Logan Municipal Council Logan, Utah September 1, 2015

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, September 1, 2015 at 5:30 p.m. in the Logan City Municipal Council Chamber, 290 North 100 West, Logan, Utah. Chairman Jeannie F. Simmonds conducting.

Councilmembers present at the beginning of the meeting: Chairman Jeannie F. Simmonds, Vice Chairman Herm Olsen, Councilmember Karl B. Ward, Councilmember Holly H. Daines and Councilmember S. Eugene Needham. Administration present: Mayor H. Craig Petersen, Finance Director Richard Anderson, City Attorney Kymber Housley and City Recorder Teresa Harris.

Chairman Simmonds welcomed those present. There were approximately 17 citizens in the audience at the beginning of the meeting.

**OPENING CEREMONY:**

Justin Hamilton gave the opening thought/prayer and led the audience in the pledge of allegiance.

**Meeting Minutes**. Minutes of the Council meeting from August 18, 2015 were reviewed and approved with minor changes.

**ACTION.** Motion by Vice Chairman Olsen seconded by Councilmember Daines to **approve the August 18, 2015 minutes as amended and approve tonight's agenda**. Motion carried unanimously.

**Meeting Agenda**. Chairman Simmonds announced there would be four public hearings at tonight's Council meeting.

**Meeting Schedule**. Chairman Simmonds announced that regular Council meetings would be held the first and third Tuesdays of the month at 5:30 p.m. The next regular Council meeting is Tuesday, September 15, 2015.

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

Logan resident Steve Bower addressed the Council and thanked the City for the quick response to the concerns he brought forward at a previous Council meeting regarding street trees. He thanked City employees and Mayor Petersen for their service and for doing what is best for the City.

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

Vice Chairman Olsen mentioned there is a tree on 700 North1500 East that is blocking northbound traffic and needs to be trimmed.

## MAYOR/STAFF REPORTS:

**Updates on Projects/Issues – Mayor Petersen**

Mayor Petersen gave an update on the following projects.

1. Current Construction Projects
    a. Most of the cemetery project is finished with lights, grass and the entrance is the only thing left to complete.
    b. The area of 1800 North from Main to 200 West is closed until October for street improvements
    c. An irrigation system is being installed at the Canyon Road Park.
    d. Crews are working to get the Highline Trail open this Fall.
    e. Work continues on the Trapper Park Trail.

2. The deer trap and release program is not an option for urban deer management. North Logan is considering the implementation of a bow hunt program.

3. A downtown concert in partnership with ASUSU is being planned for the Emporium block on September 29. This is part of our effort to bring people, especially USU students to the downtown area.

4. On September 18, the Library's Centennial Celebration will highlight the 1950's.

5. The pedestrian crossing sign on 200 North 400 West will be modified by adding a powder coating which will make it less stark.

6. Logan City employees will be encouraged to wear Aggie Game Day shirts for the USU football game this Thursday and other Friday home football games this Fall.

7. Using a grant from the Bear River Health Department, signage is being designed and will soon be installed to show direction and to indicate time/distance on Logan City trails.

8. This Fall, Center Street renovation from Main to 100 West will involve burying power lines, energy-efficient single-bulb decorative lights, some new sidewalk and benches.

9. A plan is underway to remove unsafe and unsightly 50 year old light poles on 400 North from Main Street to 700 East and replace them with energy-efficient double-bulb decorative lights.

10. The solar electricity rate, approved by the Council is fully subscribed for the existing 80 solar panels. Another 160 panels are being installed and the power from those panels is already 50% subscribed.

11. Mayor Petersen thanked Teresa Harris and others who have worked to enhance the City's social media which is having an impact with Tweet-alongs and postings on Facebook.

Logan City Police Captain Curtis Hooley reported the police department has also been using social media and is getting the community involved in helping solve various crimes. Recently they posted a photo of two individuals that had been involved in a fraud case and 7 minutes later the two individuals had been identified and police are working to locate these two and question them about the incident.

**Board Appointments (Neighborhood Council and Planning Commission) – Mayor Petersen**

Mayor Craig Petersen asked the Council for ratification of Jeffrey Wallentine to serve on the Bridger Neighborhood Council for a term of three years and David Newman to serve on the Planning Commission (replacing Maybell Romero) for a term of four years.

**ACTION.** Motion by Councilmember Ward seconded by Councilmember Daines to **approve ratification** of Jeffrey Wallentine and David Newman as presented. Motion carried unanimously.

**Freedom Fire 2015 Report – Russ Akina, Parks & Recreation Director**

Parks & Recreation Director Russ Akina gave a report on the 2015 Freedom Fire event at Maverick Stadium. He showed a video of this year's Freedom Fire which included lasers, trampoline exhibition, American Idol singers, a band, military tribute and fireworks. The budget was $160,200 and event expenses came just under that amount at $158,938. While overall revenues were down slightly (from $163,363 in 2014 to $158,938 in 2015), ticket sales were up from $44,642 in 2014 to $46,030 this year. Donations were also suggested this year and $49.91 was received. He stated that he is taking the position that people have their traditions that do not involve coming into the stadium. They will continue to do that but do support the notion of having fireworks to view with their friends and family and others from wherever they are. He also reported that corporate sponsors were up nearly $2,000 over last year but the Population Split funds from RAPZ tax was down from $64,801 in 2014 to $46,857 in 2015.

Vice Chairman Olsen asked what is the typical basis for donations, with the projected amount being $5,200. He asked was this to be in the form of cash donations.

Mr. Akina responded the donations would have been cash and there are other in-kind services provided that are not listed.

Chairman Simmonds suggested family cash sponsorships and then recognize the families at the fireworks program.

Councilmember Ward commented that he enjoyed the fireworks program, especially the laser show. He feels we are moving in the right direction with the fireworks show.

Mayor Petersen said he also noticed that most people were really enjoying the event.

Vice Chairman Olsen said he did not hear any complaints about the post event traffic this year.

Councilmember Daines asked how much is the actual cost of just the fireworks.

Mr. Akina responded the contract amount is for $60,000 and has been this amount for the past three years.

**COUNCIL BUSINESS:**

**Discussion: General Plan Chapter 11 (Recreation) – Chairman Simmonds**

Chairman Simmonds said the Council has been working their way through the General Plan reviewing the different sections. Recreation and Transportation are two sections that she would like to go through and the two specific plans that go along with them. To allow more time for the Council to review these sections, she suggested that a discussion be postponed until the next Council meeting on September 15, 2015.

Councilmember Ward said he would like to wait and be more prepared at the September 15 Council meeting as well.

Chairman Simmonds stated the Council will discuss Chapter 12 (Transportation) at the September 15 Council meeting, the Transportation Master Plan on October 6 and then move to the Section regarding Recreation.

**ACTION ITEMS:**

**PUBLIC HEARING - Consideration of a proposed resolution establishing a Debt Management Policy – Resolution 15-39**

At the August 18, 2015 Council meeting, Finance Director Richard Anderson addressed the Council regarding the proposed resolution. He said the City of Logan operates several governmental and business-type funds for the benefit of the citizens of Logan. He said at times it is appropriate to borrow funds for the completion of significant capital projects and Mr. Anderson proposed the following Debt Management Policy.

1. Long-term debt is a means of funding significant capital projects.
2. Long-term debt should be managed at or below the moderate level, and below State imposed limitations.
3. Financing of long-term debt should be straight forward and simple to understand. Overly complex funding arrangements, interest calculations, or relationships should be scrutinized carefully or avoided.
4. Before planning to obtain additional debt, revenue sources for repayment must be identified and validated.

5. The City's bond rating and existing debt must be considered with any subsequent funding arrangements.
6. Preserving debt capacity for future, unforeseen contingencies should always be considered with all new funding arrangements.

Chairman Simmonds opened the meeting to a public hearing.

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

Councilmember Ward said he is impressed that we are implementing a Debt Management Policy but asked should we have a minimum leverage ratio/cash ratio to debt ratio which he feels will strengthen our ability to repay the debt in times of downturn.

Finance Director Richard Anderson responded that he is not familiar with a specific ratio that other municipalities use. For government they mostly refer to low, moderate and high levels and they don't actually quantify what those are. He has included language in the policy which states: *Long-term debt should be managed at or below the moderate level, and below State imposed limitations.*

Chairman Ward feels a critical issue is that over a variety of economic conditions, can we service the debt. Our revenues are relatively stable and his concern is that if we take on too much debt and we have emergencies or other situations that deplete the reserves the only option for servicing the debt is to raise taxes or default. He would like to have a cash measurement in place and set a benchmark that we will not exceed.

Mr. Anderson said we need to have flexibility and putting in hard caps; he feels would be a concern.

Councilmember Ward suggested that a decision on this resolution be tabled until he has a chance to talk further with Mr. Anderson.

**ACTION.** Motion by Councilmember Ward seconded by Councilmember Needham to **table Resolution 15-39 until the September 15, 2015 Council meeting** as presented. Motion carried unanimously.

**PUBLIC HEARING - Consideration of a proposed resolution establishing a Fund Balance Operating Reserve Policy – Resolution 15-41**

At the August 18, 2015 Council meeting, Finance Director Richard Anderson addressed the Council regarding the proposed resolution. He said the City of Logan operates several governmental and business type funds for the benefit of the citizens of Logan and it is appropriate to establish target levels of reserve balances. He proposed the Council establish a Fund Balance and Operating Reserve Policy as outlined.

1. Appropriate operating reserves should be maintained by each fund sufficient to sustain general operations and prepare for unavoidable or emergency events.

2. In accordance with State Law, capital reserves may be accumulated for large capital projects.
3. Operating reserves should be protected and safeguarded.
4. Target levels of operating reserves are established.
5. Generally, one time resources should only be appropriated for onetime expenses. Fund balance should not be appropriated for ongoing operations.
6. Operating reserves may be appropriated for unavoidable operating shortfalls and emergencies. Unavoidable generally means after all reasonable efforts have been expended.
7. It is acceptable to periodically appropriate reserves below the established target level provided there is an established plan and timeline to return reserves to the target levels.

Mr. Anderson said this policy is meant to establish minimums of where we want to maintain our reserves. For the most part we are at the minimums and there are only two exceptions which are the Logan River Golf Course where we've had some difficulty over the last few years but we are slowly coming out of it. The other is the water fund where we've had to invest heavily in 10th West which depleted the reserves and we are now building them back up. With those two exceptions, we have the reserves that he is proposing and we are just codifying at this time. If we need to appropriate reserves, even going what he is suggesting are our minimum levels, we can do that as long as we put forth a plan to bring those funds back to the same level. In the general fund he is proposing that the target level should be at 18% which he feels is appropriate. By State law the minimum is 5% and the maximum is now 25%. For other funds he is proposing we have a 25% target level which is a three months operating reserves. Also proposed for the Sewer Treatment Fund is 50%, Electric Fund 42% and Environmental 33%.

Chairman Simmonds opened the meeting to a public hearing.

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

**ACTION.** Motion by Councilmember Ward seconded by Councilmember Daines to **approve Resolution 15-41** as presented. Motion carried unanimously.

**PUBLIC HEARING - *Unspent Appropriations FY 2015 – Carry Forwards:***

At the August 18, 2015 Council meeting, Finance Director Richard Anderson addressed the Council regarding the proposed Carry Forwards. He added $40,228 under Environmental for the purpose of a roll off bed for a roll off chassis.

Mr. Andersen stated there is one change to the amount in the Public Works Capital Funds (sidewalks & streets) from $421,560 to the amount of $370,679.

**COMMUNITY DEVELOPMENT** - $64,314 for the Wayfinding Project; $15,000 for Building Division Software Upgrades/Improvements.

**POLICE DEPARTMENT** - $18,330 for Police Shooting Range Shelter.

**FIRE DEPARTMENT** - $10,000 for building improvements at the Fire Training Center; $10,676 for turnout gear; $3,220 for Wildland Protective equipment; $27,339 for extrication equipment; $4,443 for a ventilator.

**PUBLIC WORKS** - $370,679 for Public Works Capital Funds (sidewalks & streets); $8,000 for Justice Court roof repairs; $25,000 for Justice Court Roof repairs.

**PARKS & RECREATION** - $5,920 for pump house design; $12,650 for pump house demolition; $5,552 for wetland monitoring.

**STORM WATER** - $22,751 for Country Manor design; $47,330 for Cache Highline Water Association Trail; $83,744 for 1800 North Main to 200 West.

**ENVIRONMENTAL** - $132,219 for roll off chassis; $40, 228 for a roll off bed for roll off chassis; $6,864 for mosquito chemicals; $2,981 for mosquito chemicals; $69,782 for automated carts; $19,796 for frontload dumpsters.

**ELECTRIC** - $40,000 for vehicle purchases; $32,942 for heat exchangers; $157,000 for remote disconnect meters.

***Unspent Appropriations FY 2015 – Restricted:***
**POLICE ALCOHOL ENFORCEMENT** - $103,972 for Police Department Alcohol Enforcement.

***Carry Forward of Capital Projects:***
**PARKS & RECREATION TRAILS PROJECTS** - $1,005,816
**PUBLIC WORKS STREET PROJECTS** - $2,905,927

***Carry Forward of Reimbursement Grants:***
**FEDERAL GRANTS** - $544,947 CDBG; $13,469 Bullet Proof Vests.

**STATE GRANTS** - $437 Internet Crimes Against Children (ICAC); $2,000 Logan Library Centennial Project.

**MISC GRANTS** - $80,727 21st Century Grant #69; $600,000 Willard Bay Mitigation Funding Grant; $450,366 RAPZ Grant-1700 South Park, Logan Canyon Trail, Lundstrom Park, Upper Second Dam Parking, Bridger Park Phase III, Rendezvous Park Trail Extension, Valley View Dog Park - **Resolution 15-46**

Chairman Simmonds opened the meeting to a public hearing.

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

**ACTION.** Motion by Vice Chairman Olsen seconded by Councilmember Ward to **approve Resolution 15-46** as presented. Motion carried unanimously.

**PUBLIC HEARING - Budget Adjustment FY 2015-2016 appropriating: $1,700,000 for the construction of the Light & Power Administration building; $25,516 from restricted reserves ($25,516 from 100-000000-292104) that will be used to purchase a drug task force vehicle; $11,000 for the Emergency Management Performance Grant (EMPG), awarded for this fiscal year. These funds will be used to cover necessary expenses for local emergency management programs – Resolution 15-47**

At the August 18, 2015 Council meeting, Logan Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustment.

Mr. Anderson stated there is a change to the proposed amount for the construction of the Light & Power Administration building from $2,000,000 to $1,700,000.

Chairman Simmonds opened the meeting to a public hearing.

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

**ACTION.** Motion by Councilmember Daines seconded by Councilmember Ward to **approve Resolution 15-47** as presented. Motion carried unanimously.

**WORKSHOP ITEMS:**

**Consideration of a proposed resolution approving the Program Year 2014 Consolidated Annual Performance and Evaluation Report (CAPER) in accordance with the entitlement community requirements of the U.S. Department of Housing and Urban Development (HUD) for the receipt of Community Development Block Grant (CDBG) Funds – Resolution 15-48 – Aaron Smith, CDBG Coordinator**

CDBG Coordinator Aaron Smith addressed the Council regarding the proposed resolution. He stated that a total of eight non-planning and administrate activities were funded for PY2014 at a total amount of $370,603.

- Boiler at the Whittier Community Center
- New van for the Cache Food Pantry
- Computer kiosks to support a client based software system for the Child and Family Support Center
- Expansion of the Citizen Assist Program and Neighborhood Improvement Initiative of the Cache Valley Volunteer Center
- Neighborhood Infrastructure in service areas. Installation of sidewalk, curb, gutter and landscaping along 700 South and 350 West.
- 500 North Pedestrian lighting
- 200 South Sidewalk
- Low-Water Demonstration Garden
- Bike-Pedestrian Master Plan
- 400 North Corridor Plan

- PY2013 – Neighborhood Infrastructure – Installation of sidewalk, ADA corners, and other pedestrian infrastructure in the areas of 1300 North 400 East, 500 South 500 West, 400 South 600 West and Golf Course Road.
- PY2013 – Neighborhood Block Improvement Program – Funding used to sponsor neighborhood cleanups in areas of the City.
- PY2010 Bluebird Restaurant Expansion – The majority of this project was finished in PY2013, but administrative requirements continued to 2014.

Money returned to the CDBG program came from the Veterans Housing, Neighborhood Housing Corporation in the amount of $80,000. These funds were reallocated to the 200 South sidewalk project.

Mr. Smith added that PY2014 was also the first year of a new Consolidated Plan. The plan goals are to invest in neighborhood infrastructure in low, moderate income areas and provide support for organizations that provide services to low, moderate income residents. Both of these goals were furthered during PY2014 by the construction of pedestrian infrastructure.

The proposed resolution will be a workshop item and public hearing at the September 15, 2015 Council meeting.

**Budget Adjustment FY 2015-2016 appropriating: $7,509 for bullet proof vest purchases; $10,000 for the purchase of a police vehicle from the transfer of a police vehicle to the Communication Center Fund; $10,000 for a grant Community Development was awarded. These funds will be used for installing signs along the City's trail and bike systems; $145,000 for a grant the Parks & Recreation Department was awarded for this fiscal year. These funds will be sued to support After School Programs in the Logan City School District; $7,148 funds for a grant that was awarded to the Justice Court from the State of Utah. These funds will be used to purchase equipment for the Justice Court – Resolution 15-49 - Richard Anderson, Finance Director**

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

The proposed resolution will be a workshop item and public hearing at the September 15, 2015 Council meeting.

**Sewer Collection Management Plan – Mark Nielsen, Public Works Director**

Public Works Director Mark Nielsen addressed the Council regarding the Sewer Collection Management Plan. He introduced Derek Kimball with JUB Engineering who prepared the document and also Logan City Water/Waste Water Division Manager Paul Lindhardt.

Councilmember Daines referred to page 3-9 of the Plan and asked if notification actually occurs. The document reads: "*Directional Drilling Notification of Damage (as part of*

*Logan's work in the Right of Way permit process, directional drilling companies are required to perform a sub-surface utility inspection and pothole and locate interfering utilities. This information must be provided to the City as well)".*

Derek Kimball, JUB Engineering responded that as part of Logan City's right of way permitting process the contractor has to go in and pothole the existing utilities and take GIS mapping information and submit that to the City.

Public Works Director Mark Nielsen stated that is correct but some drilling contractors do not go through this process and they end up hitting something when drilling. If they hit something they have to fix it and typically if they restore it to the way it was, the City will give back the deposit but, we do have the option to keep the deposit. This includes Comcast and other utility companies. He said there are several companies that we don't allow to work for us because they don't complete the upfront work before drilling.

Mr. Kimball said Logan is one of the only communities that he has worked with that actually requires the contractor to go through this process beforehand which is a very good policy to have in place.

Mr. Kimball continued that the City of Logan provides sewage collection and/or treatment for itself as well as the surrounding communities of Smithfield, Hyde Park, North Logan, River Heights, Providence, Nibley and Utah State University. Logan manages and operates the collection system and lift stations within its corporate boundaries, whereas the tributary communities manage their individual systems. However, Logan provides treatment of the wastewater for all of these cities. The proposed Sewer Management Plan manual has been established to provide a plan and schedule to properly manage, operate and maintain all parts of the sewer collection system owned by Logan to reduce and prevent Sanitary Sewage Overflow, as well as minimize impacts of any that occur. The Management for Logan City recognizes the responsibility it has to operate the sewer system in an environmentally and fiscally responsible manner. As such, this Plan covers aspects of the collection system program necessary to provide such an operation.

**Code Amendment – Consideration of a proposed amendment to the Land Development Code Sections 17.15 & 17.19 to adjust the minimum side yard setback in the Mixed Residential (MR), Campus Residential (CR), Commercial (COM), Commercial Services (CS), Industrial Park (IP) and Airport (AP) zones to allow for common wall construction – Ordinance 15-15 – Mike DeSimone, Community Development Director**

Community Development Director Mike DeSimone addressed the Council regarding the proposed code amendment to Sections 17.15.080 (MR-9), 17.15.120 (CR), 17.19.070 (COM), 17.19.090 (CC), 17.19.110 (CS), 17.19.120 (I), and 17.19.130 (AP) modify the side setbacks to provide for common walls (walls shared between buildings) and which would typically have a zero setback associated with them. The proposed modification to the existing language distinguishes between common wall construction with a zero setback versus typical construction utilizing regular side yards without a common wall.

The proposed changes do not authorize zero setbacks without common wall construction. The amendment is a response to the recent Design Review permit the Planning Commission reviewed for a medical complex off of 1400 North. The owner is in the process of subdividing the property and building, but is unable to complete the plat until the Code is changed to permit a zero setback with a common wall.

Staff recommended that the Planning Commission recommend approval to the Municipal Council for the proposed amendments to the Land Development Code.

On August 13, 2015 the Planning Commission recommended that the Municipal Council approve a request to amend the Land Development Code Sections 17.15 and 17.19.

The proposed ordinance will be a workshop item and public hearing at the September 15, 2015 Council meeting.

**Code Amendment – Consideration of a proposed amendment to the Land Development Code Section 17.40 to clarify temporary signs – Ordinance 15-16 – Mike DeSimone**

Community Development Director Mike DeSimone addressed the Council regarding the proposed code amendment to Section 17.40 (Signs) of the Land Development Code to include Section 17.40.120 Banners. The proposed amendment to Banner Signs includes a provision to permit banner flags (also called sails, feathers, teardrops) and includes some clean-up language. Section 17.40.140 Prohibited Signs. The proposed amendment under subsection 17.40.140.S clarifies that "balloons" are not a prohibited sign or item under the Sign Code. He said the banner signs are becoming more common and we have had a number of requests to allow them. We have also had businesses request that we clarify whether balloons are permitted versus prohibited as a number of businesses use balloons during promotional events.

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

On August 13, 2015, the Planning Commission recommended that the Municipal Council approve a request to amend the Land Development Code Chapter 17.40 (Signs) to modify temporary sign regulations and "clean-up" other code language.

Councilmember Daines asked regarding balloons, should we designate a particular size of ballon?

Mr. DeSimone responded the inflatable type "animal" balloons are still prohibited.

Councilmember Daines said it was also her understanding that we don't want to allow the "feather" type banner signs.

Mr. DeSimone responded they are receiving more requests for all types of banner signs, they are relatively inexpensive and more people are using them to advertise their businesses.

Councilmember Daines said her concern is the banners she has seen around town are staying up longer than the allowed time period of 60 days. We allow them but then don't enforce how long they are up.

Mr. DeSimone said this is a challenge his department deals with on a daily basis.

Councilmember Needham said banners are something he has wanted to use as a merchant off and on throughout the years. He received a ticket for a banner sign he posted for the Gallery Walk. It was on his property and yet he was told it wasn't allowed. He said the downtown merchants at times want to hang banners and he feels there is a lack of communication of what merchants need and what the City will allow.

Councilmember Ward said the ordinance states that a banner can be posted for no longer than 60 consecutive days and no more than two times in any calendar year.

Mr. DeSimone responded that the banner for something like the Gallery Walk is different than other banners and is under the category of Community Event Banners. He referred Councilmember Needham to Section 17.41. 20 which talks about Community Event Banner regulations.

The proposed ordinance will be a workshop item and public hearing at the September 15, 2015 Council meeting.

**Zone Change – Consideration of a proposed zone change. Don Barringer, authorized agent/owner requests a zone change of 3.46 acres (a portion of Phase IV) from MR-12 to MR-20 located at 1530 North 500 West, Bridgerland Meadows – Ordinance 15-17 – Russ Holley, Planner**

Planner Russ Holley addressed the Council regarding a proposed rezone of a 3.4 acre portion of Phase 4 of the previously permitted Bridgerland Meadows multi-family home project from MR-12 to MR-20. The area is approximately the western half of Phase 4 directly adjacent to 500 West and 1530 North Street. Phase 1 was approved in 2004 under the MFM zoning classification, with subsequent Phases 2-4 being approved in 2006. The total project was approved with 286 townhome style dwelling units, a clubhouse and storage buildings. Phase 1 has 74 units on 7.29 acres, Phase 2 has 43 units on 5.54 acres, Phase 3 has 93 units on 7.62 acres and Phase 4 has 76 units on 4.88 acres. Density was approved on an overall gross project basis, not phase by phase. In October 2011 the proponent applied to amend Phase 3 so that the last two buildings in that phase would have 3 additional units. The 3 additional units were taken from Phase 4, so that the overall density would not change. The areas of the overall project yet to be constructed are the storage buildings in Phase 2 and the remaining approximate 3.46 acres within Phase 4.

Mr. Holley continued and said after numerous public hearings, neighborhood meetings and workshops over the past several years in the Bridger Neighborhood, it has become increasing evident by both local neighborhood residents, the local school board and elected officials, that this area already has enough density and a disproportionate amount of multi-family projects as compared to the other neighborhoods within the City. The applicant willingly proposed and was approved to take 3 units from Phase 4 in 2011 to build two new 6-plexes instead of the originally approved 4-plex and 5-plex. The applicant was never given any guarantee or entitlement to somehow re-gain these 3 units later on.

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

On August 13, 2015, the Planning Commission voted 5-1 (Commissioner Croshaw voted nay of the denial) on a recommendation for denial to the Municipal Council to rezone 3.4 acres located in Phase 4 of Bridgerland Meadows.

Vice Chairman Olsen said we are all sensitive to the fact that the Northwest area of Logan has been heavily built with apartments. He feels most of the units, especially to the North are apartments and the proposed project is for townhomes for single family use. It's his perception that as to Phase 1, 2 and 3 there is probably about a 30% rental ratio as opposed to ownership which he feels is good. We said need to keep in mind that even though there is a concern about more multi-family housing, this project is an exception to that concept as an individually, purchased townhome situation.

Councilmember Ward said the outcome, if the 3 additional units are not allowed is that what is built on that site will likely either produce larger units or additional open space.

Mr. Holley responded it would be open space/void area. He is not sure if we want to expand the unit sizes and make them larger to fill this space.

Councilmember Daines stated there is also some concern that infrastructure is already in place.

Chairman Simmonds asked is the infrastructure in place the same infrastructure that is in place directly to the North of this area.

Mr. Holley stated the pads and streets are not poured. There are pipes that have been stubbed.

Councilmember Ward said with the proposed zone change it means that a new design review permit could be requested increasing the density even further.

Mr. Holley responded yes, the applicant or future property owner could come in and if it meets the MR-20 Zone it could be approved or the current property owners could simply continue with the already approved project and build it out to 3 extra units overall.

Chairman Simmonds asked if the owner were to build exactly what he initially submitted as the project, would that technically require the rezone anyway.

City Attorney Kymber Housley responded no, he can build exactly what was approved. It wasn't approved as any specific density in any specific phase. He had an overall density approval and he was entitled to divide it up over the 4 Phases however he wanted. He can build the number of units that was originally approved which was 286 units.

Councilmember Needham said he visited this specific project and feels it's a good project, he trusts the developer and wishes that other projects could be done as well as this one.

Chairman Simmonds asked Councilmember Needham does he feel the property owner should complete the project with the zone change from MR-12 to MR-20.

Councilmember Needham responded yes, it that's what he wants to do.

Councilmember Ward said the issue he has with these developments is they start out new, beautiful and the original owners take pride in what they have purchased. But, with all housing, subsequent owners don't have the same level of pride and if the market changes they are left with one option which is to rent these units and people don't tend to stay in townhomes very long unless they are a single person with no family or some other unique circumstance. He feels projects like this one have a high level of turnover. He does not know if there is any data to show that a larger unit will reduce turnover and maybe they are not marketable. He does not feel the 3 additional units will have a negative impact on the area. His concern is that if this is rezoned to MR-20 we will need something in place to prevent higher densification in the area.

Property owner Don Barringer addressed the Council and said he is not asking the City to rezone the remaining undeveloped parcel simply to increase density for the sake of getting more units on the parcel. He is asking the City to honor the agreement between the Planning Department and Bridgerland Meadow owners that previously allowed Density Bonus provisions which are no longer available. He simply would not have built the smaller units without the assurance that they could add units in Phase 4. It would not have made economic sense to do so. His request is to allow 6 smaller units on lot 44 and 47 in place of the larger 4-plex units that were originally planned. The 6-plex design leaves more open space when completed than the originally platted 4-plex design. Total additional units if this request is approved would be 7, 3 already built in Phase 3 and 4 additional smaller units in Phase 4 for a total in the development of 293. In the event that Council feels it cannot grant the rezone, he asked that he be allowed to at least complete Phase 4 as originally planned and approved in 2005, which consists of 76 townhome lots. These lots already have utilities to them, allowing the project to be built as planned. With this compromise, he will finish the project with 289 units, or 3 above the original approval but Phase 4 would remain intact.

Chairman Simmonds asked would Mr. Barringer be willing to put a deed restriction on the property.

Mr. Barringer responded yes, he would be willing to put a deed restriction on this property. He has no desire to build more than the 2, 6-plexes or the 3 original. He stated that he was encouraged to go to higher density when he first applied by the Planning Department. He just wanted to do a townhome development and would like to keep it that way.

Chairman Simmonds asked Mr. Barringer if he would be willing to sign a deed restriction that says he would be able to build out the way it was intended which is a total of 3 additional units overall.

Mr. Barringer responded yes, he would sign a deed restriction.

Councilmember Daines said Mr. Barringer was hoping to get the Density Bonus but after looking at this further, she is not convinced the Density Bonus would have ever materialized.

The proposed ordinance will be a workshop item and public hearing at the September 15, 2015 Council meeting.

**Zone Change – Consideration of a proposed zone change. Joshua Wiscombe/Jensen, Raymond & Judy Z. Trust, authorized agent/owner, requests a zone change from Resource Conservation (RC) to Mixed Use (MU) on 1.10 acres located at 2250 South Highway 89-91, Whispering Oaks – Ordinance 17-18 – Amber Reeder, Planner**

Planner Amber Reeder addressed the Council regarding the proposed rezone. A concept called Whispering Oaks is being considered by the proponent for development of the property. It is a mixed use project that includes a commercial office for the sales and management of "tiny house" buildings and a development of approximately 16 tiny homes in a cluster development. The homes are approximately 500 SF and they would like to utilize existing trees and green space on the site. The site is adjacent to Nibley City on its southern boundary. The CampSaver store and warehouse is developed on the adjacent property which Nibley has designated as a Commercial Zone.

The site is not currently on Logan City water, sewer, or power services. The existing residence has a septic and well system. New development would have to be on centralized services. The nearest Logan City water service is at the Spring Creek Subdivision at 1450 West 2200 South. There is a sewer line that runs on 2200 South to the northwest of this property. Logan City Power extends to the corner of 2200 South and Highway 89/91/ Nibley City has services to the South, with lines approximately 400' away. The site is not readily adjacent to all needed services to be suitable for development.

Staff recommended the Planning Commission recommend denial of the rezone request. The site is surrounded to the North, East, and West by Logan City and land that is similarly used and designated as rural residential use. The area is indicated on the General Plan and the South Corridor Plan for rural residential use and the Mixed Use designation is not consistent with those plans. It is unique that it is adjacent to Nibley

City and a commercial development to the South. The potential project includes small detached residences at just over 16 units per acre.

On August 13, 2015, the Planning Commission recommended that the Municipal Council deny (6-0) a request to rezone the property at 2250 South Highway 89/91 from Resource Conservation (RC) to the Mixed Use (MU) Zone.

Chairman Simmonds said currently, the only access to this proposed project is from Highway 89/91.

Ms. Reeder added there is currently a driveway into the existing building on this property.

The proposed ordinance will be a workshop item and public hearing at the September 15, 2015 Council meeting.

**OTHER CONSIDERATIONS:**

Vice Chairman said he was given information from Joy Reyes who serves on the Cache Valley Transit Board and she indicated there are recent changes with the bus system to assist riders. Those changes include the following:

- Updated bus stop signs on all routes.
- All routes now have a number and description
- Reformatted, enlarged maps
- Partnered with Google to provide a Trip Planner

Chairman Simmonds also said at a recent CVTD board meeting that she attended, there was high praise from the CVTD and Options for Independence about the 500 North round-a-bouts.

Chairman Simmonds reported on the recent meeting with UDOT and they agreed to powder coat the pedestrian crossing sign on 200 North.

Mayor Petersen said other items discussed with UDOT was the South Main pedestrian crossing, access on Main Street and 700 South pedestrian and traffic light needs, lighting project on 400 North which, UDOT stated they will put in but they will not pay for future maintenance.

Chairman Simmonds said they did talk about the specific access from the parking lot of Zions Bank on 500 North as it currently exists and the businesses located nearby. If changes are made there might be conflicts with people turning left on to Main Street. UDOT mentioned a possible shared use agreement.

Councilmember Ward said his concern is that anyone along Main Street who makes changes to their property gets significant push back from UDOT to the point where they almost can't make the improvement because it affects their access. He feels UDOT can be an impediment to improvements being made along Main Street.

Mayor Petersen said the two UDOT representatives they met with both live in Cache Valley and another meeting can be scheduled if needed.

Chairman Simmonds suggested that Councilmember Ward meet with the UDOT representatives and express his concerns about the Zions Bank access.

**ADJOURNED.** There being no further business to come before the Council, the meeting of the Logan Municipal Council adjourned at 7:30 p.m.

Teresa Harris, City Recorder