

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, June 2, 2020 at 5:30 pm in the Logan Municipal Council Chambers located at 290 North 100 West, Logan, Utah following social distancing guidelines. The number of in-person attendees was limited based on social distancing of 6 feet which resulted in less than 50 people allowed in the Council Chambers. It was strongly recommended that all those in attendance wear a mask. Overflow space was available with appropriate social distancing and video access. Logan Municipal Council Meetings are televised live as a public service on Channel 17, City of Logan Facebook page:

<https://www.facebook.com/cityoflogan> and KSL live at <https://live.ksl.com/>.

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

### **OPENING CEREMONY:**

Rajan Zed, President of the Universal Society of Hinduism (by phone) provided the opening ceremony.

Chair A. Anderson led the audience in the pledge of allegiance.

**Meeting Minutes.** Minutes of the Council meeting held on May 19, 2020 were reviewed and approved with no changes.

**Meeting Agenda.** Chair A. Anderson announced there are three public hearings scheduled for tonight's Council meeting.

**ACTION. Motion by Vice Chair Jensen seconded by Councilmember M. Anderson to approve the May 19, 2020 minutes as presented and approve tonight's agenda. Motion carried unanimously.**

**Meeting Schedule.** Chair A. Anderson announced that regular Council meetings are held the first and third Tuesdays of the month at 5:30 pm. The next regular Council meeting is Tuesday, June 16, 2020 and will be a public meeting.

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

Chair A. Anderson explained that the Questions and Comments portion of the agenda is suspended at this time. She indicated that comments or questions can be emailed to: [teresa.harris@loganutah.org](mailto:teresa.harris@loganutah.org), who will distribute to the Mayor and Councilmembers. She stated that under Other Considerations on tonight's agenda the Council will be taking the time at the end of the meeting the Council will address any comments or questions that come to them during the open comment and question period as well as address any emails that are received. This is being done in order to better connect with the appropriate

person to answer those questions and so the Council can react and include all those that might be impacted or affected.

### **MAYOR/STAFF REPORTS:**

#### **Board Appointment (Power Advisory) – Mayor Daines**

Mayor Daines asked the Council for ratification to appoint Daniel R. Ferris P.E. to serve on the Logan Light & Power Advisory Board.

**ACTION. Motion by Vice Chair Jensen seconded by Councilmember Simmonds to approve ratification of Daniel R. Ferris P.E. as presented. Motion carried unanimously.**

#### **Recent Events – Logan Police Chief Gary Jensen**

Chief Gary Jensen addressed the Council and stated that he and Assistant Chief Jeff Simmons were able to take the opportunity to deliver water and pizza to protesters at the Cache County building. He said they were well accepted and were welcomed by the group and they had a great conversation and talked about the issues at hand. He felt this was a healing moment for both sides. The Logan City Police Department in his vision, has been ahead of what he would consider the idea of being aware of themselves as it relates to how they treat the public and the use of force. For several years now, the Logan City Police Department has been sitting down and discussing individual videos of use of force. Each use of force no matter how minimal is given a code and that code allows the police to search any use of force in any period of time. With that code, they are able to access a video and they are reviewed every Monday assuming that there are uses of force during the week. The videos are reviewed and those watching ask questions and try and decide did they do well, did they fail and from those discussions they come up with new ideas and ways they can improve as a police department. In his 10 years at Logan City there has only been one video that rose to the level that those watching were not comfortable with what they were seeing. That officer was given additional training, given an opportunity to visit a mental health care professional and that officer today is very successful because the problem was recognized, and he received the help he needed. This help also benefited his family and he continued working as a police officer.

Chief Jensen stated they also train to better understand what an officer's biases might be. Each of the patrol cars are equipped with a camera and each officer wears a body camera. If a complaint against an officer is made the police department requests that the complainant comes to the police department and view the video and have a conversation regarding what happened.

The police department also has CIT which is long-term training they send their officers to and focuses on crisis intervention. One of the things the police department deals with frequently is individuals with mental health. This CIT training teaches the officers how to deescalate a situation and that the job of a police officer is to represent the good in the community and do the best they can to maintain order. The police department also

participates in training of how to employ force, what types of force and how they use it. He stated that kneeling on someone's neck has never been part of the training and has never been acceptable. In his 33 years as a police officer, use of force has changed and things that he learned in the Police Academy 33 years ago are not acceptable today. The police department over time have learned from their errors and have become better at what they do.

The police department purchased an online policy called Lexipol which updates policy on a consistent basis both locally and on a State level.

Chief Jensen stated he and Assistant Chief Simmons know their individual police officers, their personalities, their families, their strong points, and their weaknesses. His officers are good people who mean well. He encouraged the Council to watch a use of force video and watch these police officers render after care and not even if there is injury just simply making people comfortable and speaking in tones that are respectful. This tells him that his officers care and they are doing the right thing to support this community and to try and minimize the difficult contacts and the difficult crime interventions that they have to do.

Vice Chair Jensen expressed his thanks to Chief Jensen and said he knows it is not an easy job that the police have to do. In today's culture it might even be more difficult, and he feels safe in this community. He asked could what happened in Minneapolis have been predicted and what led this officer to do what he did.

Chief Jensen said he cannot understand what this officer was thinking. He has been in situations where its been difficult and had to engage use of force. He cannot possibility understand how anyone cannot capture the vision of someone begging for breath and not internalize that and not do something about it.

Vice Chair Jensen said unfortunately all police officers are being branded and 99% or more are good officers. He also stated that aside from the police action that happened in Minneapolis, its been hijacked now for the rioting and looting. There have been shopkeepers who are being beat up and have their entire life savings into their business and they are being destroyed.

Chief Jensen said he too, does not understand this type of behavior. Today when he talked with the protesters, they were good people and they had a good conversation.

Councilmember Simmonds said we are Logan and manage our own affairs but, we are also part of a valley. She asked, how does what Chief Jensen is doing with the Logan City Police Department interact with the Highway Patrol and the Sheriff's Department and other city police departments throughout the valley.

Chief Jensen responded there is no posturing for departmental control. All of the agencies work well together, and they also train together.

Chair A. Anderson asked does Chief Jensen believe that our police department in general is reflective of the ethnic makeup and racial makeup of the community and are we doing things to ensure that we have a police force that looks like our community.

Chief Jensen responded that he feels we do well, but we do not have representations from all groups serving in the police department. They have officers that come and go from different groups and they try and be aware of the community. They deploy in their shifts four officers that speak Spanish on each of the shifts. They also hire a language line for other languages they might need help with should the need arise.

Councilmember M. Anderson expressed his thanks to Chief Jensen and for listening to his concerns. He has been very disturbed about all of the events going on the past few weeks. Everyone is asking what they can do and one thing that Chief Jensen invited him to do is to go on a ride along with one of the officers and experience what the officers do on their shift. He stated that he will be doing a ride along very soon with the police. He said there is no place he would rather be with a pandemic going on and other things in the country than Logan and what a great place Logan is to be and he appreciates the safety and the comfort there is of living here and knowing there are people who are trying their best to do what is right.

Vice Chair Jensen said that a few years ago he participated in a Citizens Academy where he and other councilmembers learned the duties of a police officer. He feels it would be good to reach out to the community and let them participate in something like this so they can better understand what a police officer does.

Chief Jensen said he and Sherriff Jensen would like to schedule something in the future for those who are interested.

Councilmember Bradfield commended the valley as a whole. Over the past four years, the majority of people that he has worked with have been minorities and he has reached out to many of them to get their opinions. A lot of them have said they moved here because they feel safe and do not feel threatened by the police.

Chief Jensen said the police department pledge their very best for the community. He is in constant communication with Mayor Daines on things that occur and request her guidance.

Councilmember M. Anderson added that it is about fear and respect. There has been a lot of fear thrown into our community over the past few months and when that happens people react. As a police department, they are held to a higher standard and how do they maintain respect for people that do not have respect for the law, for their Chief's position or for what the police are trying to do.

Chief Jensen responded that he tries to tell his officers not to take it personal and when someone is upset, they are usually talking to the "badge". The job the officer has to do is what the person is frustrated with. He said the number of suicides in the police profession

are huge, it is a difficult job and they do their best to buoy each other up while also supporting the community and their needs.

Chair A. Anderson said she received a comment from someone who was concerned that the police department had changed their department Facebook logo to the blue stripe and she knows this was in response to the Ogden officer that was killed but this person felt that some might not understand what the logo was about and suggested that maybe the police department should explain the meaning of the thin blue line.

Chief Jensen responded that an explanation has already been made on their Facebook page.

No further Mayor/Staff Reports were presented.

### **COUNCIL BUSINESS:**

#### **Planning Commission Update – Councilmember Bradfield**

Councilmember Bradfield reported on the Planning Commission meeting held on May 28, 2020. They discussed one project which was approved, and all other items were moved to the June 25 meeting.

No further Council Business items were presented.

**ACTION ITEMS: Chair A. Anderson explained that those wishing to speak during the public hearing portion of the meeting must sign in and queue up with social distancing maintained. Masks are strongly recommended.**

**PUBLIC HEARING - Budget Adjustments FY 2019-2021 appropriating: Two grants the Library received from the State of Utah (\$100 to provide Wi-Fi to patrons outside the Library when they are closed; \$1,000 for an online summer reading program for teens and children); \$5,932 reimbursable State funded police overtime shifts; \$10,892 funds received from the fireworks program – Resolution 20-21**

At the May 19, 2020 Council meeting, Finance Director Richard Anderson explained the proposed budget adjustments.

Councilmember Bradfield asked Mayor Daines if there will be any fireworks this year?

Mayor Daines responded that the July 24th Parade and events at Willow Park were cancelled. She and staff are still trying to determine if we can still do fireworks but are not committing to anything at this time. These events take advanced planning and will need to make a decision soon. When we finally go to the “green phase” there have been discussions on do we have some type of celebration at that time., it is all to be determined.

Chair A. Anderson opened the meeting to a public hearing.

There were no comments and Chair A. Anderson closed the public hearing.

**ACTION. Motion by Vice Chair Jensen seconded by Councilmember Bradfield to approve Resolution 20-21 as presented. Motion carried unanimously.**

**PUBLIC HEARING – Consideration of a proposed resolution adopting the Community Development Block Grant (CDBG) Annual Action Plan (Program year 2020) for the City of Logan – Resolution 20-14**

Community Development Director Mike DeSimone addressed the Council and presented the proposed resolution. He stated the Logan City CDBG Program held an application period from February 19, 2020, to March 19, 2020. During the application period, two application workshops were offered to provide potential applications with an opportunity to learn about application requirements. City Departments and nonprofits serving low/moderate income residents were invited to make application.

**CDBG Program Year 2020 Funding Recommendation**

Logan City’s CDBG program will receive \$509,822 in funding for PY2020. The CDBG Steering Committee met April 28, 2020, and made the following funding recommendation:

- \$ 45,000 – 600 N. 200 W. Sidewalk
- \$ 61,058 – 500 W. 400 S. Sidewalk \*
- \$ 66,000 – 1200 N. 200 W. Intersection Alignment
- \$ 46,000 – 750 N. 600 E. Sidewalk & Retaining Wall
- \$ 35,000 – 500 N. 500 E. ADA Ramps
- \$ 9,800 – Cache County Senior Center Parking Lot Repair
- \$ 40,000 – Cache County Senior Center Asbestos Removal
- \$ 14,500 – Sunshine Terrace Memory Care Courtyard Improvement
- \$ 32,000 – The Family Place Post Frame Shed
- \$ 13,000 – Cache Humane Society Feline Spay/Neuter Vouchers
- \$ 16,000 – CAPSA Technology Improvement
- \$ 29,500 – English Language Center Smartboard Technology
- \$101,964 – CDBG Program Administration & Planning
- \$509,822 - TOTAL ALLOCATION**

\* Indicates “receiver project”

It is recommended that any funds recaptured from any other CDBG activity from any program year will be reallocated.

**Public Review and Comment Period**

Public review and comment period regarding the proposed PY2020 Annual Action Plan went from May 2, 2020 to June 2, 2020.

Chair A. Anderson recused herself from discussion and a decision on the proposed resolution because the organization she works for has requested funding.

Vice Chair Jensen became the acting Chair of the meeting at this time.

Vice Chair Jensen commented that the Council had an extensive discussion regarding the property at 700 North between 200 East and 300 East. There was discussion about saving the trees and the more he thought about it, the road is quite wide, and he requested that next year this location be placed first on the list. He feels this is wonderful neighborhood and needs to have a sidewalk.

Mr. DeSimone said he will add this area to next year's list. He said the trees in this area still have some life left in them and are not the best trees, but this will come back to the Council next year for discussion.

Vice Chair Jensen opened the meeting to a public hearing.

Gordon Yonker from the Family Place addressed the Council. He expressed his thanks to the Council for their support of the Family Place and the funding they receive.

There were no further comments and Vice Chair Jensen closed the public hearing.

Vice Chair Jensen asked did the allocations this year help bring us in line because we were a little out of line last year.

Mr. DeSimone responded yes, and it is consistent with our goals and favors the non-profits a little more which helps bring things back into balance and is a good mix of projects.

**ACTION. Motion by Councilmember Simmonds seconded by Councilmember Bradfield to approve Resolution 20-14 as presented. Motion carried 4-1 (A. Anderson abstained).**

Chair A. Anderson resumed chairing the meeting.

### **PUBLIC HEARING – Logan City Budget Transfers Fiscal Year 2021**

Logan City Finance Director Richard Anderson addressed the Council regarding the following proposed Logan City Budget Transfers for Fiscal Year 2021

In accordance with Utah State Law and Logan City budgeting practices, Logan City will hold a public hearing on June 2, 2020 at 5:30 pm in the Logan City Council Chambers located at 290 North 100 West, Logan Utah, or a virtual meeting if necessary, to discuss proposed transfers from and administrative fees charged to enterprise funds. Anyone desiring to address the Logan Municipal Council on this issue is invited to this public hearing.

A transfer is the movement of cash or other resources from one fund to another. Logan City has utilized transfers from enterprise funds as a General Fund financing mechanism for many years. If budgeted and planned for correctly, transfers from enterprise funds can help to defray the cost of services such as public safety, public works, parks and recreation and general governmental services, and consequently, keep property taxes low. But for transfers, Logan City would either be required to raise property taxes significantly or cut services significantly. Where private sector utility companies are in business to provide a return on investment to its shareholders, Logan City's shareholders, its taxpayers, and citizens, receive this return on investment as a transfer to the General Fund.

The transfer from the Environmental Fund to the 911 Fund is composed of the garbage can fees used to fund the 911 system and radio equipment. The transfer is simply the legal justification used to obtain the funding needed for the 911 system.

Administrative fees are not the same as transfers. While transfers are a movement of cash or resources without compensation, administrative fees are charges for centralized services provided by the general fund to the other funds of the City. Such services include but are not limited to utility billing, accounting, payroll, legal, human resources, shops and garage, and facility management. Administrative fees are allocated by the finance department in a reasonable and rational manner.

The following are the proposed Fiscal Year 2021 transfers and administrative fees:

Fund	Proposed Expenditures		Transfer	% of Expenditures	Admin Fees	% of Expenditures
	FY 2021	Transfer To				
Water & Sewer	14,427,500	General Fund	1,009,750	7.0%	1,371,201	9.5%
Sewer Treatment	9,125,000	General Fund	501,875	5.5%	236,652	2.6%
Electric	40,247,077	General Fund	2,849,120	7.1%	1,468,448	3.6%
Environmental Health	16,160,137	General Fund	1,225,760	7.6%	1,546,619	9.6%
Environmental Health	16,160,137	911 Fund	825,000	5.1%	-	0.0%
Golf Course	1,261,262	General Fund	-	0.0%	22,537	1.8%
Storm Water Management	2,402,203	General Fund	-	0.0%	537,203	22.4%

Mr. Anderson further explained that if we were to eliminate transfers, we would have to cut services significantly. For example, we would have to cut 70% of our police department, cut our fire department by 77%, cut our public works department by almost 60% or cut the entire parks and recreation department and community development. The alternative is to raise property taxes and for every dollar that we cut transfers we would have to increase property taxes by \$2.50.

Mr. Anderson stated when he first became the Finance Director of Logan City, he thought transfers were a bad idea which is the initial reaction that most citizens have. However, once everyone understands how they are carefully guarded and have resolution that are built into the rates and as long as they are managed efficiently, they are an effective way to fund the City of Logan. Most cities that have an electric utility department have transfers for the same reason.

Chair A. Anderson opened the meeting to a public hearing.

Logan resident Brent Hale addressed the Council and said the services the City provides covers more than the City of Logan is that correct?

Mr. Anderson responded yes, sewer and garbage cover several cities, water is mostly Logan City.

Mr. Hale said his concern is that in the transfer notice it states this is to defray the cost of services and he feels he is paying for the service either by a tax or an increased water fee. He asked where is the “defray of cost” to him? If we are transferring money to defer a tax, then it is still a tax and why not list it on the water bill as a Logan City tax. He also stated that about 25 years ago along Three Point Avenue in Logan, the City came and talked to all the residents up and down the street and said if the residents paid half, the City would pay half and install curb, gutter and sidewalk. One of the homeowners got their own bid which was half the cost of what the City was quoting the residents. The homeowner took this quote to the City and the City did not put the curb, gutter, and sidewalk in at that time. Now, 25 years later they are doing it and it looks to him that they are doubling the cost 25 years ago when they told the residents a different cost.

Mr. Hale also stated that about 10 years ago he took his utility bills and annual budgets and did an adjustment per capita, adjusted for inflation and in that 10 years, Logan City’s budget increased 4% and the median income for residents of Logan City increased 1.5%. This is a concern to him.

There were no further comments and Chair A. Anderson closed the public hearing.

Councilmember Bradfield said he has concerns about transfers and feels its perception. The State has looked at this in the past and it comes up periodically and looks at how transfers are done. His concern is that if in the future, if government were to change overtime and populations tend to get more vocal regarding certain things the public perception could change to where they did not want transfers and he worries about what it would do to the City. His recommendation is that it might be a good time to start to wean ourselves off or look for ways to start to reduce our dependency on transfers.

Finance Director Anderson responded there are only two revenue sources that we really control so we would either need to increase property taxes which would be a definite and also increase fees. The only real alternative we would have is to increase property taxes.

Councilmember Bradfield said do single family homes pay the majority of property taxes.

Mr. Anderson responded no, commercial pays the majority. There is a 45% residential exemption.

Councilmember Bradfield stated we need an aggressive campaign to get more large commercial businesses to come to Logan.

Mr. Anderson said the biggest driver of commercial is rooftops so the more rooftops we have the more demand there will be for commercial business to come to Logan. The problem is big box stores are going away so we are going to see a dramatic shift away from even commercial development and he feels we will see more mixed residential along Main Street. There will still be boutique, specialty and food retail that will survive. There is no simple solution to transfers other than we need to fight to protect them in the State and the State of Utah puts onerous requirements on transfers. We also need to work to educate the public. Those who have come to his office and have asked questions about transfers have left stating they want to protect transfers and they are a good way to keep taxes low.

Vice Chair Jensen said he feels that if transfers became a referendum item and said we would like to raise property taxes that people would vote to keep it the way it is now with transfers.

Mr. Anderson added the amount of property in Logan that is non-taxable is huge and we do not know what it is because the County does not track it, but we estimate that it is greater than 50%. Every Federal, State and Local Government building is located in Logan City as compared to many others. Many not for profits that are not taxable are also located in Logan City. Churches that only have one church are typically located in Logan as opposed to North Logan or Providence. This funding source is very important to us for many reasons and about three years ago the State's attention turned to transfers and they did try and change things to a certain extent. Cities such as Provo, St George, Bountiful and others that have larger utilities came out and said let's make sure we are disclosing transfers really well so the citizens can come in and be educated and understand how transfers work. Logan City has taken extra precautions as well and we strictly regulate transfers and they are built into the rates and cannot be changed unless it comes to the Council and also goes through a rate study.

Councilmember Bradfield clarified he is not saying we need another Kohl's or Walmart in the valley but industrial such as another Gossner or Thermo Fisher business that would come to Logan.

Mr. Anderson said getting these types of businesses to come to Logan is a high priority of Mayor Daines and is on the mind of others in the City as well. Economic Development Director Kirk Jensen is doing all he can, and Mr. Anderson does not feel that another full-time employee in the Economic Development Department will have a return on investment.

### **WORKSHOP ITEMS:**

#### **Consideration of a proposed resolution adopting the Logan City Public Arts Master Plan – Resolution 20-22 – Mike DeSimone, Community Development Director**

Community Development Director Mike DeSimone addressed the Council regarding the proposed Public Arts Master Plan. Councilmember Jeannie Simmonds and Chair Amy Anderson both served on the Steering Committee as well as Mayor Daines and others.

This plan helps elevate the cultural importance of the City for its residents. Utah State has a great arts program and the Steering Committee looked around Logan and asked what we have from an arts perspective. We have performing arts which costs money to attend events. If someone wanted to go and see art for free, we really do not have that available, so a consultant was hired and to get us on the right track and set the stage for what is needed.

Mr. DeSimone introduced Jake McEntire who is a consultant from Union Creative Agency.

Mr. McEntire addressed the Council and gave a presentation on the proposed Public Arts Master Plan. He reviewed the process of the Plan and stated the Plan will guide the creation of a Public Arts Program that is specific to Logan, Helps create vibrant community spaces, supports community and economic development, and enhances quality of life. The vision of the Public Arts Program is a creative vehicle for our community to connect, celebrate, and activate the places, people and values that make up Logan City's unique identity.

Mr. McEntire stated that open houses and roundtables were held to gather input and were focused on locations of where to place public art, types of public art the community would like to see and general community values. He stated these were some of the most successful community open houses he has ever done, and they were able to connect with over 500 people over three different open houses that were held. At these open houses there were various locations throughout the City that were identified for public art. There were 12 priority sites identified as well as general site locations.

Recommendations and Considerations:

- Guidelines/Policies/Processes
- Funding Model
- Maintenance/Upkeep/Replacement
- Ongoing Community Engagement

Mr. McEntire stated there are three phases of implementation and then an ongoing phase. The core values and goals were created by the community and the steering committee.

Vice Chair Jensen said he is very impressed with this presentation and for the possibilities of a Public Arts Plan happening in Logan.

Councilmember Simmonds commented that serving on the steering committee was a great process and she felt like every time there was a meeting that it was productive and moved things forward. She also feels the way Mr. McEntire constructed the document and presented it to the Council is a Plan that will not sit on a shelf and is a Plan that can live, breath and grow with Logan City.

Councilmember M. Anderson asked what we can learn from other communities that are further along in the process and how do we promote and get people that live here and visit Logan excited about seeing art.

Mr. McEntire responded some of that is built into the Plan and continuing to build off the momentum that Utah State has built is a good thing to do. Communities that do well are marketing, promoting, storytelling and are building that as an element into the budget of a project. They are also making sure information as accessible as possible by developing a public art website, social media account which markets and documents the Public Arts Program.

The proposed resolution will be an action item and public hearing at a future Council meeting.

**Budget Adjustments FY 2019-2021 appropriating: \$6,157 funds received from CCEMS for standby overtime; \$2,226 reimbursable State funded police overtime shifts – Resolution 20-23 – Richard Anderson, Finance Director**

Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustments.

The proposed resolution will be an action item and public hearing at the June 16, 2020 Council meeting.

**Consideration of a proposed resolution approving Elected Official's Wages FY 2020-2021 – Resolution 20-16 – Greg Cox, Human Resource Director**

Human Resource Director Greg Cox addressed the Council regarding the proposed resolution. He proposed that the wages for the Mayor be \$99,468 per year plus \$6,000 car allowance and Councilmembers wage to be \$15,606 per year plus \$300 car allowance. There are no proposed wage increases for elected wages. He stated that all full time benefited employees will get a 2.5% increase in July but the City will no longer match the employees 401K and will take the 2.5% and let the employee decide where they want the 2.5% to go either their wage or in their 401K.

Councilmember Bradfield commented that for future councilmembers he worries that it is not a huge increase for them to receive. Increases were not given for a number of years and then we fell behind. He will not vote for a wage increase for himself when everyone else is not getting an increase.

Mr. Cox said we need to keep up but with unknown revenues this year an increase cannot be given.

The proposed resolution will be an action item and public hearing at the June 16, 2020 Council meeting.

**Consideration of a proposed resolution approving Member Contributions to the Utah Retirement Systems Contributory Retirement Plan FY 2020-2021 – Resolution 20-17 – Greg Cox**

Human Resource Director Greg Cox addressed the Council regarding the proposed resolution. He stated that the City contributes to the Utah Retirement Contributory Retirement plan and the City formally agrees to fund “pick-up” 100% of the required employee contribution for all eligible Tier 1 members who are required to contribute to the Utah Retirement Systems Contributory Retirement Plan for the 2020-2021 Fiscal Year (effective July 1, 2020) according to the applicable Utah Retirement Systems Retirement Contribution Rates. Tier 2 members are responsible for the employee contributions that are required for the 2020-2021 Fiscal Year (effective July 1, 2020).

The proposed resolution will be an action item and public hearing at the June 16, 2020 Council meeting.

**Consideration of a proposed ordinance vacating a Public Right of Way located at approximately 1465 West 200 North Logan, Utah – Ordinance 20-14 – Sam Odd, Public Works Department**

Logan City Engineer Sam Odd addressed the Council regarding the proposed public right of way vacation. He stated the City has received a request from the Division of Wildlife Resources (DWR) on a road alignment issue near their Fisheries Experiment Station located at 1465 West 200 North in Logan. Following discussion initiated almost three years ago with Logan City staff, it was mutually agreed that the DWR would purchase key lands that supply the City with a better future roadway alignment. The DWR promptly did that by purchasing more than sufficient replacement land from Cardall Properties One, LLC East of the Fisheries Experiment Station. The DWR intends to transfer portions of this parcel to Logan City, at no cost, in exchange for the City formally abandoning and vacating the right of way that appears to encroach on the hatchery. Robin Goodman, Assistant Director from the Division of Wildlife Resources sent a letter to Public Works Director Paul Lindhardt committing to him and the Logan City Council that the DWR will give Logan City all of the land needed for this future roadway, without real estate costs to the City, if the right of way is successfully abandoned. In addition, if Logan City requires additional acreage value to promote an even exchange with the Utah Department of Transportation (UDOT) to facilitate realignment of the future 1400 West interchange, the DWR may be willing to contribute surplus portions of their newly acquired lands.

Mr. Odd added that a letter from UDOT was also received in support of the 1400 West realignment.

The proposed ordinance will be an action item and public hearing at the June 16, 2020 Council meeting.

**Consideration of a proposed ordinance amending the Table of Contents and Article IV of Chapter 5.10 of the Logan Municipal Code Regulating Private Club Liquor License Consents – Ordinance 20-13 – Chair Amy Anderson**

Chair Amy Anderson addressed the Council regarding a proposed ordinance to amend Article IV of Chapter 5.10 of the Logan Municipal Code Regulating Private Club Liquor License Consents. She stated this is an ordinance that she brought to the City's Legal Department. Utah is one of 13 States that directly controls the sale of liquor at our wholesale and retail level and the purpose for that is for revenue generation, education enforcement and to promote moderation. There have been a lot of changes in the liquor laws since she has lived here particularly in 2009 when Governor Huntsman put forth an effort to change the law to remove club requirements. There have been additional changes over the years and any establishment with liquor beer sales falls underneath the State requirements. The issuing of liquor licenses is underneath the prevue of the Utah Department of Alcohol Beverage Control. The State decides the total number of licenses and who receives the licenses. The proximity restrictions are governed by the State and when sales can occur. The proposed ordinance mirrors the language and guidelines of the State and is proposed to remove the term "private club liquor license" and replace it with "bar establishment license" and also incorporate the State guidelines and amend the number of establishments based on population.

Councilmember Simmonds said the reason we have any ordinance at all is because we give them a business license and we do not approve them being there we just approve them operating as a business in Logan. She feels it is important for our business license application to mirror the State's law.

Chair A. Anderson added with the Economic Development plans that we have been looking at for our downtown and for other area's in the City this is important. These changes help us line up with the State and also gives the opportunity for additional licenses which will hopefully create additional development and revenue for our community. Currently, the number of licenses we allow with our population are all taken which are three. With the adoption of this amended ordinance there is the potential of those licenses increasing to a total of six licenses. This would allow for a bar establishment, 21 and older would be allowed to enter and no food requirement.

Chair A. Anderson spoke to Police Chief Gary Jensen regarding the ordinance and the new law of lowering the blood alcohol level. Chief Jensen responded that it would not change anything the police did when they identify someone who may be drinking and based on behaviors, they identify whether or not that person is impaired. Currently there are projected to be four additional licenses for the entire State of Utah in June. She feels this will be helpful to our community because it will give Logan a fair share of licenses that are spread throughout the State.

Councilmember Bradfield said he has talked to a lot of people who are excited about a possible brew pub or another bar in Logan. He worries because we have a very low-income earning City and does not want to see too many bars available. If its part of a greater picture then, he is fine with it.

Councilmember A. Anderson said it makes sense to mirror what the State is doing.

City Attorney Kymber Housley commented that from a legal standpoint we are not mirroring State law. It is permissive and you do not need to have any bar establishments and that is what they use to determine the total number of licenses. Each community can decide whether they want to allow it or if they want to have no restrictions whatsoever. There is no requirement that we match State law. The license is based on population growth.

Chair A. Anderson said Logan really does not have a bar establishment so the best similar example would be the Logan Golf and Country Club.

The proposed ordinance will be an action item and public hearing at the June 16, 2020 Council meeting.

### **OTHER CONSIDERATIONS:**

Chair A. Anderson stated the Council received an email from Daniel Dickey regarding Logan City crosswalks. Mayor Daines and Chief Jensen responded to Mr. Dickey.

Vice Chair Jensen said he also responded to Mr. Dickey's email.

Councilmember Simmonds said in the past the Adam's Neighborhood was actively seeking additional crosswalks in the Adam's Neighborhood. They discussed doing sidewalks between 400 and 1000 North on 200, 400 and 600 East. Public Works Director Paul Lindhardt was doing some crosswalk designs to see what might work but she has not yet seen any plans.

Chief Jensen said there have been accidents in crosswalks. Some with injuries that have been reported and others that have not resulted in an injury. Officers are sent out to watch crosswalk areas and they also do organized "stings" in crosswalk areas. The police department does not have the resources to be at every crosswalk in the City and they do their best to enforce and educate people about crosswalks.

Councilmember Simmonds stated that one of the issues we have that is very disturbing to her is that people ride their bicycles on the sidewalk, and they go flying into the crosswalk and it is sometimes hard for a driver to see them. One of the ideas that was brought to the Adam's Neighborhood was a 3-D sidewalk. She feels we need to do more public awareness when it comes to crosswalks.

Chair A. Anderson said the Council also received an email from D. Jenkins regarding the policy on fixed rate charges when an account is in a landlord's name.

Finance Director Richard Anderson responded that City Treasurer Tyson Griffin contacted Mr. Jenkins. This policy change was noted over a year ago when we changed our software. The policy change was workshopped in council meeting and there were two notifications specifically to landlords. There have been a few other complaints as well but from an equity standpoint and an ability to administer our new policy which is you

get flat charges when your utilities are on and when your utilities are off you do not, is a lot easier to administer than it was before. Previously when it was in the landlords' name there were no flats and the assumption was there was very little usage on many of the utilities and the consumption was low because they are getting ready to rent it to someone else. Now what happens when it switches to the landlord's name if they want the utilities on, they have to pay all of the flat charges that are associated, and this is prorated. In the next few years, a proposal will come before the Council to start weaning off from flat charges at least on commercial and not residential because it is a stable source of revenue. He announced that soon the City will be changing out all of our electric meters which will give us greater ability to turn off and turn on utilities remotely so when this occurs, we will have to revisit all of our fees.

Mr. Anderson stated there is added pressure now with the biggest reason being that we are building a \$150,000,000 sewer treatment plant so everyone's utilities have gone up substantially over the last several years and that is what he feels is causing a lot of the complaints.

Chair A. Anderson said another email the Council received was in regard to opposition to the off-leash dog park at Jens Johansen Park. She reported that Parks and Recreation Director Russ Akina has contacted Alan Hochbert and Mr. Akina will provide a timeline of the process the City used for the pilot program and the education efforts that were made to inform the public. The main concern from Mr. Hochbert is that dogs are going into the river at this location.

Councilmember Bradfield asked if there are a lot of complaints regarding this park being designated as an off-leash area.

Mr. Akina responded this is the first registered complaint they have received at the Jens Johansen Park. He will provide Mr. Hochbert with the background information of the process.

Chair A. Anderson said another emailed question to the Council was from Diane McMorris in regard to 700 North parking time limits and asked if some of this area could be designed as 30-minute parking versus 2-hour or 8-hour parking. She reported that Lt. Parslow has been working on this with the business owners in the area and Utah State. Staff will bring back a recommendation to the Council on the number of parking stalls available and how to proceed.

Mayor Daines clarified that administration will make a final decision but because the initial request went to the Council; she will continue to keep the Council informed of the discussion and the recommendation which, she feels is reasonable.

Chair A. Anderson stated the Council received an email during tonight's Council meeting from Diana Ribera asking what the current status for animal control is going forward especially in regard to cats.

Chief Jensen responded that he cannot answer that question today and just learned late this afternoon that there was a conflict with the grant and the Cache Humane Society. The police department has reached out to Cache Humane and they look forward to having a conversation with them regarding this issue.

Chair A. Anderson said at the last Council meeting there was a concern brought forward about speeding on Mountain Road from the Cliffside area.

Chief Jensen reported that a speed study was completed by placing a covert box on Mountain Road. They took data from that box and what they learned is there are certainly, speeders along this roadway. Most are in the 0 to 9 miles over the speed limit zone. Officers will take the opportunity to educate and ask those driving along this roadway to slow down and will issue citations if needed.

Chair A. Anderson said another follow-up from a previous Council meeting was from Daniel Sharp in regard to the Bonneville Shoreline Trail access from Aspen Drive. She reported this is a private street and she met with the homeowner as did Russ Akina. There are going to be signs ordered and placed on the Bonneville Trail reminding people to stay on the trail because it is private property below. She received an email from the Sharp Family and said since they have reported the problem there have been a reduction in foot traffic and they are pleased that things have improved.

Chair A. Anderson said the Council also received an email from Ralph Bair related to the Mountain Vista Condominium Association and his request to have a variance on his water and sewer consumption rates. Mr. Bair spoke to Public Works Director Paul Lindhardt about this and Chair A. Anderson then spoke to Mr. Lindhardt who reviewed the variance request and did not approve. Mr. Bair is now appealing the variance request to the City Council.

Logan City Water/Wastewater Manager Cameron Draney addressed the Council and said the rate increases are due to construction of the Sewer Treatment Plant. Business owners do not like paying for water that is used for irrigation during the summer months and paying for sewer treatment and collection fees on that water because it never goes through the sewer treatment process. When a rate study is done a lot of effort goes into trying to make our utility rates as fair as possible to the City as a whole while being able to maintain the system. In doing that there are very strict rules as to how those utility rates are based. The moment we start to make exceptions it becomes a problem because there are over 10,000 accounts so we are not able to make special requests for individual meter users. We also do not have a profit margin in our utility rates and do not have the ability to absorb lost revenue. Our utility rates are based on what we need to maintain the system and to change anything would need to be done with a rate study. We can offer a sprinkler meter policy where a commercial customer is allowed to put in a secondary

meter outside of their primary meter and any water that would go through an irrigation system and they would just be charged for water consumption only and not sewer treatment or collection on that meter. There have been a few business owners who have installed a second meter. Mr. Bair was told about this option and there is a cost to install the second meter but with utility costs the way they are it would pay for itself very quickly.

Councilmembers Simmonds stated that she tried to get a second meter installed at a location and could never get in contact with the contractor that the City recommended to do the work. She suspects there are not a lot of contractors who do this type of work.

Mr. Draney said this is a new policy and he knows of another business owner who had a landscape company install a meter. The contractor would need to install as per the City's Standards and Specifications and the City would provide an inspector to help with the process. The approximate cost to install a second meter is \$1,000 to \$3,000 depending on how much plumbing needed to be done for the sprinkler system. Mr. Bair was advised of this option and it would be a benefit to him because of how much property is involved.

Councilmember Simmonds said there are no grants available through the City that can help pay for the cost of the second meter.

Chair A. Anderson stated that Mr. Lindhardt did not approve Mr. Bair's request for a variance because of the amount of land involved. Mr. Bair has appealed to the Council so the Council can now choose at this time if they would like to make a rate adjustment for the Mountain Vista Condominium Association.

Finance Director Richard Anderson addressed the Council and said if they are considering approving the variance then he recommended they first do a full rate study and do not make an exception for one customer because there are several more customers that will also want the same adjustment. The cost for a rate study is approximately \$50,000. There are other customers who are in the same situation as Mr. Bair and we do not want to offer grants to help people reduce the amount that they are paying to the City of Logan because we need to build a very expensive Sewer Treatment Plant. The current rate that we have gives a 25% reduction in the amount of water consumed and that is to account for irrigation and that is a 25% reduction during 12 months of the year even though irrigation typically would be 3-5 months during the year. In his opinion, most people are more than compensated. For those who have a larger piece of property it would make sense that they install a second meter, but he does not feel the City would want to incentive the installation of a second meter.

Councilmember Simmonds feels that we do rate studies for a reason and we put in place rates that are fair across the board. We have created another option for those who want to install a second meter that will mitigate expense and will mostly have a payback in less than a year.

Vice Chair Jensen agreed and said he does not think we should make exceptions and should stay with our policy.

All councilmembers agreed that a variance should not be made on the request by Mr. Bair.

Chair A. Anderson will communicate this back to Mr. Bair.

There were no further items to be considered by the Council.

**ADJOURNED.** There being no further business to come before the Council, the Logan Municipal Council meeting adjourned at 8:10 pm.

Teresa Harris, City Recorder