

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, March 20, 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 42 citizens in the audience at the beginning of the meeting.

### **OPENING CEREMONY:**

Representative Ed Redd gave the opening thought, prayer, and led the audience in the pledge of allegiance.

**Meeting Minutes.** Minutes of the Council meeting from March 6, 2018 were reviewed and approved with minor changes.

**ACTION. Motion by Councilmember Olsen seconded by Councilmember Bradfield to approve the March 6, 2018 minutes and approve tonight's agenda. Motion carried unanimously.**

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

Councilmember Olsen recused himself from the workshop discussion on tonight's agenda regarding the proposed rezone of approximately 2 acres from Commercial (COM) to Commercial Service (CS) future traffic signal at Hwy 89 & 3200 South, Ted's Service.

**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, April 3, 2018.

Chairman Jensen asked to be excused from the April 3 Council meeting and said that Vice Chair Simmonds will conduct the meeting on that date.

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

Councilmember Bradfield welcomed a USU Journalism class that attended tonight's meeting.

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

## **MAYOR/STAFF REPORTS:**

No reports were presented.

## **COUNCIL BUSINESS:**

### **Planning Commission Update – Vice Chair Simmonds**

Vice Chair Simmonds reported that the Planning Commission will meet this Thursday, March 22, 2018. Agenda items include: Town Center 1 and Town Center 2. From this discussion, the Commission will decide the process of moving these items forward to the City Council.

### **Proclamation: USU National Handball Championship – Councilmember Olsen**

Chairman Jensen announced the USU National Handball Championship Proclamation will be continued to the April 3, 2018 Council meeting.

Councilmember Olsen reported that the Logan River Golf Course has been recognized as one of the Top 10 Best Public Golf Courses in the State of Utah. He congratulated the Parks Department and the Golf Course management for this recognition.

Vice Chair Simmonds suggested the Council take a tour of the Logan River Golf Course so they can better understand how important a golf course is to our community.

No further Council items were presented.

## **ACTION ITEMS:**

### **PUBLIC HEARING - Budget Adjustment FY 2017-2018 appropriating: \$3,651,830 Sewer Treatment reserves for the Sewer Treatment Plant Project – Resolution 18-06**

At the March 6, 2018 Council meeting, 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.

Chairman Jensen opened the meeting to a public hearing.

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

**ACTION. Motion by Vice Chair Simmonds seconded by Councilmember Bradfield to approve Resolution 18-06 as as presented. Motion carried unanimously.**

**PUBLIC HEARING - 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**

At the March 6, 2018 Council meeting, 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.

Mr. Holley gave an update and said he talked with John Kerr and Lee Ivie from the Logan Cache Airport. They would like to purchase 5 miles of green space in front of the airport runway but do not have the funding. The airport is focusing on the Bodrero property which they would like to purchase within the next five years.

Vice Chair Simmonds added that she also talked with John Kerr who said it would be nice to have a buffer but he understands that it's not very often that you can purchase that amount of property. He feels the proposed storage units will work well in this area because they are not obtrusive.

Councilmember Bradfield asked does approving the storage units in this area set a precedent and will there be long term ramifications if they are built in this location.

Mr. Holley responded its development in the Industrial Airport area and long term he doesn't feel there will be any ramifications.

Vice Chair Simmonds said this area is already zoned so that certain uses could be constructed.

Councilmember Olsen said the only concern he has heard regarding the proposed rezone is there might be better, economically, active projects relative to airport expansion but, no one has stepped up to propose any such projects.

Mr. Holley said there is an incredibly high demand for storage units in Cache Valley and is one of the most frequent phone calls he receives.

Chairman Jensen opened the meeting to a public hearing.

Logan resident Nate Arvey addressed the Council and said if this is going to be right in front of the airport, will there be lights from the storage units that will potentially be disruptive to air traffic.

Vice Chair Simmonds responded the proposed project is not directly in front of the airport and because it is within the airport area, the storage units will have to comply with the airport lighting restrictions.

There were no further comments and Chairman Jensen closed the public hearing

**ACTION. Motion by Councilmember Olsen seconded by Councilmember Anderson to adopt Ordinance 18-04 as as presented. Motion carried 4-1 (Bradfield voted nay).**

### **WORKSHOP ITEMS:**

#### **Consideration of a proposed resolution approving a Neighborhood Improvement Plan – Resolution 18-08 – Mayor Daines and Mike DeSimone, Community Development Director**

Mayor Daines addressed the Council and said one of her goals as Mayor is to strengthen neighborhoods. She believes that the Council shares that goal and asked the Council to consider adopting the following neighborhood plan. She stated that with the help of staff, she has developed a variety of efforts, listed below, to further that effort. She is open to Council's additional comments and suggestions as they workshop the varied proposed resolutions and ordinance.

- I. Neighborhood Councils** (currently underway; Mayor Daines thanked the Council for their support)  
Solicit feedback and participation from citizens in solving neighborhood problems.
- II. Neighborhood Improvement Resolution** (Resolution 18-08)
  - 1. Neighborhood Revitalization Grants**  
As our city naturally ages, re-investment is required in neighborhoods to make it attractive for people to stay in, and move to, our older neighborhoods.
    - a. Approve \$1M in RDA funds to provide exterior home improvement grants in neighborhoods
    - b. Eligibility: homeowners who make up to 120% of the median income

- i. Neighborhood Re-Investment Grant, Program Guiding Principles and Application 2018 (Attachment A)
- ii. Resolution defining low and moderate income (Resolution 18-09 RDA)

**2. Change current complaint-based system of enforcement**

- a. Hire an intern for Community Development to systematically review each neighborhood and send Request Letters where needed and ask property owners to come into compliance with our code. Move to next step of enforcement where needed.

**3. Increase fines for over-occupancy**

Proposal to amend Land Development Code (LDC) code enforcement section to allow for a citation of \$250 (formerly \$50) for overoccupancy violation. Citations could be given to all occupants and/or Landlord as appropriate. The Planning Commission is currently considering proposed amendments, and they will come before the Council in May. Start implementing existing fines of \$100 a day as needed (up to \$1,000K) if compliance is not reached within the ten-day limit. (page 53-12 of LDC, attached)

Vice Chair Simmonds asked if the proposed fines are in addition to the \$250 citation.

Community Development Director Mike DeSimone responded yes, it would be in addition to the \$250 which is the equivalent of a ticket. If there is a complaint about occupancy, they could validate the complaint at that time and issue a citation to everyone in the home as well as the owner of the home. The Ordinance Enforcement Officer can request to see a copy of the lease and verify those who can live in the home. It is proposed the increased fines for over-occupancy will come before the Council in April as a workshop item, approval in May and take effect in September at the beginning of the school year.

Vice Chair Simmonds asked is there any provision if the Council approves the increased fines, to provide an education component possibly to the USU student body as they are registering for school.

Mr. DeSimone stated that as new students arrive at school there is already information provided regarding over occupancy when they sign up for utilities. Landlords are notified, through the Good Landlord Program. This is a continuous educational program and staff will try and find the best way possible to get the information to renters.

City Attorney Kymber Housley added there is also an appeal process. He clarified that we cannot issue both a notice of violation at \$100 per day and a \$250 fine. The City has multiple tools to enforce which are a criminal route but usually we go the administrative route, and issue citations. What he envisions happening is that if we issue a citation and

then we have continuous violations afterward, then we might go to the notice of violation where it becomes \$100 per day. As far as an appeal process, it's currently listed in the administrative code and is not a new process.

Neighborhood Improvement Manager James Geier stated that regarding property management companies, currently there are 1,750 rental licenses. The license requirement is for the ownership of how many properties are owned.

Mayor Daines said she will reach out to the Cache Rich Association of Realtors and get this information to them regarding occupancy and the grants available to help homeowners make improvements.

**4. Require permits and fees for vacant buildings**

Consider a new ordinance requiring registration and inspection of vacant buildings. (Ordinance 18-06)

- a. If a structure is boarded up and unoccupied, owners will be required to register the building and after six months pay an escalating fee, encouraging them to either keep the structure in reasonable repair, demolish it, or plan for improvements to meet code.

**5. Provide assistance for low and moderate-income homeowners**

Direct homeowners where needed with above mentioned grants, as well as making them aware of programs through BRAG, and the City to assist those that meet low and moderate-income guidelines

- i. Logan City Housing Rehabilitation grants
- ii. BRAG Energy Efficiency/Weatherization grants
- iii. Neighborhood Housing Solutions (NHS) Home Rehabilitation Program
- iv. Own in Logan Down Payment Assistance Program

**6. Approve the use of RDA funds for demolition on condemned buildings**

After exhausting all other remedies, use RDA funds on a case by case basis to demolish buildings which have been condemned for life safety issues, and lien the property.

Mayor Daines said with the six points mentioned she would like feedback from the Council and would like to address problems in a systematic way and move forward to improve Logan neighborhoods.

Vice Chair Simmonds asked how many dwellings in Logan City are boarded up and not condemned.

Mr. DeSimone responded there are approximately a dozen buildings in Logan that are in various states of disrepair and would qualify to be condemned.

Vice Chair Simmonds asked if Item #4 and #6 could be combined.

Mr. DeSimone responded that #4 and #6 are complimentary of each other. What #4 does is create a formal relationship between the City and a property owner. It requires the property owner to talk with the City every couple of months regarding future plans for the property. Condemnation of a home is a long formal process and gets you to the point where you can remove the structure. What #6 does is solve our internal argument that if we are forced to remove a structure, that it can be paid for out of a designated fund.

Mr. DeSimone continued and said the City will follow the timeline in the International Building Code which states that within two years, the property owner must have a plan in place or if they walk away from the property then the City can move forward with condemnation. The City wants to make sure that the structure is boarded up and at least keep the property tightened up so there are no safety concerns, keep the lawn mowed, etc until something more permanent can be done with the home.

Mayor Daines said the largest part of this proposal is the \$1M Revitalization Grant. With an official head nod from the Council tonight, the proposed resolutions and ordinance will move forward to the April 3 Council meeting as workshop items.

Mayor Daines also said that anyone who has a home that is 50 years or older could qualify for the grant and this covers a large area of Logan. The funding will be on a first come, first serve basis and there will be criteria that staff will review in the grant applications.

Mr. DeSimone distributed a map showing the homes that are 1970 or older most of which, are in the core areas of Logan and are mostly East of 600 West. He said that \$1M really isn't that much but is designed so that each property would be able to obtain up to \$10,000 accumulative. With the City investing \$1M, he feels property owners will invest an additional \$1M or more into their neighborhood. This is a one-time grant of \$1M.

Councilmember Bradfield commented when this was discussed in Economic Development Committee meeting there were those who wanted a 5-year commitment and others who wanted a 10-year commitment. He said we are targeting the lowest income in Logan and those homeowners might not be the most apt to stay in their home for an extensive period of time.

Mr. DeSimone clarified the grant is targeting middle income residents.

Councilmember Bradfield said in regards to the 10-year commitment, there was a concern that the homeowner would take the money and flip the home. If someone is willing to stay in a home for 5 years they are most likely vested in the community. He

feels this is a great program proposed by Mayor Daines would like more discussion on whether the commitment should be 5, 7 or even 10 years.

Vice Chair Simmonds clarified that the homeowner can leave at any time but the grant money would not be forgiven.

Mr. DeSimone said the \$10,000 is per property. Another purpose is to incentivize people to stay in their homes longer.

Mayor Daines said homeowners will have to match the amount of funding. One of the problems with older homes is they make interior upgrades but that doesn't necessarily help the neighborhood. The grant money would have to be spent on the exterior but if someone needed a new kitchen or bathroom or something that structurally makes the home livable for a longer term, there is some flexibility within the application. City funding would have to be spent completely on the exterior.

Chairman Jensen said he has remodeled several older homes and the problems are often in the interior such as electrical and mechanical issues. To attract someone to come to Logan and purchase an older home the owner will want to make changes to the interior. He complimented Mayor Daines on this program and feels offering this grant will attract people who want to live in Logan.

Mayor Daines said the Neighborhood Improvement Plan was discussed at a few of the recent neighborhood meetings and there was a lot of positive feedback.

Councilmember Olsen was excused from the meeting.

**REZONE – Consideration of a proposed rezone. Logan City/Edward & Mickey Ricks, authorized agent/owner, request a rezone of approximately 2 acres from Commercial (COM) to Commercial Service (CS). With the proposed new road alignment because of the future traffic signal at Hwy 89 & 3200 South, Ted's Service building will require demolition and a possible new building located North of the existing building – Ordinance 18-05 – Russ Holley, Planner**

Planner Russ Holley addressed the Council and said the request is to rezone approximately 2.60 acres of property from COM to CS. This request is the result of the Utah Department of Transportation's decision to locate a new traffic signal at the intersection of 3200 South and Highway 89/91. The traffic signal design includes the realignment of 3200 South street, which would curve northward to intersect Highway 89/91 at a ninety degree angle. This new street alignment runs 3200 South right through the middle of the existing Ted's Service building. Ted's Service is planning to re-locate and construct a new building directly North of the current building at the Northeast corner of the new signalized intersection of Highway 89/91 and 3200 South. The CS zone permits vehicle repair, which is the current land use for Ted's Service.

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

1. The CS zone is similar in nature to the COM zone and will remain compatible to surrounding neighbors through Design Review and Conditional Use Permit processes.
2. The subject property can continue its legally established land use.
3. The subject property is in an area and surrounded by streets that will be re-designed to handle and appropriately serve CS developments.
4. The proposed CS zone is limited in density, height and required to provide sufficient open space and landscaping to ensure neighborhood compatibility and better visual aesthetics than that which currently exist.

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

On March 8, 2018, the Planning Commissions recommended unanimously that the Municipal Council approve the Ted's Service Rezone project that amends the Official Logan City Zoning Map. No comments were made during their public hearing.

Mr. Housley added that part of the negotiation of the purchase price is the area will need to be cleaned up.

Chairman Jensen said one of his concerns is there are a large number of vehicles that remain at Ted's for a long period of time. He asked is this a storage space or repair location.

Mr. Holley responded that currently it's both and James Geier deals with this property frequently. If a new facility is built there would be parameters on what is allowed. The storage areas will need to be delineated, screened and shielded.

Vice Chair Simmonds asked wasn't the intent in the long-range plan for this to be a commercial node.

Mr. Holley responded yes, and that is identified in the Corridor Plan but those nodes are set back from the highway and the designs have not been finalized.

Mr. Housley said we can't guarantee what this property will be in the future but short term it will be City owned property.

Mayor Daines said the City owning this property will be a win because it will clean up the area. Nibley has petitioned UDOT to install a traffic light further North. If the City doesn't acquire this property, it will mostly likely remain the way it is and the blight could move further North.

Mr. Holley said UDOT has plans to add a traffic light at 1000 West 89/91 and construction will start next month. They are also considering lights at 2200 or 2600 South but no more than three lights are proposed for this roadway.

Mayor Daines said that Ted's Service has stated if they cannot continue to repair cars at this location they might not be interested in selling their property to the City. If the City is interested in having a light at this location and cleaning up the property then we should move forward and acquire the property.

The proposed ordinance will be an action item and public hearing at the April 3, 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 at 6:40 p.m.

Teresa Harris, City Recorder