is enough information to address all of the different scenarios. If the Council chooses not to adopt

the Franchise Agreement tonight they will continue to operate status quo. If there is something in the agreement that will change what they do that could help. The problem is that a lot of things discussed tonight don't fall in the area of the Franchise Agreement. He asked Public Works Director Mark Nielsen if there are problems with Comcast within our public right-of-way.

Mr. Nielsen responded that we expanded the right-of-way permits to include public utility easements which are on private properties such as Mr. Nielsen's. He said yes, there are problems on that aspect with Comcast and others. There are some utility companies that don't even apply for a permit. They do the work and are gone before the City even knows about it.

Mr. Housley said the last Comcast Franchise Agreement was passed prior to the changes we made in our Code so one advantage of passing a new Franchise Agreement is that at least we will now have it in the agreement and they have to comply which actually gives us more leverage. He said if there is something the Council wants in Title 12 that is not currently there it should be done first before the Council approves the Franchise Agreement.

Vice Chairman Daines said the direction from the Council today is they want more "teeth" and a larger bond so we have something to go back to if they just go in, do their work and leave a mess behind.

ACTION. Motion by Vice Chairman Daines seconded by Councilmember Simmonds to **continue Resolution 16-50 until the September 20, 2016 Council meeting as an action item and public hearing** as presented. Motion carried unanimously.

PUBLIC HEARING - Consideration of a proposed ordinance vacating a Logan City Drainage Easement located at 1122 South 1000 West Tax ID 02-081-0085 – Ordinance 16-30

At the August 16, 2016 Council meeting, Mr. Nielsen reported the drainage easement involved a subdivision from many, many years ago. It no longer has drainage going into it since 1000 West was improved. The property owner has asked for the vacation of the easement.

Chairman Olsen opened the meeting to a public hearing.

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

ACTION. Motion by Vice Chairman Daines seconded by Councilmember Simmonds to **adopt Ordinance 16-30** as presented. Motion carried unanimously.

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

At the August 16, 2016 Council meeting, Mark Nielsen reported the owner has acquired two properties and the utility easement, which has no fair market value, runs through the

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

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 **adopt Ordinance 16-31** as presented. Motion carried unanimously.

Acceptance of Annexation Petition as filed by Dan Larsen for annexation of approximately 42.61 acres located at 1000 West & Highway 89 – Mike DeSimone, Community Development Director

Mr. DeSimone explained that a majority of property owners have signed the application for the annexation. The property is agricultural although there are a few homes located in or near this area.

ACTION. Motion by Councilmember Simmonds seconded by Vice Chairman Daines to **accept the Annexation Petition** as presented. Motion carried unanimously

WORKSHOP ITEMS:

Chairman Olsen announced that the workshop for **Code Amendment – Consideration of a proposed ordinance amending Subsection (C)(2) of 10.52.285 of the Logan Municipal Code Regulating the Booting of Vehicles – Ordinance 16-23** has been continued to the September 20, 2016 Council meeting.

Consideration of a proposed resolution approving the CDBG PY2015 Consolidated Annual Performance and Evaluation Report – Resolution 16-51 – Mike DeSimone, Community Development Director

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. No 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.

The proposed resolution will be an action item and public hearing at the September 20, 2016 Council meeting.

Consideration of proposed change to the CDBG sub-recipient agreement for the Family Information and Resource Center – Mike DeSimone

Mr. DeSimone said the Family Information and Resource Center was funded this year in the amount of \$19,000 in CDBG funding. The funding that they were anticipating for an addition to the building fell through and they revised their application. There are six things listed on their application which they are requesting: ADA ramp, wide concrete path to the building and parking area, dedicated handicapped parking space, lawn signs with the Center logo, energy efficient windows panes throughout the building and energy efficient plantation shutters. The question before the Council is can the funding is applied to these requests in lieu of the addition to the building.

Chairman Daines said she does not feel that we should fund lawn signs or blinds.

Councilmember Simmonds said she knows that they applied for a grant to expand the building and she does not see anything in the document showing that adding a parking space or the other requested items would be undone by a future addition to the building.

She feels they should wait and apply for funding next year when they have more certainty for the addition.

Vice Chairman Daines asked in the past when projects have changed what has been the response to requests to change the scope of work.

Mr. DeSimone responded it depends on the scale and scope of the project. There are many times when a project comes through and the details have not been worked out. Minor things can be changed or modified but if there are significant changes then the funding goes back into the account.

Claudia Brilliant addressed the Council. She is the Director of the recently renamed Family Center. The address of the Family Center is 50 South 400 East in Logan. They had asked for \$60,000 for the addition to the building and were awarded \$19,000 from the CDBG Steering Committee. Their other funding did not come through and they are continuing to find other ways to fund the addition.

Vice Chairman Daines asked is the Family Center taking Davis Bacon into account which they are required to do with CDBG funds.

Ms. Brilliant responded they were told that if the work is done by School District employees that it will comply with Davis Bacon.

Mr. DeSimone asked if we spend the money on these improvements will it preclude the Family Center from doing an addition in the future.

Ms. Brilliant responded no, they will still be looking for additional funding for the addition to the building. The total request without the lawn signs and window blinds would be \$16,000 and they can also cut back on the new windows that are installed.

ACTION. Motion by Councilmember Jensen seconded by Vice Chairman Daines to **approve funding to the Family Center in the amount of \$16,000 for the items listed above with the exception of lawn signs and indoor window blinds** as presented. Motion carried unanimously.

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 – Rueben Nelson, Finance Controller

Finance Department Controller Rueben Nelson addressed the Council and explained the proposed budget adjustments.

Mayor Petersen said the \$75,000 grant from the Utah League of Cities and Towns will be awarded to the City for the next two years so the total grant will be \$225,000 over a three year period.

Vice Chairman Daines asked Parks & Recreation Director Russ Akina if there is plan outlined for the \$225,000 grant funding and if so, can Mr. Akina make that available to the Council.

Mr. Akina responded there is a plan for this funding and he will send this to the Council. Some of the funding will be used for outdoor fitness equipment and will be placed along trail locations. There will also be a walking program and will contract with the Bear River Health Department to put this together. He said it's critical that we look for partners in the community to support this beyond the three year period. He mentioned that Emily Malik was the grant writer for this funding.

Vice Chairman Daines mentioned a program called *Walk with a Doc* where a cardiac physician walks with people and then answers questions about health related issues. They also have a program called *Walk with the Mayor*.

The proposed resolution will be an action item and public hearing at the September 20, 2016 Council meeting.

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 – Russ Holley, Planner

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).

Vice Chairman Daines asked would there be adequate parking if the building were commercial daycare.

Mr. Holley responded it would depend on the number of clients. Commercial daycare is 17 or more clients.

Chairman Olsen asked if there was any input from the School District or the Neighborhood Council. His concern is on the corner there is a crossing guard and the foot traffic from the North will increase. If there is a commercial daycare there will be a lot of traffic going in and out of the building where this crosswalk is located.

Mr. Holley responded he has not received input from the School District or the Neighborhood Council but will talk with them and report back to the Council.

The proposed ordinance will be an action item and public hearing at the September 20, 2016 Council meeting.

OTHER CONSIDERATIONS:

Zoning Discussion – Councilmember Jeannie Simmonds

Councilmember Simmonds said from the last Council meeting there was a consensus that she select one or two things that the Council can focus on regarding zoning. She stated that Mike DeSimone sent the Council a map of vacancies throughout the City. She asked Mr. DeSimone to inform the Council on the size of the various vacant properties and which are larger than 6,000 SF. Using the map and information about the size of the vacant property, the Council can start working on a strategy on the larger properties.

Mr. DeSimone said on the map he sent the Council he identified two categories. One category is vacant land zoned residential. Other than the area in the Hillcrest neighborhood which we just rezoned it's Neighborhood Residential 6 (NR-6). One area he mentioned is Cliffside and everything above the upper level of Cliffside and undeveloped is zoned NR-6. If developed at that intensity will it be compatible to what is already there. The second component on the map is parcels that are larger than 15,000 SF. They are zoned for single family residential and most are NR-6 and he identified on the map which properties are vacant.

Councilmember Simmonds said she would like the Council to focus on these vacant properties and to decide if the zoning is appropriate. In an email to the Council she asked them to identify the areas where the surrounding, developed area is located and the different density than NR-6. She wants these areas to become more compatible so that anything that would be built in an area of town that is already substantially developed would be compatible with that area so we don't end up with 6,000 SF lots in a partially developed area that has four lots to the acre. She also said that Neighborhood Plans have

been one of the things used to address zoning. Neighborhood Plans have been used in the Adam's and Hillcrest area. She asked is appropriate for the Council to discuss accelerating other Neighborhood Plans somehow so we get all of the neighborhoods completed. She is concerned that it's taking a long time and knows this is resourced based.

Mr. DeSimone responded we all have conflicting demands on our time. His department took it upon themselves to help staff gain experience by doing the Neighborhood Plans. They were done in-house, working with the neighborhoods and they are trying to complete a Plan every other year. He said they are on track to do a Neighborhood Plan every year and a half to two years. He does not want to ask for more staff or budget to complete these Plans. The methodology is sound but it's going to take time.

Councilmember Simmonds asked the Council to focus on the zoning map and identify the vacant areas and be prepared at the September 20 Council meeting to further discuss. She also asked that it be placed under Council Business at the beginning of the meeting.

Mr. DeSimone encouraged the Council to review the map he sent and if there are questions to contact him before the September 20 Council meeting.

ADJOURNED to meeting of the Logan Redevelopment Agency

Chairman Olsen welcomed those present. There were approximately 7 citizens in the audience at the beginning of the meeting.

WORKSHOP ITEMS:

PUBLIC HEARING - Budget Adjustment FY 2016-2017 appropriating: \$260,000 for an early distribution from the Logan River RDA to the taxing entities – Resolution 16-48 RDA

At the August 16, 2016 Council meeting Kirk Jensen explained the proposal to distribute collectively \$260,000 to the taxing entities. Logan City will receive approximately \$39,000; Cache County will receive approximately \$42,000; and Logan City School district will receive approximately \$178,000.

Chairman Olsen opened the meeting to a public hearing.

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

ACTION. Motion by Vice Chairman Daines seconded by Councilmember Jensen to **approve Resolution 16-48 RDA** as presented. Motion carried unanimously.

PUBLIC HEARING - Consideration of a proposed resolution adopting a survey area to initiate the potential creation of the Quayle/Jones Community Reinvestment Project Area Plan – Resolution 16-46 RDA

At the August 16, 2016 Council meeting, Mr. Housley explained the intent here is to investigate the feasibility of creating a Community Reinvestment Project Area. This combines the urban development areas, economic development areas and community development areas into one. The purpose is to encourage single family homes in an area that has been filled with apartment and rental units. This allows staff to proceed to create a plan. The taxing entities will need to be provided 30 days notice. A public meeting notice will be sent out 14 days prior to a public meeting to allow comment. Thereafter it will go to the Municipal Council to be passed as an ordinance. This will create a project area and does not guarantee any tax increment. The City would have the opportunity to negotiate with the various taxing entities for participation with tax increment. At this point, the City is not certain it will ask for anything and may only use its portion of the tax increment, and to use increment from other areas to install infrastructure to promote a housing project.

Chairman Olsen opened the meeting to a public hearing.

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

ACTION. Motion by Vice Chairman Daines seconded by Councilmember Jensen to **approve Resolution 16-46** as presented. Motion carried unanimously.

ADJOURNED. There being no further business to come before the Council, the meeting of the Logan Municipal Council adjourned at 8:25 p.m.

Teresa Harris, City Recorder