

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, March 4, 2025, 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

Councilmembers present at the beginning of the meeting: Chair Jeannie F. Simmonds, Vice Chair Mike Johnson, Councilmember Amy Z. Anderson and Councilmember Mark A. Anderson. Administration present: City Attorney Craig Carlston, Finance Director Richard Anderson, and City Recorder Teresa Harris.

Excused: Mayor Holly H. Daines.

Joined via phone: Councilmember Ernesto López.

Chair Simmonds welcomed those present. There were approximately 21 in attendance at the beginning of the meeting.

OPENING CEREMONY:

Aaron Smith, Neighborhood Improvement Manager led the audience in the pledge of allegiance.

Mr. Smith thanked the Council for the invitation to provide the opening ceremony and discussed how cities can thrive and solve problems.

Meeting Minutes. Minutes of the Council meeting held on February 18, 2025 were reviewed.

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

ACTION. Motion by Councilmember A. Anderson seconded by Councilmember M. Anderson to approve tonight's agenda and minutes from February 18, 2025 as presented. Motion carried by roll call vote.

A. Anderson: Aye

M. Anderson: Aye

Johnson: Aye

López: Aye

Simmonds: Aye

Meeting Schedule. Chair Simmonds announced that regular Council meetings are held on the first and third Tuesdays of the month at 5:30 p.m. The next regular Council meeting is Tuesday, March 18, 2025.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL:

Chair Simmonds 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 and items that are germane or relevant to the authority of the City Council. 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.

Joshua Molitor, a resident of Logan expressed concerns about the negative impact of developers and suggested changes to zoning or making the criteria stricter.

Gail Hanson, a resident of Logan addressed the Conflict-of-Interest forms that the council members have provided and expressed her appreciation that they are posted and available to the public. She said that a way to limit fraud is to ensure that employees are properly paid.

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

MAYOR/STAFF REPORTS:

Board Appointments (Light and Power Advisory Board; Connect Transit Board) – Craig Carlston, City Attorney ([11:19](#))

City Attorney Craig Carlston requested ratification to appoint Tyson Godfrey to the Light and Power Advisory Board and Emily Fletcher to the Connect Transit Board.

ACTION. Motion by Councilmember A. Anderson seconded by Vice Chair Johnson to approve ratification of Tyson Godfrey and Emily Fletcher as presented. Motion carried by roll call vote.

A. Anderson: Aye

M. Anderson: Aye

Johnson: Aye

López: Aye

Simmonds: Aye

No further Mayor/Staff Reports were presented.

COUNCIL BUSINESS:

Planning Commission Update – Councilmember Simmonds

Chair Simmonds reported that the Planning Commission approved 6 short-term rentals. An approved short-term rental is located at 466 half West 300 North in the Ellis Neighborhood, 176 West 1190 North in the MR-12 Zone in the Bridger Neighborhood, 283 Meadows Circle in the Woodruff Neighborhood, 346 South 600 West in the MR-12 Zone in the Woodruff Neighborhood, 670 W 600 S in the NR-6 zone in the Woodruff

Neighborhood, and 395 E Center St in the NR-6 zone in the Wilson Neighborhood. In addition, an office building was approved, 'DworQ.' This is a three-story office building close to the entrance of the environmental services property. The office in question is a call center and will have a large parking lot to accommodate employees. The Hogan Estates Subdivision is a five-acre parcel with 28 single-family lots at 1800 South 1600 West. There are wetlands on the property and will need to perform wetland mitigation as well as make changes to their setbacks.

Board and Committee Reports – Chair Simmonds and Councilmember M. Anderson ([15:50](#))

Chair Simmonds reported attended the Wilson Neighborhood meeting, who discussed the Wilson Neighborhood Plan. The Airport Authority met as did RESAB (Renewable Energy and Sustainability Advisory Board). The UDOT (Utah Department of Transportation) open house was well attended, and the community was able to provide feedback to UDOT. The CMPO (Cache Metropolitan Planning Organization) met as did the Planning Commission.

Councilmember M. Anderson reported that the Economic Committee and Solid Waste Committee did not meet. The Historic Preservation Committee met, and the Light & Power Board met to discuss their budget. The Golf Advisory Board met, and there will be several rates increases that will be presented at tonight's meeting.

No further Council Business items were presented.

ACTION ITEMS:

No action items were presented.

WORKSHOP ITEMS:

Consideration of a proposed resolution to approve fee increases in the Parks and Recreation Department – Resolution 25-08 – Russ Akina, Parks & Recreation Director ([19:25](#))

Parks and Recreation Director Russ Akina addressed the Council regarding the proposed resolution.

<u>Item</u>	<u>Current Fee</u>	<u>Proposed Fee</u>
Logan River Golf Course:		
Regular Season Pass	\$1,200.00	\$1,300.00
Senior Season Pass	\$1,100.00	\$1,200.00
Range Large Bucket	\$ 12.00	\$ 12.00
Range Medium Bucket	\$ 6.00	\$ 8.00
Range Small Bucket	\$ 0.00	\$ 4.00
Power Cart 9-Holes	\$ 9.00	\$ 10.00
Power Cart 18-Holes	\$ 18.00	\$ 20.00
Greens Fee 9-Holes	\$ 19.00	\$ 20.00
Greens Fee 18-Holes	\$ 38.00	\$ 40.00
Senior Greens Fee 9-Holes	\$ 15.00	\$ 17.00
Senior Greens Fee 18-Holes	\$ 30.00	\$ 34.00
Regular Punch Pass	\$ 290.00	\$ 310.00
Senior Punch Pass	\$ 250.00	\$ 270.00
Tournament Room Half-Day Rental (up to 5 hours)	\$ 500.00	\$ 800.00
Tournament Room Full Day Rental (5 hours or longer)	\$1,000.00	\$1,600.00
Cleaning Fee (if using outside caterer)	\$ 100.00 (per event)	\$ 200.00 (per event)
Table Linen Fee (per table)	\$ 0.00	\$ 10.00

Mr. Akina remarked that an increase in parts has already begun, and the tariffs may continue to increase the price of other items. The fees were last increased in 2023.

Councilmember A. Anderson asked if there was an error in the fees on the printed copy as the proposed Senior Fees do not match.

Mr. Akina clarified that those were the proposals and that the recommendation for the Senior Green Fee 9-Holes is \$17.00 and for 18-Holes \$34.00.

Chair Simmonds inquired why there is a substantial fee increase for the use of the tournament room.

Mr. Akina responded that there is more effort provided for the use of the tournament room. The reservations ramp up for the holidays and there is mixed-use during the summer months such as weddings. During the holidays, the golf course is low on staff, and the cost involved in preparing the tournament room for the next reservation can be difficult during the holidays. He indicated that a similar venue could range from \$3,500 to \$4,500.

Councilmember M. Anderson remarked that it was not long ago that the golf course was not self-sufficient.

Richard Anderson, Finance Director clarified that the golf course is operating well, but not so much capital-wise. The overhead and payroll are still over, but it is getting closer.

Mr. Akina added that the Golf Course is in a better position today than it was before COVID.

The proposed resolution will be an action item and public hearing at the March 18, 2025 Council meeting.

Budget Adjustments FY 2024-2025 appropriating: \$800,000 revenues received from electric connections to be used for electric connection expenses; \$37,217 additional funds received from the North Logan Fire Contract; \$367,396 wildland reimbursement funds to reimburse fire budgets; \$28,918 wildland reimbursement funds to reimburse EMS budgets; \$62,698 pop split allocation to the golf course fund to be used for driving range improvements; \$4,905 Aircraft Rescue and Fire Fighting (ARFF) standbys at the airport for ARFF training; \$337 funding the Communication Center received from the State of Utah for the EMS FY2025 grant, to be used for medical related training for personnel – Resolution 25-09 - Richard Anderson, Finance Director ([38:32](#))

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

Chair Simmonds asked if the electric connections are for new development or from an outage.

Mr. Anderson replied that the connections are from new developments.

Chair Simmonds requested confirmation that the funds are going into the EMT budget and not the Fire department budget as the two are in separate funds despite being under the Fire department.

Mr. Anderson confirmed that the funds are going toward the EMT budget.

Councilmember A. Anderson inquired about what ARFF stands for.

Mr. Anderson explained that ARFF stands for Aircraft Rescue and Fire Fighting.

The proposed resolution will be an action item and public hearing at the March 18, 2025 Council meeting.

Presentation of the future power needs and resources for Logan City – Tyson Godfrey, Chair of RESAB Board and Nathanael Weidler, Chair of Logan Light and Power Board ([42:40](#))

Tyson Godfrey, Chair of RESAB & Nathanel Weidler, Chair of the Light & Power Board addressed the Council.

He said the challenge the City is facing is a need for additional capacity in order to meet future needs. Some of the goals of RESAB are community alignment, cost-effective & stability, reliability & resilience, reducing demand first, balanced energy portfolio, stakeholder engagement, flexibility, and regulatory compliance.

The CAISO Extended Day-Ahead Market (EDAM)

The CAISO market covers part of the Western states. EDAM mandates that each utility has dispatchable power resources that can be called upon when needed. Failure to meet the requirements results in penalties and forced purchases of expensive power.

Logan will be required to have available capacity equal to 115% of our forecasted demand available to bid into the market or be subject to financial penalties.

PROS:

- Lower overall power costs: Optimizing resources across a wider geographic area should lead to more efficient, and thus cheaper, electricity generation.
- Easier integration of renewable energy: The larger market makes it easier to use wind and solar power from different locations.
- Improved grid reliability: A wider pool of resources helps maintain stability

CONS:

- Less control: Logan gives up some direct control over its power supply decisions.
- Price volatility: Can lead to price swings depending on local conditions.
- Complexity: EDAM is a complex market, requiring Logan to adapt to new rules and procedures.
- Penalties: While penalties for not meeting capacity requirements are not set RA Contracts to meet requirements currently go for \$60,000 to \$180,000 per MW of capacity per year.

Current Sources (2026):

Fossil Fuel: 64%

Renewable: 22% [**37 MW in Summer & 45 MW in Winter**]

(Strict Accounting) Market Purchases: 14%

Key Metrics (2026):

Peak load of 103 MW

Minimum base load of 56 MW

Peak load growth of 1.75% per year

Base load growth of 2.25% per year

Challenges:

Two resources are retiring in the next 7 years and need to be replaced while meeting growing demand

- Sunnyside-Coal fired: ~5 MW, end in 2028
- Hunter- Coal fired: 13 MW, end in 2032
- 32% of our baseload
- Nebo - Natural Gas : 17MW, end 2044

Logan's growing population and economic development will drive increased energy demand.

- Assumed Base Load Growth 2.25%
- Assumed Peak Load Growth 1.75%
- UAMPs Assumed Load Growth 1.5%

Cost of market power to meet capacity deficits: \$3,000,000 to \$8,000,000 per year at **current projected capacity shortfalls (40 MW)**

Local Solar and Battery Storage Details:

- 20-30 MW Local Solar Array with
 - Estimated Cost \$33 Million before tax credit
 - Includes Panels, Inverters, Installation and Commissioning
 - Racking (1-Axis Tracking to shift production to morning-afternoon)
 - 4 Hour Battery Storage (30 MW with 120 MWH of storage)
 - Estimated Cost \$25 Million before tax credit
 - Includes inverters, battery containers and thermal management
 - Installation and Annual Maintenance
 - Additional Cost
 - Land purchase and preparation
 - Substation (Approximately \$6,000,000)
 - Challenges
 - Land availability for 100 Acres
 - Former Wastewater Lagoons are promising but would need site work and cleanup
- Additional resources to manage project of this scope
- Even without tax credit projects are still feasible
 - Most if not all aspects of the project are within Logan City Control

Natural Gas Option Power County Combined Cycle Natural Gas Plant

- Provides reliable baseload power.
- Own our means of energy production.
- Purchase Natural Gas futures to protect us from market volatility.
 - \$3.22 10-year average
- Meets EDAM requirements with familiar technology.
- Low project development risk.
 - 15-20 MW would go far to help bridge our gap.

Combined Cycle Natural Gas (Power County Project) - 136,013.6 Metric Tons of CO2

Lithium-Ion Batteries 3,584 - 24,000 to 60,000 Metric Tons of CO2

Average Natural Gas Generator (Our Paker Plant) - 200,020 Metric Tons of CO2

The vast majority of lithium-ion batteries—about 77% of the world’s supply—are manufactured in China, where coal is the primary energy source.

Chair Simmonds requested confirmation that PacificCorp owns the transmission lines from which the City provides and sells to customers. Even though we are our own utility, we are beholden to PacificCorp to get power to and from Logan. Lastly, is the City responsible for EDAM or is it PacificCorp.

Tyson Godfrey, Chair of RESAB confirmed that is the case, PacificCorp owns the transmission lines that the City uses to provide power. Furthermore, the City is responsible for EDAM, not PacificCorp.

Vice Chair Johnson inquired if the EDAM specifications only apply when the City buys from the day market not when the City buys a seasonal or yearly block purchase.

Mr. Godfrey confirmed that the EDAM requirements would only apply for day of market purchases not for a seasonal or yearly block purchase.

Vice Chair Johnson asked what percentage of power is purchased outside of block purchase agreements and would it be subject to EDAM.

Yuqi Zhao, Light & Power Electric Resource Manager responded that it depends on what is needed, but currently, USU is down 10 MW. Presently, during the day, the Hunter Plant is not utilized since there is cheaper power available on the market. The power needed varies season by season and what resources are available as well. However, the Hunter Plant can make up for the shortage when needed.

Mr. Godfrey clarified that there would not be blackouts, but rather the City would be purchasing power on the EDAM which would cost up to \$3 million or more per year to cover the capacity requirement.

Nathanel Weidler, Chair of the Light & Power Board recommended that option be avoided as very quickly financial resources can be drained.

Councilmember A. Anderson inquired if the Sunnyside and Hunter Plant make up 32% of baseload power or just the Hunter plant.

Mr. Weidler explained that together the two plants make up 32% of the city's baseload power, 18 MW.

Vice Chair Johnson referred to the available renewable projects slide and requested confirmation that Logan is subscribing to the project type size.

Mr. Weidler confirmed that the City will be subscribing to the projects and the project type size is what the City will be subscribing to as well.

Chair Simmonds requested clarification on whether the City receives tax credits for renewable projects.

Mr. Godfrey responded that currently a non-taxable entity such as a municipal utility such as the City can receive a direct payment for the equivalent of the tax credit for the project. However, there are challenges in receiving payment.

Richard Anderson, Finance Director confirmed that it has been challenging for the City to receive the payment.

Chair Simmonds referred to the local solar and battery storage slide and requested confirmation that without tax credit the \$92 is the combined solar array and battery storage.

Mr. Godfrey replied that the assumption is that the solar will not put all that it can but rather only 20 MW, so the other 10 MW will be used to charge the battery. The 10 MW will be used during the night and the average cost of that solar energy is \$92.

Chair Simmonds asked if the final calculations for the solar and battery storage calculations did not include land purchase nor the cost for the substation.

Mr. Godfrey answered that the cost does include \$6 million for a substation, but it excludes \$2 million for land cost as it is a variable.

Vice Chair Johnson requested confirmation that the land available for the battery storage project is only 100 acres.

Mr. Godfrey confirmed that this is the case, the battery project will only use 100 acres.

Vice Chair Johnson requested clarification on which resources receive 100% capacity.

Mr. Weidler clarified that there are resources that have 90% capacity such as nuclear, natural gas, geothermal, coal, but there are exceptions such as natural gas which has a 96% capacity.

Councilmember López inquired when the EDAM requirement will commence.

Mr. Weidler responded that the EDAM requirements will go into effect next year about August.

Councilmember López asked if the City only has access to power projects through UAMPS.

Mr. Weidler referred to the project's slide, while Ms. Zhao explained that only one project was a UAMPS project, the rest were not.

Mr. Weidler added that the City is not bound only to UAMPS projects, the City can seek out other projects.

Chair Simmonds requested confirmation that the City will receive 96% credit if it is natural gas, but if it is solar energy the City will only receive 30%.

Mr. Weidler confirmed that it was correct, the City only receives 96% credit from natural gas and 30% from solar. In other words, the City would need three times as much power for solar to match natural gas and receive the same resource adequacy.

Councilmember A. Anderson asked what the timeline for the natural gas plant is, and when the power will be available.

Mr. Weidler answered that the project is in flux right now, and the project is pending at a meeting of the transmission authorities if it is approved at that time. This may tentatively occur in April. It is estimated that the energy from the project will be available in 2029.

Ms. Zhao corrected Mr. Weidler and said the current estimate is 2031 just as the Hunter Project goes away in 2032.

Councilmember A. Anderson inquired if there would be any negative impact resulting from the West Jordan large-scale data plant on the City and UAMPS.

Mr. Godfrey responded that the data plant is paying a premium amount for energy and is buying out any available energy. They are certainly on the market and are another competitor for energy resources.

Vice Chair Johnson referenced the carbon footprint slide and asked if it was per MW produced.

Mr. Weidler explained that the natural gas plant will run every day for 4 hours each year at 20 MW capacity, hence the 136,013.6 metric tons of CO₂ for 13.7 years. This will be the amount of CO₂ produced for running the combined natural gas plant.

Councilmember López referenced the carbon footprint slide and requested clarification that part of the lithium-ion batteries metric tons of CO₂ count includes manufacturing (which includes production in China).

Mr. Weidler confirmed that the calculations of metric tons include the manufacturing of the batteries. However, there is no data for the carbon footprint of creating a power plant as the primary gathered data is on the running of the power plant.

Vice Chair Johnson inquired about what other types of batteries exist.

Mr. Godfrey replied that lithium iron phosphate batteries are a new alternative to batteries.

Mr. Weidler added that the data currently shows that lithium-iron-phosphate batteries are worse in comparison to lithium-ion batteries.

Vice Chair Johnson referenced the geothermal or nuclear slide and asked if 6.5 M Tons of CO₂ is in conjunction with market data.

Mr. Godfrey answered that market data is being used for calculations on the basis that during the day there is always excess solar energy.

Councilmember A. Anderson requested a clarification of the City's future demand. Mr. Godfrey referred to the anticipating future capacity and demand slide, UAMPS assumes a load growth of at least 1.5%, assumed peak load growth is 1.75%, and assumed base load growth is 2.25%.

Councilmember López said the peak facility was approved for 26 MW and there are other natural gas and coal already in the City's portfolio. If more natural gas is approved, he expressed concerns that the City is moving away from diversification.

Mr. Weidler agreed with Councilmember López but he also emphasized the fact of considering what is available for baseload power. Solar and battery generation are not

baseload power. This is not an option to cover baseload needs, what is available at the moment is natural gas, coal, geothermal, hydro, and biofuels/biogases.

Councilmember A. Anderson remarked that the market's tendency right now is to use natural gas and coal for power.

Councilmember López requested confirmation that the natural gas facility will not be available until 2030 and will not help with EDAM requirements until then.

Mr. Weidler clarified that the natural gas facility will not be available until 2031. The Hunter and Sunnyside projects are also going down at the same time. Sunnyside in 2028 and Hunter in 2032. The resources that the City is losing are merely being replaced.

Vice Chair Johnson asked how certain is it that Sunnyside and Hunter will go offline at the proposed dates. In the event the power plant stays on longer does the City have to continue to be invested in them.

Mr. Weidler responded that the dates are certain as it is becoming more difficult to get the resources to and from the plants. The City does not need to continue to run the plants.

Ms. Zhao added that the Hunter plant is running on and off as needed. Primarily, when the price of power is higher. Due to the fuel shortage of coal, we have to be very careful of how often the plant is operating.

Budget Adjustment FY 2024-2025 appropriating: \$10,000,000 in water reserves and approve up to \$40,000,000 in bonds toward the First Dam Water Tank and Lines Project – Resolution 25-10 – Richard Anderson ([2:10:36](#))

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 March 18, 2025 Council meeting.

Consideration of a proposed resolution adopting the 2025 Public Art Action Plan – Resolution 25-07 - Aaron Smith, Neighborhood Improvement Manager ([2:12:10](#))

Neighborhood Improvement Manager Aaron Smith addressed the Council regarding the proposed resolution.

2025 Public Art Plan Executive Summary

The Public Art Action Plan is intended to report on recent public art projects, articulate goals and objective that tie into the Public Art Master Plan and provide updates on projects that are in development.

Completed Projects Highlight

1. Library Children's Area Mural, by Traci O'very Covey
2. Library Plaza Sculptures
 - o *Cavern*, by Jason Manley
 - o *The Thinker & Great Expectations*, by Gary Lee Price
3. Downtown Mural Grant Program
 - o *Cache Valley Favorites* by Liesl Cannon - Alleyway wall at 39 W 100 N
 - o *Strength of the Bear, Spirit of the Shoshone* by Cole Eisenhour - North wall of 260 N Main.
4. Wildlife Mural, by Chris Peterson - Merlin Olsen 200 E Tunnel

Administrative Highlights

1. Library Art Collection - The Public Art Advisory Board (PAAB) provided recommendations for the placement of the Library's public art collection, the refurbishment and placement of three sculptures by Ron Zollinger, and provided a recommendation on the accepted donation of a painting by Jerry Furhriman.
2. Gallery Walk - The public art program in coordination with the library participated in the September Downtown Gallery Walk.
3. Art Plan Goals and Objective Review - Staff reviewed the implementation actions of the Public Art Master Plan. The review found that most of the actions for phase 1 were implemented or partially implemented.

Next Year - 2025

The emphasis for the next year is to continue with mural projects downtown, creating spaces for more installation/display of art exhibits, highlighting our successes through public communication.

Goals and Objectives

The Arts Master Plan includes strategies, goals, and timelines for implementation.

1. Cultivate Partnerships - Partnerships should be pursued with Logan City School District, USU, Arts and cultural festivals, and Connect.
2. Plan for Programable Art Spaces - Having sculpture pads or display boxes along prominent pathways in the city that could be rotated with exhibits would create opportunities to feature a variety of local artists and groups. Areas to consider include the downtown midblock pathway, the Boulevard Trail, and pathways through our parks and open spaces.
3. Connect the Projects - With several projects completed a plan should be developed on how to connect and advertise them. Staff is currently working on an online map that will highlight public art in the community. Two public art clusters have started to develop, downtown and Merlin Olsen Park.
4. Emerging Areas - Park development adjacent to the landfill near 1400 W and the continuation of the Logan River trail under Main Street and 100 W are both excellent opportunities for the placement of public art.

5. Neighborhood Art - Continue to develop art opportunities and place public art in neighborhoods. Consider projects that contribute to the unique sense of place of the neighborhoods and focus on neighborhood parks.

Project Development

1. Downtown Mural Program - The Downtown Mural program creates an incentive for downtown businesses and property owners to place art on their buildings.

Two proposed changes to the grant program:

- Increase the maximum project funding from \$3,000 per project to \$6,000 per project.
 - Make a call for artist/PAAB participation in artist selection mandatory.
2. Performing Arts Mural/Center Street Mural - Commission a mural that highlights the performing arts, which are a prominent feature in our downtown.
 3. Planning and Design for Public Art Display in Downtown - Further develop plans for display boxes or sculpture pads downtown along the midblock pathway, plaza, and Center Street.
 4. Art in the Park CDBG Project - The CDBG program has been previously utilized to fund murals in parks. The proposed location for this year's CDBG project is Willow Park.

Budget

The Public Art Master Plan identifies several potential funding sources for the public art program. While initial funding may be modest, additional funding options should be considered by the City as the program matures. Funding options outlined in the Master Plan include line-item funding, public percent-for-art, development fees, public/private partnerships, donations, in-kind contributions, and grants.

FY2025 Funding

Logan City Line-Item Funding:

- FY25 - \$15,000
- FY24 Carry Forward - \$8,000
- Total Funding - \$23,000

Additional Funding Considerations

PY2025 CDBG Grant - The public art program utilized CDBG funds in two previous grant cycles (Art in the Park, 2021; and the Merlin Olsen Wildlife Mural, 2024).

Percent for Art - Logan City should consider adopting a Percent for Art program that will connect arts funding to capital improvement projects. Several cities and jurisdictions in Utah have adopted similar programs, including the State of Utah, SLC, Provo, Park City, and Eagle Mountain. A Percent for Art program is where a percentage of a capital improvement project's budget is set aside for public art, typically 1%.

The Council commended the ongoing art projects including the wildlife mural.

The proposed resolution will be an action item and public hearing at the March 18, 2025 Council meeting.

Consideration of a proposed ordinance amending Section 5.16 of the Logan Municipal Code Regulating Home Occupations Itinerant of Transient Merchants – Ordinance 25-02 – Aaron Smith (2:22:37)

Neighborhood Improvement Manager Aaron Smith addressed the Council regarding the proposed ordinance.

Issue

In 2024, Logan City Business Licensing received an application for an itinerant merchant license to operate a dumpling restaurant called Wong's out of a trailer at 96 E Center.

Currently, itinerant merchants are prohibited in the historic downtown area (200 N to 100 S and 100 E to 100 W), unless they receive written permission from the mayor. Mayoral approval is not a typical requirement for licensing of land use determinations, as we try to adopt licensing and zoning codes that are clear and can be equally applied to all applicants. Typically, when there is discretionary language regarding land use, permitting, or licensing, those decisions are made by quasi-judicial bodies, such as the Planning Commission, or at times, particularly for temporary uses, by the Director.

The current version of the code was adopted in 2017. Prior to its adoption, itinerant merchants were prohibited from operating in the historic downtown area. The 2017 amendment provided a pathway for itinerant merchant approval through mayoral approval (Ord 17-10).

Wong's received mayoral approval for 2024, but staff was directed to consider changes to the code to eliminate mayoral approval from the license process to reduce the perception of political bias. The following draft code revisions examine eliminating mayoral approval and consider the appropriate location and reasonable restriction of itinerant merchants in the downtown area.

Option 1 - Remove Mayor Approval

This simple revision makes the code more restrictive as there would no longer be an option for mayoral approval of an itinerant merchant. This essentially reverts the code section back to the pre- 2017 language. This amendment would require businesses such as Wong's to find a location outside the historic downtown area specified in the code.

5.18.50. F: ~~Unless otherwise approved by the Mayor in writing, An~~
*itinerant or transient merchant proposing to operate on private
property shall only be permitted in the Airport, Commercial,
Commercial Services, Gateway, Industrial, Mixed Use or Town
Center Zoning Districts as per the Logan Land Development Code*

and according to the following:

1. Itinerant or transient merchants are not permitted within the historic downtown area (200 North to 100 South and 100 East to 100 West) unless associated with a special event licensed by Logan City; and
2. An itinerant or transient merchant shall not be located on vacant or undeveloped property. (Ord. 17-10, 2017)

Option 2 - Remove Historic District Restriction

Another simple revision would be to remove the downtown area restriction. Currently, itinerant merchants are permitted to operate in the Town Center zones, so there are no restrictions on them operating very near the designated historic downtown area. There are also limited areas in the historic downtown area that could reasonably accommodate a transient merchant, as adequate parking would have to be provided. Per the Land Development Code §17.31.120.C.4, 95% of the required on-site parking would have to be maintained. Many of the current private parking lots are at capacity, are legally existing nonconforming, or are shared parking, and would not be approved for an itinerant merchant. Wong's was approved as the on-site flower shop use has minimal parking requirements and the business is closed in the evening. Other locations in the downtown area that are restaurants or higher traffic businesses would have difficulty coming up with the required parking.

5.18.50. F: ~~Unless otherwise approved by the Mayor in writing,~~
~~An itinerant or transient merchant proposing to operate on private property shall only be permitted in the Airport, Commercial, Commercial Services, Gateway, Industrial, Mixed Use or Town Center Zoning Districts as per the Logan Land Development Code and according to the following:~~

~~- 1. Itinerant or transient merchants are not permitted within the historic downtown area (200 North to 100 South and 100 East to 100 West) unless associated with a special event licensed by Logan City; and~~

~~21- An itinerant or transient merchant shall not be located on vacant or undeveloped property. (Ord. 17-10, 2017)~~

Option 3 - Permit only Certain Types of Transient Merchants in the Historic Downtown

While small food vendors may make sense in the historic downtown area, some more common transient merchants, such as firework stands, may not be appropriate. This code amendment also aligns with the Mobile Food Vendor code section, which allows food trucks to operate in the same area. Note, that the difference between a mobile food vendor and an itinerant food vendor is that a mobile food vendor is allowed to set up at various locations, and an itinerant vendor is only permitted to operate at one location and should not be mobile during the term of the license. Mobile food

vendors are also required to return to a commissary location at night, which could be located in the historic district.

This proposed amendment could include additional restrictions on the scale and placement of the itinerant merchants. The proposed language considers total size, restrictions on placement, and clarifies that minimum parking for the primary use is required to be maintained. This is to address the potential issue of an itinerant merchant overwhelming parking in an area and causing parking for the primary use to be unavailable.

5.18.50. F: ~~Unless otherwise approved by the Mayor in writing,~~ an itinerant or transient merchant proposing to operate on private property shall only be permitted in the Airport, Commercial Services, Gateway, Industrial, Mixed Use or Town Center Zoning Districts as per the Logan Land Development Code and according to the following:

1. Itinerant or transient merchants. other than an itinerant food vendor. are not permitted within the historic downtown area (200 North to 100 South and 100 East to 100 West) unless associated with a special event licensed by Logan City. Itinerant food vendors in the historic downtown area shall not exceed 200 sf If located in a parking lot. the itinerant food vendor shall not take up more than one parking stall. Minimum parking required for the primary use shall be maintained during business hours and
2. An itinerant or transient merchant shall not be located on vacant or undeveloped property. (Ord. 17-10, 2017)

Staff Recommendation

After reviewing the potential options, staff's recommendation is to allow itinerant merchants in the historic downtown and remove mayoral approval (Option 2). The following considerations have led staff to this determination:

1. Limited permissible areas - With most of the parking in downtown being publicly owned, and the private parking lots being at capacity and likely not eligible, there is little available space for an itinerant merchant to locate in this area.
2. Mobile food vendors are permitted - Currently, mobile food vendors can operate in and have a commissary in the downtown area. Just as itinerant merchants, mobile vendors are required to have permission from the property owner. This has allowed businesses to host mobile food vendors for staff lunches with minimal impacts on the character of downtown. It is anticipated that itinerant merchants would operate much the same, with property owners looking after any negative impacts from the itinerant merchants operating on their property.

3. Chance to evaluate impacts - Itinerant merchant licenses expire after 180 days. These licenses are temporary in nature and if the City Council finds that the expansion of this license type into the historic downtown area has produced negative impacts, the code could be evaluated and adjusted. Evaluation of the initial season of Wong's operation downtown has been primarily positive, with the business complementing the daytime use of the site and expanding its footprint after the primary business closes. This type of collaborative site use is supportive of a vibrant social and economic condition downtown.

Councilmember A. Anderson inquired if a Christmas tree lot could leave out a stand for 180 days and have to pay the cost or only when actively selling.

Mr. Smith replied that that the transient tax would only be applicable when the vendor is actively selling regardless of whether a stand is up or not. However, the code does state if the vendor is using the stand for storage, then it is not allowed.

Vice Chair Johnson remarked that the fireworks can only be sold for a certain number of days and between July 4th and Pioneer Day it is boarded up until Pioneer Day. Would they still be allowed to do that or would they have to take it down.

Mr. Smith explained that they have never enforced in those circumstances, but if the area is being used for storage for a longer period of time that may incur a fee for violating the code. Furthermore, if it impacts a business they are required to act, and they would notify the vendor that they may not be able to use that location the following year.

Councilmember A. Anderson requested clarification that the only change occurring was no longer requiring Mayor approval.

Mr. Smith confirmed that yes, this is the case, the requirement for Mayor approval would no longer be an option for an itinerant merchant.

Mr. Smith again reviewed the proposed amendment which states:

While small food vendors may make sense in the historic downtown area, some more common transient merchants, such as firework stands, may not be appropriate. This code amendment also aligns with the Mobile Food Vendor code section, which allows food trucks to operate in the same area. Note, that the difference between a mobile food vendor and an itinerant food vendor is that a mobile food vendor is allowed to set up at various locations, and an itinerant vendor is only permitted to operate at one location and should not be mobile during the term of the license. Mobile food vendors are also required to return to a commissary location at night, which could be located in the historic district.

This proposed amendment could include additional restrictions on the scale and placement of the itinerant merchants. The proposed language considers total

size, restrictions on placement, and clarifies that minimum parking for the primary use is required to be maintained. This is to address the potential issue of an itinerant merchant overwhelming parking in an area and causing parking for the primary use to be unavailable.

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Councilmember A. Anderson asked what about the south side of Center Street, and whether it will have any impact on the parking lots located there.

Mr. Smith answered that they must retain 95% of their parking lot for onsite use.

Chair Simmonds commented that Wongs has in the past barricaded the entrance of the parking lot at 100 East Center Street. Sometimes another food vendor will also show up and park there as well.

Mr. Smith replied that he will rectify that and speak to Wongs to ensure all parking on site is not eliminated. A mobile food vendor has a different type of license than Wongs has.

Councilmember A. Anderson stated that the lot behind Ellen Eccles Theatre has a shared use parking agreement to use at night, she asked if that would be impacted.

Mr. Smith responded that there may be an impact, but he trusts downtown vendors and merchants to be self-aware.

The proposed ordinance will be an action item and public hearing at the March 18, 2025 Council meeting.

No further workshop items were presented.

OTHER CONSIDERATIONS:

There being no further business, the Logan Municipal Council adjourned at 8:10 p.m.

Esli Morales, Deputy City Recorder