

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, July 18, 2023, in the Logan Municipal Council Chambers located at 290 North 100 West, Logan, Utah 84321 at 5:30 pm. Logan Municipal Council Meetings are televised live as a public service on Channel 17 and the City of Logan YouTube channel at: https://www.youtube.com/channel/UCFLPAOK5eawKS_RDBU0stRQ

Council Members present at the beginning of the meeting: Chairman Ernesto López, Vice Chair Amy Z. Anderson, Councilmember Jeannie F. Simmonds, and Councilmember Tom Jensen. Administration present: Mayor Holly H. Daines, City Attorney Craig Carlston, Finance Director Richard Anderson, City Recorder Teresa Harris, and Deputy Recorder Esli Morales.

Participating via Phone: Councilmember Mark A. Anderson.

Chairman Ernesto López welcomed those present. There were approximately 65 in attendance at the beginning of the meeting.

OPENING CEREMONY:

Logan Police Chief Jeff Simmons gave the opening remarks and led the audience in the pledge of allegiance.

Chief Simmons thanked the Council for the opportunity and his family for supporting him and letting him be here today. He commenced with following, Logan City Police Department - Who are we?

We are 60 sworn peace officers backed and supported by a wonderful cadre of dispatchers, clerical staff, evidence technicians, animal, and parking control officers, building staff, city administrators, retirees, and other law enforcement partners. None of our efforts are possible without the services and genuine support they provide. They make it possible for sworn peace officers to serve this community to the best of our ability.

We are citizens and patriots who cherish this great country and in our oaths of office, swear to defend the Constitution of these United States and promote liberty for all even when, at times, we must temporarily deprive some those freedoms due to poor decisions or judgement.

We are your neighbors, friends, and family. We shop, worship, live, and recreate and, like everyone else, have hopes, successes, and dreams as well as difficulties, anguish, stress, and pain.

We are imperfect and always will be. We make mistakes in our personal and professional lives and when those mistakes are egregious or unlawful, like any other citizen we are rightly answerable to society's justice.

We are painfully cognizant of law enforcement sometimes imperfect past and present. We are keenly aware that each time an officer misbehaves anywhere, trust and public

confidence erodes here. While law enforcement has several origins, one we must and do acknowledge is the part some early law enforcers played in the search and recapture of enslaved human beings and equally abhorrent actions during subsequent Reconstruction and Jim Crow eras. The enslavement of fellow human beings, our brothers, and sisters, will always be a horrific national stain and must never be forgotten.

We are grateful and honored by the love of our spouses and families. Only they know the true cost of the hundreds of traumatic moments an officer experiences during a career. It is our families that without warning or context sometimes feel the brunt of our impatience, stress, or trauma that can manifest from some dark and haunting moment of our service. We ask for their forgiveness and continued patience.

As officers, we are sometimes maligned and misrepresented and rarely acknowledged for the vital role we play in society or for the immense good we accomplish each day. At times, it seems that everyone who has not worn the uniform is an expert at what we do.

We do not seek pity, rather we welcome helpful ideas to better serve. While rarely acknowledged, we wish all could see when our officers perform small unrecognized acts of service.

We see Davis Coppin and Darin Cook, shoveling snowy sidewalks for people in need.

We see Kendall Olsen, kneeling to say “hi” to a young lady and her dog on a street corner and later spending countless hours away from family tracking and apprehending perpetrators of graffiti.

We see Brad Franke, working tirelessly to help an elderly lady through her mental confusion all while guiding a drug task force that is second to none.

We see Jessica Low and Rolando Meza, treat a man with respect and decency even when he’s just tried to disarm them.

We see Derek Grange, working many long volunteer hours on K9 pads and cabin improvements all while finishing a degree and making our community safer from the scourge of drugs.

We see Sabrina Jensen, as she sacrifices precious time from her Danish family to serve her adopted community as our newest officer.

We see Zen Weight work relentlessly to search a jail database of prisoner tattoos to identify a storage shed burglar.

We see officers play ball with kids, smile, and give high-fives and stickers. We see officers, when appropriate, change tires, move furniture, and even mow lawns for those unable to do so.

These are just a few of the many examples of excellent service performed each day. Any one of our officers could be mentioned many times over for good works that often go unacknowledged and unappreciated. For every officer and person here, I promise you that somewhere, your good, unseen deeds are being recorded. Someone is always watching.

We have great women and men doing a difficult service. I trust them and that trust grows each time I see them treat even the vilest of offenders with kindness, decency, and respect. These Peace officers are true guardians of our community and will be needed and counted upon to be a light of safety and security in an ever-darkening world.

Thank you.

Chairman López thanked Chief Simmons and the Logan City Police Officers for their service.

Meeting Minutes. Minutes of the Council meeting held on June 20, 2023, were approved with no corrections.

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

ACTION. Motion by Councilmember A. Anderson seconded by Councilmember Jensen to approve the June 20, 2023, minutes and approve tonight's agenda. Motion carried by roll call vote.

A. Anderson: Aye

M. Anderson: Aye

Jensen: Aye

López: Aye

Simmonds: Aye

Meeting Schedule. Chairman López announced that regular Council meetings are held on the first and third Tuesdays of the month at 5:30 pm. The next regular Council meeting is Tuesday, August 1, 2023.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL:

Chairman López explained that any person wishing to comment on any item not otherwise on the agenda may address the City Council at this point by stepping to the microphone and giving his or her name and address for the record. Comments should be limited to not more than three (3) minutes unless additional time is authorized by the Council Chair. Citizen groups will be asked to appoint a spokesperson. This is the time and place for any person who wishes to comment on non-agenda items. Some items brought forward to the attention of the City Council will be turned over to staff to respond to outside of the City Council meeting.

Matthew Fatuesi, a resident of Logan commented on low-income housing and is concerned regarding the term "affordable" and "moderate-income." In his opinion, affordable housing means occupying a housing unit and paying no more than 30% of the household's income for gross housing costs vs. moderate-income housing means an income that is no more than 80% of the area median income can occupy the housing unit paying no more than 30% of the household's income. He feels there is a 25% poverty threshold in the County and there is a genuine concern regarding the possible impact and what other options might exist to address the situation.

Joanne Bennett, a resident of Logan recounted the gracious services provided by a police officer in her time of need.

Erin Bennett, a resident of Logan desired a more in-depth application of Robert's Rules of Order.

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

MAYOR/STAFF REPORTS:

Ratification and Oath of Office: Logan Police Chief Jeff Simmons – Mayor Daines

Mayor Daines asked the Council for ratification to appoint Jeff Simmons as the new Logan City Police Chief.

ACTION. Motion by Councilmember Jensen seconded by Councilmember M. Anderson to approve ratification of Jeff Simmons as the Logan City Police Chief as presented. Motion carried by roll call vote.

A. Anderson: Aye

M. Anderson: Aye

Jensen: Aye

López: Aye

Simmonds: Aye

City Recorder Teresa Harris administered the Oath of Office to Chief Simmons.

Board Appointments (Business License Review Board)) – Mayor Daines

Mayor Daines asked the Council for ratification to appoint Bill Peterson and Russ Price to serve on the Business License Review Board which are new appointments.

ACTION. Motion by Councilmember Jensen seconded by Councilmember Simmonds to approve ratification of Bill Peterson and Russ Price as presented. Motion carried by roll call vote.

A. Anderson: Aye

M. Anderson: Aye

Jensen: Aye

López: Aye

Simmonds: Aye

Report from Cache County Executive David Zook – Mayor Daines

Cache County Executive David Zook addressed the Council and thanked the Council for the opportunity to speak. He also thanked the City of Logan including staff members who have filled critical positions (in the county) including waste management. He is grateful for the assistance in the transition of various county, cities, and towns in transitioning their wastewater services to other providers.

There are ongoing transportation projects such as the SR-30 and a Countywide Transportation study. The SR-30 road will be further widened and permit the road to settle, which will be a great public safety improvement.

Executive Zook announced the installation of a fiber optic line through Logan Canyon and said UDOT will install 31 miles through the Canyon which will allow for the installation of cell towers in the case of an emergency and hasten EMS services response time.

The Cache County Fair will be August 9th through August 12th and he invited the public to attend. He once again thanked the City and its existing partnerships with Cache County. He looks forward to continuing to work together.

The Council thanked Executive Zook for the county update.

No further Mayor/Staff Reports were presented.

COUNCIL BUSINESS:

Planning Commission Update – Councilmember Simmonds

Councilmember Simmonds reported that the Planning Commission's only action item was the Cache Valley Mall project which was conditionally approved with additional green space requirements.

ACTION ITEMS:

PUBLIC HEARING – DOWNZONE – Consideration of a proposed downzone (Jed Willets). Logan City is requesting a downzone from Mixed Residential Medium (MR-20) to Mixed Residential Low (MR-12) of the property located at 1354 North 220 West; TIN 05-041-0056 (Bridger Neighborhood) – Ordinance 23-21 – Russ Holley

At the June 20, 2023 Council meeting, Planner Russ Holley addressed the Council regarding the proposed ordinance.

RECOMMENDATION

Staff recommended that the Planning Commission recommend **approval** to the Municipal Council for a rezone of approximately 1.80 acres of property located at approximately 1360 North 200 West (TIN# 05-041-0056) from Mixed Residential Medium (MR-20) to Mixed Residential Low (MR-12).

Land use adjoining the subject property

<i>North:</i>	CS: Commercial Uses	<i>East:</i>	COM: Commercial Uses
<i>South:</i>	NR-6: Residential Uses	<i>West:</i>	MR-12: Residential Uses

REQUEST

The proponent is requesting a downzone of the recently up-zoned Lot #6 from Mixed Residential Medium (MR-20) to Mixed Residential Low (MR-12).

GENERAL PLAN

The Future Land Use Plan (FLUP) identifies this area as Mixed Residential. It does not distinguish between medium and high. In Chapter 5 “Growth vs. Land Availability” it states the problem being that the per capita land consumption is increasing while available quality developable land is decreasing. The solutions identified are compact growth, infill and redevelopment. As part of the revised Land Development Code (LDC) and Zoning Map update in February of 2011, the area was zoned Mixed Residential Medium (MRM) rather than Mixed Residential High (MRH) because this area was over-saturated with multi-family structures exceeding the balance of diverse housing options outlined in the General Plan, and the allowable densities in the Mixed Use, Town Center, and Campus Residential zones were substantially increased to promote increased density in those parts of the City.

LAND DEVELOPMENT CODE

The Land Development Code (LDC) allows for up to 20 residential units per acre of land in the MR-20 zone. The MR-20 zoning district permits a range of residential structures, including duplexes, triplexes, townhomes, etc. The current zoning designation of MR-12 is similar but less dense.

SUMMARY

Jed Willets originally purchased the property in 2011 with the desire to build a duplex. An application for design review was submitted and the illegal subdivision was then discovered thus rendering this property worthless as all density had already been accounted for on lot #6. Property trades were pursued between 2011 and 2016 to no avail. In 2023, the City Council up-zoned it for this applicant to finish his project. This application proposes to downzone the property back so that is consistent with the surrounding areas.

AGENCY AND CITY DEPARTMENT COMMENTS

No comments.

PUBLIC COMMENTS

Notices were mailed to property owners within 300 feet of the subject property. As of the time of this report, one comment from Frank Schofield has been received.

PUBLIC NOTIFICATION

Legal notices were published in the Herald Journal on 5/27/23, posted on the City's website and the Utah Public Meeting website on 5/29/23, and mailed to property owners within 300 feet on 5/22/23. The quarter page ad was published on 5/25/23.

RECOMMENDED FINDINGS FOR REZONE APPROVAL

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

1. The Logan City FLUP identifies the area as MR. The surrounding areas are zoned MR-12 and this property should also be zoned MR-12 for consistency.
2. The Bridger Neighborhood was specifically downzoned to reduce the number new multi-family developments.
3. The MR-12 would eliminate the option for additional dwelling units to be developed on this property.

On June 8, 2023, the Planning Commission recommended the Municipal Council **approve** the Willets Downzone. **Planning Commissioners voted (7-0).**

Chairman López requested that Russ Holley provide a brief summary with context for the benefit of the public.

Mr. Holley explained that Mr. Willets purchased the property expecting that he could build a duplex on the lot which was not the case (as it would be an illegal lot). The property had to be upzoned to MR-20 in order for Mr. Willets to build and receive a building permit to create a subdivision. After the building permit has been received the area is now being down zoned back to MR-12 to ensure the zoning remains as such.

Chairman López opened the meeting to a public hearing.

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

ACTION. Motion by Vice Chair A. Anderson seconded by Councilmember Simmonds to adopt Ordinance 23-21 as presented. Motion carried by roll call vote.

A. Anderson: Aye

M. Anderson: Aye

Jensen: Aye

López: Aye

Simmonds: Aye

**PUBLIC HEARING – VACATION OF PUBLIC UTILITY EASEMENTS –
Consideration of a proposed ordinance vacating certain public utility easements
located at 85 Crayon Court (Lot 43) and 701 Southwest Street (Lot 2) Logan, Utah.
The public utility easements are located between the West property line and ten feet
(10') West of the property line of Lot 43 and five feet (5') East of the property line of
Lot 2 except the North five feet (5') and south five feet (5'). Parcels 02-167-0043 and
02-071-0041 – Ordinance 23-20 – Paul Lindhardt, Public Works Director**

At the June 20, 2023, Council meeting. Public Works Director Paul Lindhardt addressed the Council regarding the proposed vacation of public utility easements. The request is for the vacation of public utility easements in order to create two lots. The public utility easements are to be dedicated afterward and adjusted.

Chairman López inquired if there are any public utility easements running through the to-be-vacated area.

Mr. Lindhardt responded at this time, there are no utilities that are known of.

Councilmember Simmonds asked if the owner desired to divide the subdivision in the future if the property owner would have to reapply.

Mr. Lindhardt confirmed that would be correct. The property owner would need to reapply and go through the administrative process again.

Chairman López opened the meeting to a public hearing.

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

ACTION. Motion by Councilmember Simmonds seconded by Councilmember Jensen to adopt Ordinance 23-20 as presented. Motion carried by roll call vote.

A. Anderson: Aye

M. Anderson: Aye

Jensen: Aye

López: Aye

Simmonds: Aye

***(Continued from the June 20, 2023 Council meeting)* - PUBLIC HEARING -
Consideration of a proposed resolution approving the Transportation Master Plan –
Resolution 23-19 – Darren Farar**

At the June 6, 2023, and June 20, 2023 Council meeting, City Engineer Darren Farar addressed the Council regarding the proposed resolution. He stated the 2023 Transportation Master Plan replaces the City's 2011 Surface Transportation Master Plan and the 2023 Transportation Master Plan provides a technical reference to manage transportation decisions associated with growth and development in the city and is a reference guide for future capital transportation investments.

Mr. Farar summarized the changes to the Transportation Master Plan taking into account the concerns of the community.

Is the Plan Auto-Centric?

- Vehicles are currently the dominant mode of Transportation.
- Vehicles are expected to continue to be the dominant mode of Transportation through build-out. – A rapid shift away from vehicles would predicate the need for an updated master plan.
- Meeting a vehicular “Acceptable” Level of Service (LOS); Naturally promotes the Safest and most Successful Corridors for all other modes of travel.

Incorporating other modes of travel?

Other modes of travel are referenced 27 of 56 pages in the transportation master plan.

Page 2 – A Key Function of the Plan; Reference to other Master Plans

Page 4 – Primary Goal

Page 5 – Emphasized Public Outreach

Page 10 – Roadway Project Modeled to Support

Page 13 – Grid System Supports

Page 19 – Where widening causes significant impacts, looking at alternative options

Page 25 – 27; 30 – 32, & 36 – 40 Other MP projects identified on the TMP Projects

Page 42 – Required for Federal Funding

Page 43 – Required for Policy Guidelines

Page 45 & 47 – Key to Access Management

Page 50 – Rails to Trails (Highly Recommended)

Page 51 – Reason for Traffic and Speed Calming

Page 53 thru 56 – Entire Section devoted to Alternative Modes of Transportation

How is the Public Notified?

The Master Plan currently does not state the process for notification since this is a policy. However, the Public Works Department can create a process (a policy) to better communicate and keep the community involved in the process. They are committed to doing so.

Councilmember Simmonds asked if since the last meeting have questions and concerns been alleviated for the benefit of the public.

Vice Chair A. Anderson responded that some questions have been answered. However, the CMPO (Cache Metropolitan Planning Organization) has just been approved. She inquired if the CMPO Plan has been included in the Master Transportation Plan.

Mr. Farar answered the CMPO Transportation Plan is compatible but is uncertain how similar the bike portion is.

Mr. Lindhardt clarified that when the CMPO commenced the Transportation Plan, they reached out to the City and integrated the prior existing Transportation Plan and the draft of the current proposed Transportation Plan.

Vice Chair A. Anderson said if the Council realized there has been a major shift in the Transportation Plan, what would that format look like?

Mr. Farar responded that the format could be a variety of options. It would depend on the size of the shift. If it is a major shift, it will cause an entirely new Transportation Plan to be brought before the Council. If it is a smaller shift, it may be amended to add or change the existing plan to add or accommodate, other modes of transportation, a different facility, etc. The amendment process is typically faster if there is a need (be it by staff or the Council).

Vice Chair A. Anderson inquired further regarding truck routes through neighborhoods. Is there a consequence for a truck not going through a truck route.

Mr. Farar replied the idea is to develop roadways that are primarily geared for moving traffic and larger roadways. It does not preclude trucks from using residential roadways. The State does not limit or preclude trucks from using residential roadways. If roadways are limited this may preclude other trucks such as moving trucks (for home movers).

Vice Chair A. Anderson requested clarification on whether there will be designated truck routes.

Mr. Farar clarified in the master plan there will be designated truck routes. We will encourage trucks to operate on these designated routes. (Signage is not necessarily posted).

Mr. Lindhardt said that posting routes or reaching out can be done. Several large companies have requested city trucking routes which have been sent out.

Councilmember Jensen requested the grid system when building roads and would like this to continue being enforced. He urged the acceleration of a connection through 200 East and southward, though it is out of the jurisdiction of the City since there is traffic backup at this intersection.

Mr. Farar added that areas have been required to be dedicated for that future corridor. That right-of-way will be built in time.

Councilmember Jensen expressed severe concerns regarding a traffic light at 400 N 600 W, and concerns of an arterial or collector's street in the future from 100 West to 600 West. This area will have greater traffic and Ellis Elementary is on 300 North and 400 West. With additional stop signs to slow traffic in that area.

Mr. Farar proposed with approval from the Council and recommended that the street be eliminated from the plan and not become a collector road and be reduced to a neighborhood residential street or rather remain as it is. He added that additional stop signs have been discussed in that area in an intersection just east of 600 West.

Councilmember Simmonds asked if changes could be requested as an amendment to the Master Plan as part of the approval today or at a later time.

Mr. Farar answered that changes to the Master Plan can be done now or in the future as an amendment.

Councilmember Simmonds inquired how the CMPO and City Transportation Plan intersect and who trumps who.

Mr. Farar responded the CMPO gathers the Transportation Plan and the projects of every municipality in the county, and they use that to establish funding for those projects. If there is a conflict there, we all work through this process. It is not perfect, but it works fairly well.

Mr. Lindhardt clarified the CMPO does not build roads but rather funds the roads. The CMPO does not have jurisdiction to say what road can be built rather they make recommendations.

Councilmember Simmonds commented on the importance of presenting and providing the means for neighborhood councils to be aware of large projects such, as utilizing the Planning Commission.

Chairman López requested Mr. Lindhardt clarify for the benefit of the public that the Transportation Master Plan is not set in stone, and it can still be amended.

Mr. Lindhardt explained the Transportation Master Plan is typically viewed as a conceptual view. The plan does not have the ability to give detail and design and is a guiding document. As capital projects occur, the plan has to be reviewed to determine if the proposals are still priorities and to determine if priorities have changed or not? The development of 800 North has changed as they were completed due to Blue Springs and Costco which changed the plan. A master plan does not allocate funding or approve expenses. The plan is reviewed every 5 to 7 years regardless of changes or updates.

Chairman López opened the meeting to a public hearing.

Dr. Gail B. Yost, a resident of Logan expressed concerns regarding traffic in the Wilson neighborhood and what can be done to alleviate the traffic.

Ryan Bohm, a resident of Logan expressed concern regarding the Western Bypass Corridor proposed through that region. A bypass is an important topic as to whether the location is the optimal location with the proposed Willow Lakes and Sugar Creek subdivision. It may be an effective corridor with the increase of residential units in that area.

Erin Bennett, a resident of Logan expressed concerns in respect to the traffic routes and notification to the public.

Frances Bhushan, a resident of Logan expressed concerns about the volumes of traffic with the increase of development and she is also concerned about pollution.

Kamilla Shultz, a resident of Logan clarified a level of service does not equate to a safety level. The dominant form is vehicular this is not a reaction but rather influencing future infrastructure. She stated that in the Netherlands in the last 30 years they have created pedestrian routes and are leading the way in alternative travel.

Sue Sorenson, a resident of Logan thanked the City for the neighborhood council being able to interact with the public forum in discussing this and other issues.

Kathryn Philpot, a resident of Logan requested that the bicycle plan be updated further to take into account electric bikes and scooters since the plan was written back in 2015.

Mayor Daines responded that electric bikes and scooters are only allowed on the larger sidewalks. The micromobility ordinance has been updated.

Joel Nelson, a resident of Logan residing in the 1100 N area would like education, engineering, and enforcement. If it is possible to have all these various points interconnect, he requested they be listed in the Master Plan as right now the plan feels only like engineering.

Mike Johnson, a resident of Logan said the Western Bypass Corridor that is currently planned should be a bit further west to alleviate the future residential subdivisions in that area and to prevent large roads going through neighborhoods.

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

Vice Chair A. Anderson asked if the new Bicycle Master Plan is being created and if it will be updated in the Master Transportation Plan.

Mr. Farar answered that if a new Bicycle Master Plan is created it will automatically be added to the existing Master Transportation Plan.

Mayor Daines clarified that right now there is no defined route for the Western Corridor. The property is being purchased for future use, but there is no set route. There is a study ongoing for traffic, but no route established which will go through public comment.

Mr. Lindhardt added the studies are done by UDOT and the CMPO. The right location for the Western Corridor has not been determined and other locations along with future impacts are being evaluated.

Mr. Farar addressed a previous question regarding the concern about pollution. The UDOT model must include the EPA model to project air quality and items are in place to reduce emissions.

Mr. Lindhardt said that they did not intend to say that sidewalks are equivalent to bike lanes. They were trying to address all modes of transportation including pedestrians which use sidewalks as a means of transportation. He apologized for the miscommunication.

Mr. Farar said that Ms. Schultz requested that they factor and incorporate other analysis not just levels of service into the Transportation Master Plan. The travel mode model does need to take into account other factors such as safety.

Chairman López asked if approval requires acknowledgment of an amendment.

Craig Carlston, City Attorney confirmed they Council can move to approve with an amendment.

Vice Chair A. Anderson asked when the Bicycle Plan would be reviewed.

Mike DeSimone, Community Development Director responded the Bicycle plan will be reviewed in 2025, earlier in 2024 if there is an allocated budget.

ACTION. Motion by Councilmember Jensen seconded by Vice Chair A. Anderson to approve Resolution 23-19 with an amendment to remove 400 North from 100 West to 600 West as a collector street as presented. Motion carried by roll call vote.

A. Anderson: Aye

M. Anderson: Aye

Jensen: Aye

López: Aye

Simmonds: Aye

WORKSHOP ITEMS:

Consideration of a proposed resolution adopting revised Logan Light and Power Residential, Commercial and Industrial Electrical Rate Schedules - Resolution 23-29 – Dave Berg Consulting and Mark Montgomery, Light & Power Director

Light & Power Director Mark Montgomery addressed the Council regarding the proposed resolution and introduced Consultant Dave Berg who presented a cost-analysis of electric rates.

Mr. Montgomery stated that everything is evaluated from manpower to cost of electricity in comparison to revenues. The question is are we making enough to cover the services we provide. There are pressures on the power industry which have increased dramatically over the last few years.

Mr. Berg recommended the goal is to rebuild reserves of \$20 million by 2027. He recommended the implementation of a series of a 2% rate of annual increases. And lastly, to adjust the electric power surcharge base.

Councilmember Simmonds inquired how the determination is made on what the reserves should be.

Mr. Montgomery answered that Finance Director, Richard Anderson states it should be 42% of the budgeted revenue.

Financial Director Richard Anderson said to ensure there are adequate reserves (as to the reason behind the 42% budgeted revenue). He explained that an issue with Light & Power for example is that a substation costs millions, not thousands of dollars.

Councilmember Jensen requested further clarification on how they arrived at that formula of having 42% of the budgeted revenue.

Mr. Anderson responded they are recommendations from the GOFA (Government Finance Officers Association) who analyze the risk associated with each fund. In 2002, Logan City had no cash in the electric funds because of a lack of a surcharge when needing to cover Light & Power. Thus, the formula is also based on the number of months of generated revenue.

Chairman López requested clarification of what GOFA stands for.

Mr. Anderson clarified that GOFA stands for Government Finance Officers Association. GOFA makes general recommendations for government financial policies. For example, during this past budget process, they adopted the recommendation to change the general reserves from 28.4% to 30%. A few other funds were adjusted but the electric fund remained the same. They can be adjusted periodically but is reluctant to lower the electric budget revenue for reserves from 42%. The 42% in reserves can be dropped down below if needed and if there is a plan in place to replenish the reserves. Hence the reason for the 2% surcharge rate increases for the next few years.

Chairman López asked how the rate increase occurs.

Mr. Berg responded the residential revenue (rate increase) will go up \$1.50 per month and then \$1.50 again per year (the rate increase).

Mr. Anderson further clarified the rate increase; it is an initial two-cent rate increase per year. The initial surcharge increase is 20% after which it will be a 2% rate increase per year, which will roughly accumulate into the previously mentioned \$1.50 surcharge increase per month and while the rate increase remains at 2% which is \$1.50 per year.

Vice Chair A. Anderson said a surcharge comes on a certain bill such as for the summer months when market-rate electricity is purchased but, this surcharge is only applicable to that bill it is not a monthly bill.

Mr. Anderson clarified for the benefit of the public that a portion of the bill may go down though if a comparison is made of a surcharge, a customer will see what appears as a 20% increase. Though other portions of the electric bill may drop, it does not change the fact that it will be seen as a 20% increase.

Chairman López asked if the average customer would see a change in the bill if the rate were implemented.

Mr. Anderson responded the change will be visible on the electric bill, but it will be in a different place such as in the rate.

Mr. Montgomery further expanded surcharge rates have been a part of the electric rate since 2004 which has affected all customers on a kwh per hour basis. Through July 2022, customers have seen more money come out of their pocket to pay for the electric bill. However, the surcharge has been part of the rate over a decade. The surcharge now will be shifted over to the base electric rate. The surcharge is still there, but the electric fund should not have covered the wholesale cost as much.

Councilmember Simmonds said how to defend the increases in comparison to that of Rocky Mountain Power.

Mr. Berg answered the City of Logan used to be considerably lower than Rocky Mountain Power, but the City had more exposure to the market than Rocky Mountain Power. The City benefited from low markets for years, but the market moved and exponentially increased market rate prices. In totality, over the past ten years, the City still comes out ahead.

Mr. Anderson reiterated the fact that the bill will look different, especially in the details.

The proposed resolution will be an action item and public hearing at the August 1, 2023, Council meeting.

CODE AMENDMENT – Consideration of a proposed ordinance amending Chapter 17.16 of the Land Development Code “Overlay Zones” and Chapter 17.27 “Planned Development (PD) Overlay Zone” – Ordinance 23-22 – Mike DeSimone, Community Development Director

Community Development Director Mike DeSimone addressed the Council regarding the proposed code amendment.

RECOMMENDATION

Staff recommended that the Planning Commission recommend **approval** to the Municipal Council of the proposed amendments to Chapters 17.27 of the Land Development Code.

REQUEST

This is a proposal to create a Planned Development Overlay Zone & review process in Chapter 17.27.

SUMMARY OF PROPOSED PD OVERLAY ZONE CODE LANGUAGE

Purpose - The purpose of the Planned Development (PD) Overlay Zone is to introduce a greater degree of flexibility and discretion into the development review process and provide a process where projects that don't fit into the "box" of a zone can be evaluated and permitted.

Applicability - The PD Overlay Zone may be applied to specific circumstances or types of projects that address a unique situation, confer a substantial benefit to the City, or incorporate design elements or a mixture of uses that represent a significant improvement in quality over what could otherwise be accomplished by standard zoning and development provisions. *The PD overlay is not intended for use where a proposed development is reasonably feasible under the City's existing zoning classifications.*

Minimum Area - Minimum three (3) acre site.

We had set three (3) acres as the base starting point for using the PD overlay in order to get more impact from a project. For context on different project sizes, the Silos site on 300 South is approximately 2 acres, Borden Lofts (300 South) is 2.72 acres, Adams Wealth project on So Main is approximately 6 acres while the apartment project directly west is another 2 acres, and Riverwalk is approximately 7.5 acres. It is important to recognize that a PD overlay won't be appropriate for every site or project, regardless of size. However, we also don't want to preclude potential projects that have significant or unique attributes that would lend themselves to a really important project. Based on the discussion at the PC workshop, I am suggesting the following modification to 17.27.030 which stays with the base sizing of 3 acres but provides for some discretion if there are compelling reasons on why a smaller site should be considered.

Current Draft:

§17.27.030 Minimum Area Requirement

The PD Overlay Zone may only be applied to sites larger than three (3) acres.

Modified Draft:

§17.27.030 Minimum Area Requirement

The PD Overlay Zone may only be applied to sites larger than three (3) acres unless the City finds compelling reasons that a smaller project should be considered in the PD process. Compelling reasons could include such factors as the site contains significant

redevelopment potential, location, potential catalyst for larger redevelopment, preservation of historic resources, proximity to important open space, or the project incorporates innovative building and site design principles.

Process - Track 2 review process requiring both legislative actions (Rezone & LDC amendment) and quasi-judicial actions (Design Review) in both an informal (workshop) and formal (hearing) processes. The tentative multi-step process is as follows:

1. Concept Plan Review. The first step in the PD process is the submittal of a concept plan for review by staff, Planning Commission and Council in a workshop setting. The purpose behind this informal stage is to get a concept in front of various levels of decision makers for ideas, comments, feedback, direction, etc., all of which the applicant should use in preparing their formal submittal. Both the Commission and the Council would review the concept plan; however, there is no formal action from either group. Hopefully just constructive feedback.
2. Planned Development Application & Review. The next step involves a proponent submitting formal applications for the following items:
 - a. Zoning Map Amendment- place the Overlay Zone onto the site (similar to a rezone).
 - b. LDC Amendment - amend LDC 17.27 to include specific PD project language (intent, purpose, site and building design standards, code deviations, etc.) thereby binding all future activities on the subject site.
 - c. Design Review Permit - development plan review and approval.
3. Decision Track:
 - a. Planning Commission - Commission makes recommendations to Council on the Zoning Map Amendment and the LDC Amendment. The Commission is the final decision authority on the Design Review Permit (Development Plan).
 - b. City Council - final decision on the Zoning Map Amendment and LDC Amendment. They will have the Development Plan as an accompaniment for their decision making. Any significant deviations or changes to LDC language resulting in change to development plan would get routed back to Commission.
4. Review and Approval Procedures:
 - a. Both the Commission and the Council may modify the proposed Planned Development (with findings) to better meet the intent of the Code, General Plan, compatibility with neighborhood, other plans, etc...
 - b. Approvals based on conformance with General Plan, LDC, and findings supporting that the proposal, which may not be feasible under the existing zoning, would lead to a better overall project, provide greater benefits to existing and future residents, protects critical lands, resource areas, recreational opportunities, and enhances the neighborhood through an integrated planning and design approach.
 - c. All provisions of the LDC and base zone are applicable unless the PD and associated approval expressly waives or modifies specific requirements.

However, any deviation has to be reviewed and approved in the context of the overall benefits expected to be gained from the project.

- d. Shown as a PD overlay on zoning maps.
- e. All permits & approvals for subsequent development shall comply with the approved PD.
- f. A request for the PD Overlay Zone has to include a specific project and specific LDC language.
- g. No expiration of the PD; however, all future development on the site has to be built according to the approved PD plan unless amended through the same process.

PD Amendments - Changes or amendments to an approved PD are required to follow the same review process. Minor adjustments may be approved at staff level.

Included with the draft LDC language are examples of how a specific Planned Development project would be incorporated into the Land Development Code in Chapter 17.27A. The first is a hypothetical PD to redevelop an existing shopping center while the second is a hypothetical residential PD project. We are envisioning the LDC PD section format to be relatively consistent but also flexible enough to capture the specifics of the proposed PD. The elements that should be codified in the LDC amendment are relative to a specific project and would generally include the following:

- **Description of Purpose & Intent** - paint the picture of what the PD is trying to accomplish.
- **Applicability and Context** - define the project site and the context within which it is located. I will probably include the zoning map here.
- **Range of Uses** - permitted, conditional, or prohibited. These could limit the range of uses in a PD or just default to the underlying zoning.
- **Description of Commercial Improvements** - describe what is included in the PD and also refer to the development plan.
- **Description of Residential Elements** - unit counts, overall densities, types of residential, residential layout, etc.
- **Development Standards** - include specific standards for components (commercial, residential, mixed use, industrial) that are different than the LDC code requirements or defer to underlying zone and LDC requirements.
- **Useable Outdoor Space and Landscaping** - a formal landscape and useable outdoor space plan are required with project submittal. This section would reference that plan and/or detail any deviations from code requirements.
- **Access and Parking** - refer to the approved parking plan if different than the code parking requirements.
- **Signage** - reference to a sign plan and expressly calls out any deviations from the sign code.
- **Statement of Compliance** - compliance with approved PD development plan, applicable codes, and building requirements.
- **Timing of Improvements** - referencing a specific timeline for improvements if unique or different than "typical" timing.

STAFF RECOMMENDATION AND SUMMARY

As described above, the purpose of the Planned Development (PD) Overlay Zone is to provide a more fluid, discretionary review process that results in better, more unique, innovative and well-planned developments that we may not otherwise see. We believe this additional flexibility in the design and decision-making process will be beneficial for the City, its residents, and the development community.

GENERAL PLAN

The Land Development Code was prepared and adopted to implement the vision expressed in the General Plan. The purpose of the Planned Development (PD) Overlay Zone is to allow for flexibility and discretion in the application of the City's zoning and development regulations in order to allow for unique, innovative and well-planned developments that would not be possible under one of the City's existing zoning designations. The proposed amendments continue to implement the vision of, and are consistent with, the General Plan.

PUBLIC COMMENTS

As of the writing of this report, there has not been any public comment. Public comments received prior to the preparation of this report will be included as an attachment. Any other comments will be forwarded to the Planning Commission.

PUBLIC NOTIFICATION

Legal notices were published in the Herald Journal on 6/10/23, posted on the Cities website and the Utah Public Meeting website on 6/12/23, and noticed in a quarter page ad on 6/8/23.

AGENCY AND CITY DEPARTMENT COMMENTS

As of the time the staff report was prepared, no comments have been received.

RECOMMENDED FINDINGS FOR APPROVAL

The Planning Commission bases its decisions on the following findings:

1. Utah State Law authorizes local Planning Commission to recommend ordinance changes to the legislative body (Municipal Council).
2. The Code Amendments are done in conformance with the requirements of Title 17.51 of the Logan Municipal Code.
3. The proposed Code Amendments are consistent with the Logan City General Plan.
4. No public comment has been received regarding the proposed amendments.

On June 22, 2023, the Planning Commission recommended to the Municipal Council **approval** of the following Land Development Code Amendments:

Land Development Code (LDC) Chapter 17.16 "Overlay Zones," and Chapter 17.27 "Planned Development (PD) Overlay Zone."

Based on input at the Planning Commission, a public notification element for the Concept plan has been included under 17.27.040.A.2.

Planning Commissioners vote (5-0):

Vice Chair A. Anderson inquired if any public comment was received at the Planning Commission meeting.

Mr. DeSimone responded that no public comment was received, and the Planning Commission made a recommendation for acceptance of the amendment.

Chairman López requested that a slide or diagram be made to show how the process is being changed.

Mr. DeSimone responded the change will be visibly presented at the next Council meeting.

The proposed ordinance will be an action item and public hearing at the August 1, 2023, Council meeting.

VACATION OF A SEWER LINE EASEMENT – Consideration of a proposed ordinance vacating a sewer line easement on property located at 1150 South 100 West, Logan, Utah (Walmart Subdivision). Parcel 02-086-0027 – Ordinance 23-24 – Paul Lindhardt

Public Works Director Paul Lindhardt addressed the Council regarding the proposed vacation of a sewer line easement. The intent is to vacate the existing sewer and the new sewer line easement will be dedicated and recorded in conjunction with this vacation.

Councilmember Simmonds asked if they would rebuild a new sewer line.

Mr. Lindhardt confirmed that this is correct and will be part of the new fuel center.

Councilmember Simmonds inquired if they would impact the wetland area.

Mr. Lindhardt answered the wetland area will not be impacted.

The proposed ordinance will be an action item and public hearing at the August 1, 2023, Council meeting.

VACATION OF A PUBLIC UTILITY EASEMENT – Consideration of a proposed ordinance vacating all public utility easements and access easements located at 95 East 200 North, Logan, Utah (Fire Station #70) formerly known as the Wilkes 200 North Subdivision. Parcel 06-017-0001 – Ordinance 23-25 – Paul Lindhardt

Public Works Director Paul Lindhardt addressed the Council regarding the proposed vacation of a public utility easement. The easement is to vacate utility easements to build the existing fire station. The easements have been moved or in the process of moving.

The proposed ordinance will be an action item and public hearing at the August 1, 2023, Council meeting.

VACATION OF A RIGHT OF WAY – Consideration of a proposed ordinance vacating property located at or near the Willow Lakes Subdivision (1100 West at 1100; 1300 West at 1100 South; 1500 West at 1100 South; 1100 South; 1400 South at 1300 West; 1400 South at 1300 West) – Ordinance 23-26 – Paul Lindhardt

Public Works Director Paul Lindhardt addressed the Council regarding the proposed vacation of a right of way. The existing right of way is to be vacated for the conservation easement. All of the roads in the Willow Lakes Subdivision will be dedicated as public rights of way making them accessible to the residents and the public.

The proposed ordinance will be an action item and public hearing at the August 1, 2023, Council meeting.

Budget Adjustments FY 2023-2024 appropriating: \$18,000 a grant the Police Department was awarded from the Internet Crimes Against Children (ICAC) Task Force of Utah to be used to investigate, protect and educate the community on child exploitation; \$24,531 a grant from the State of Utah to the Library for new equipment and supplies for the new makerspace room in the new Library; \$159,667 RAPZ Tax 2023 Municipal Population Allocation to be used for the July 3rd Independence Day and July 24th Pioneer Day Fireworks, Trapper Park Bridge Construction, Golf Range Improvements and Canal Pipe at Trapper Park; \$300,000 funds for 1900 West Dog Park; \$100,000 funds for 200 South Neighborhood Park; \$75,000 funds for 1400 West Regional Disc Golf Course; \$750,000 a grant Parks & Recreation received from the State of Utah to be used for the Recreation Complex project; \$9,770 a grant Parks & Recreation received from the State of Utah to be used for the Stewart Nature Park project; \$2,437 funds the Communication Center received from the State of Utah for the EMS FY2024 grant to be used for medical related training for personnel; \$85,000 a grant the Police Department was awarded from the State of Utah, State Task Force to be used to reduce, prevent and investigate drug use; \$75,770 funds received from the State of Utah for Parks & Recreation to fund After School Programs - Resolution 23-30 – Richard Anderson, Finance Director

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

The Mayor and Council thanked Staff for writing grants to leverage and stretch funds for more City projects.

The proposed resolution will be an action item and public hearing at the August 1, 2023, Council meeting.

OTHER CONSIDERATIONS:

No further items were discussed.

ADJOURNED. There being no further business, the Logan Municipal Council adjourned to a meeting of the Logan Redevelopment Agency at 8:10 p.m.

Minutes of the meeting of the Logan Redevelopment Agency convened on Tuesday, July 18, 2023, in the Logan Municipal Council Chambers located at 290 North 100 West, Logan, Utah 84321 at 8:10 pm.

Council Members present at the beginning of the meeting: Chairman Ernesto López, Vice Chair Amy Z. Anderson, Councilmember Jeannie F. Simmonds, and Councilmember Tom Jensen. Administration present: Mayor Holly H. Daines, City Attorney Craig Carlston, Economic Director Kirk Jensen, Finance Director Richard Anderson, City Recorder Teresa Harris and Deputy Recorder Esli Morales.

Participating via Phone: Councilmember Mark A. Anderson.

Chairman López welcomed those present. There were approximately 35 in attendance at the beginning of the meeting.

ACTION ITEM:

PUBLIC HEARING – Consideration of a proposed resolution approving the 1400 North Main Community Reinvestment Project Area Plan – Resolution 23-28 RDA – Kirk Jensen, Economic Development Director

Economic Development Director Kirk Jensen addressed the Council regarding the proposed resolution. The clarification for the benefit of the public this not approval of a proposed project or approval of a budget either. This is only for approving the creation of a project area.

The Project Area Selection:

- Undeveloped
- Buildings need reinvestment.
- Economically underperforming
- Prime commercial/residential location w/proximity to services.
- Public/Private partnership to improve area.

Plan Elements:

- Boundaries
- Land Uses
- Layout of Principal Streets
- Population Densities
- Building Intensities
- Development/ Design Standards

Financial Assistance:

- Permit/Fee Waivers
- Tax Increment Financing
- Redevelopment Agency Reserves

Public Benefits:

- Investment
- High-Quality Design
- Pedestrian Enhancement
- Traffic Circulation Enhancements
- Strengthening of a Key Commercial Area
- Direct, Indirect & Induced Economic Benefits
- Strengthening of the Tax Base
- Increase to Affordable-Moderate Housing Supply

Tax Base Impact:

Increase of an estimated \$900,000 per year upon expiration of project area. (The school district will have \$1,000,000 in funds per year).

Councilmember Simmonds requested confirmation that all RDAs have this same type of ability, and this is not a special project area.

Mr. Jensen confirmed that all RDA-created project areas have this ability this is not a singular or special project area that differs from the others.

Councilmember Simmonds said this is a method the State has allowed to permit the local municipalities to incentivize the area.

Mr. Jensen confirmed that the State created the law for redevelopment and has been used in other areas of the city such as downtown. In essence, it is to spur redevelopment to revitalize and enhance the community.

Vice Chair A. Anderson interjected that housing must be a part of an RDA project.

Mr. Jensen added there must be an affordable housing component.

Chairman López requested an example of how a project may vary or how the funds may be generated or used for assistance.

Mr. Jensen said that typically speaking tax increments is a way to address funding or assistance. There are funds set aside for affordable housing or obligated to be put away for the RDA. Other areas have not had fee or permit waivers or affordable housing funds in the past.

Councilmember Jensen requested confirmation if this is the project area or the RDA area.

Mr. Jensen clarified this is the proposed RDA project area NOT the project area of the development.

Councilmember Jensen asked where the \$13 million dollars came from.

Mr. Jensen explained the funds for the RDA come from tax increments generated by the property. The increase in property tax, those revenues are paid to the RDA for 20 years. The RDA has the ability to mitigate costs and infrastructure.

Councilmember Simmonds stated the RDA is able to reinvest in other projects as well.

Mr. Jensen confirmed that is correct. The \$13 million is from all the tax entities (if they participate) and the funds are for future revenue.

Mayor Daines clarified that the project area is not approved by other entities, it is the budget and project area that have to be approved by the other entities.

Chairman López opened the meeting to a public hearing.

Dr. Gail B. Yost, a resident of Logan inquired about the Event Center on 200 East, and if the Center will be part of the development plan, or if it will be taken down.

Mayor Daines responded there are private properties that are within the RDA and nothing in the area will be taken down.

Vice Chair A. Anderson read “Property owners will always have the option to participate in a project area.” The property owners are not mandated to participate.

Joel Nelson, a resident of Logan asked if there are ways to improve public comment and public outreach to engage in the legislative process. He would also like to see a healthy community space and more space for the community to engage in.

Frances Bhushan, a resident of Logan expressed she did not comprehend how this helps taxes or alleviates traffic concerns. She requested the Council slow down their decision-making process and take more time to make their decision.

Mayor Daines addressed the traffic concern and said that a light will be installed if merited after a traffic study is completed in the area.

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

Councilmember Simmonds stated that the RDA has been used in many areas of the community to help create a more vibrant community overall. The areas of South Main, Spring Hill Suites and Downtown Logan. This is the way the State has allowed communities to define areas that have the potential for development. This does not mean

the area will be torn down. It is merely a definition of the boundary. The intended use of the green area is for a future park.

Vice Chair A. Anderson said this is a hard process for the Council to implement changes that will have a direct impact on residents. She acknowledged that change is hard, but the mall is not being utilized for the purpose of its creation. We have to be respectful of property owner rights, the City cannot mandate what a property owner does with a proposed project, but what we can do is to ensure as much as possible the project fits the community.

Chairman López is grateful for a mechanism where the community can give feedback. The community's input does influence the outcome. We may disagree with opinions, but he values the community coming to speak before the Council.

The Council clarified there will be future opportunities for public input as the project develops and if it continues to develop as an RDA Development Agreement. On August 1, 2023, it is anticipated the budget for the project will be presented to the Council with a public hearing to be held at that time.

ACTION. Motion by Councilmember Simmonds seconded by Vice Chair A. Anderson to approve Resolution 23-28 RDA as presented. Motion carried by roll call vote.

A. Anderson: Aye

M. Anderson: Aye

Jensen: Aye

López: Aye

Simmonds: Aye

ADJOURNED. There being no further business, the Logan Redevelopment Agency adjourned at 8:46 p.m.

Esli Morales, Deputy City Recorder