

2
3 Minutes of the meeting of the Logan Municipal Council convened in regular
4 session on Tuesday, December 1, 2015 at 5:30 p.m. in the Logan City Municipal Council
5 Chamber, 290 North 100 West, Logan, Utah. Chairman Jeannie F. Simmonds
6 conducting.

7
8 Councilmembers present at the beginning of the meeting: Chairman Jeannie F.
9 Simmonds, Vice Chairman Herm Olsen, Councilmember Karl B. Ward, Councilmember
10 Holly H. Daines and Councilmember S. Eugene Needham. Administration present:
11 Mayor H. Craig Petersen, Finance Director Richard Anderson, City Attorney Kymber
12 Housley and City Recorder Teresa Harris.

13
14 Chairman Simmonds welcomed those present. There were approximately 18 citizens in
15 the audience at the beginning of the meeting.

16
17 **OPENING CEREMONY:**

18
19 Logan Library Director Robert Shupe gave the opening thought and led the audience in
20 the pledge of allegiance.

21
22 **Meeting Minutes.** Minutes of the Council meeting from November 17, 2015
23 were reviewed and approved.

24
25 **ACTION.** Motion by Councilmember Ward seconded by Councilmember Daines to
26 **approve the November 17, 2015 minutes and approve the agenda.** Motion carried
27 unanimously.

28
29 **Meeting Agenda.** Chairman Simmonds announced there would be three public
30 hearings at tonight's Council meeting.

31
32 **Meeting Schedule.** Chairman Simmonds announced that regular Council
33 meetings would be held the first and third Tuesdays of the month at 5:30 p.m. The next
34 regular Council meeting is Tuesday, January 5, 2016. The December 15, 2015 Council
35 meeting has been cancelled.

36
37 **QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL:**

38
39 No comments for the Mayor or Council were brought forward.

40
41 **MAYOR/STAFF REPORTS:**

42
43 **Updates on Projects/Issues – Mayor Petersen**

- 44
45 1. Current Construction Projects
46 • 100 North will be open to two-way traffic his week.
47

- 48
49 2. Mayor Petersen announced that Tre Manual is the liaison to Logan City from the
50 USU Government Relations Council.
51
52 3. A Request for Proposal for development of the City Block will go out tomorrow.
53
54 4. The City was awarded \$750,000 in CMAQ funds for a round-a-bout at 500 North 600
55 East.
56
57 5. City representatives will meet with UDOT on Monday, December 7 at 9:00 a.m. Two
58 council members are welcome to attend.
59
60 6. The Council of Governments (COG) is considering hiring a consultant to assist in
61 prioritizing projects and revising the funding decision-making process.
62
63 7. A request for bids has been issued for construction of the new landfill road. The bid
64 deadline is January 14, 2016.
65
66 8. The expanded solar array went online today. It has been expanded from 80 (20 KW)
67 to 320 (80 KW) panels. The additional panels will be used to meet the demand of the
68 new Solar Rate users.
69
70 9. The City offices will close Christmas Eve, December 24 at 3:00 p.m.

71
72 **Board Appointments (Parks & Recreation Advisory Board) – Mayor Petersen**

73
74 Mayor Petersen asked for ratification of Brandon Halaufia and Michael L. Timmons to
75 serve on the Parks & Recreation Advisory Board which is a four year term.
76

77 **ACTION.** Motion by Councilmember Daines seconded by Vice Chairman Olsen to
78 **approve ratification of Brandon Halaufia and Michael L. Timmons** as presented.
79 Motion carried unanimously.
80

81 **Sesquicentennial Update – Greg Cox, Human Resource Director**

82
83 Greg Cox, Chairman of the Sesquicentennial Celebration gave an update of upcoming
84 events. The kick-off celebration will be held on Sunday, January 17, 2016 beginning at
85 7:00 p.m. at the Logan Tabernacle. A program will be held that evening with music
86 provided by Craig Jessop and there will be a guest speaker. There will be a special
87 Sesquicentennial logo designed and there will be activities throughout the year.
88

89 **Safe Exchange Zone – Police Chief Gary Jensen**

90
91 Logan Police Chief Gary Jensen addressed the Council regarding a Safe Exchange Zone
92 for the purpose of completing online transactions, custody exchanges or other meetings.
93 He proposed that the zone location be designated on the North East side of the police

94 department and signage be placed in this area. There will be two stalls designated for this
95 purpose and the area will be monitored by security cameras and is a well lit area.

96
97 The Council expressed their support for the police department implementing a Safe
98 Exchange Zone.

99
100 **COUNCIL BUSINESS:**

101
102 **Discussion: General Plan – Sections 13. Other Public Services; 14. Annexation; 15.**
103 **Accomplishing the Goal – Chairman Simmonds**

104
105 Chairman Simmonds stated the Council was tasked to read the last three Sections of the
106 General Plan which include Section 13. Other Public Services; 14. Annexation and 15.
107 Accomplishing the Goal.

108
109 Councilmember Daines said one of our overall goals is preserving critical agriculture
110 land and green space. Logan is fairly land locked but we need to remind surrounding
111 communities to consider these issues as well.

112
113 Chairman Simmonds stated we need to think carefully about preserving open space
114 around Logan City and we have a responsibility to preserve that feeling of Cache Valley
115 and that we are not just an urban community.

116
117 Councilmember Ward said that in community planning workshop meetings it was
118 determined that people prefer residential cluster development with green space in-
119 between. How we accomplish that and meet the needs of a growing population is the
120 challenge.

121
122 Councilmember Needham said he is concerned with the overall impact of a development
123 plan for the City. He said the question is should the City be involved in remodeling
124 homes which he feels is doable.

125
126 Councilmember Daines suggested that if Councilmember Needham wants to pursue
127 whether or not the City should be involved in remodeling homes then a plan to do this
128 should be brought forward to the Council for discussion in the form of a resolution.

129
130 Chairman Simmonds said she feels strongly that we have limited resources and to
131 encourage our neighborhoods to remain stable and thrive we need to figure out the very
132 best thing we can do with our limited resources and to inspire something to happen. She
133 is not convinced that the City remodeling homes is inspiration enough.

134
135 Councilmember Needham stated that in talking with Economic Development Director
136 Kirk Jensen there is RDA money of over one million dollars and more in the next couple
137 of years that could be used on commercial projects and some could be used for housing.
138 He suggested experimenting with \$100,000 to start with and go from there.

139

140 Councilmember Daines said she does not feel this would be a wise use of City funds. She
141 said, we could consider incentives and get the private sector involved. She does not feel
142 the City should get involved in purchasing and remodeling homes.

143
144 Councilmember Needham said we won't know for sure unless we at least try and he
145 referred to Ogden City who did a redevelopment/remodeling project with neighborhood
146 homes.

147
148 Vice Chairman Olsen suggested that former Ogden City Mayor Matthew Godfrey could
149 attend a future Council meeting and talk about how Ogden City went about this process.

150
151 Councilmember Daines said Ogden City used a large amount of CDBG funds and
152 because they had so many issues downtown, their property values dropped very low.
153 Their investment to purchase these blighted properties was not realistic. She again
154 suggested that Councilmember Needham bring a resolution forward to the Council for a
155 vote.

156
157 Councilmember Needham said he likes the idea of inviting people who have done this in
158 their community such as Ogden City and hear from them how this was accomplished.

159
160 Chairman Simmonds suggested that Councilmember Needham contact former Mayor
161 Matthew Godfrey and see if he would be interested in attending a future council meeting
162 and talk about how Ogden City did their housing program.

163
164 Councilmember Daines said she would like to see the outcome of the three homes that
165 Councilmember Needham is remodeling and if they are sold, for what price. She feels
166 this will be an interesting piece of information to consider moving forward.

167
168 Councilmember Needham said the City also needs to consider 400 North and feels this
169 should be a grand avenue. He said the market will not do this for us and we need to
170 address this area as well.

171

172 **ACTION ITEMS:**

173

174 **PUBLIC HEARING - Budget Adjustment FY 2015-2016 appropriating: \$1,200,000**
175 **from the Water Fund and \$3,415,000 from the Sewer Treatment Fund for the cash**
176 **defeasance of the 2006A Water, Sewer, and Solid Waste Bonds; \$74,558 for a grant**
177 **the Communications Center (Dispatch) was awarded from the Utah**
178 **Communications Authority. The funds will be used for phone equipment upgrades**
179 **and enhancements – Resolution 15-60**

180 At the November 17, 2015 Council meeting, Finance Director Richard Anderson
181 addressed the Council regarding the proposed budget adjustments. The Council recently
182 passed a parameters resolution which starts the funding of two bonds both of which are
183 held in the water fund. To complete the process and separate the indenture that
184 encumbers both the sewer, water and the solid waste funds, we need to refund one
185 additional bond. According to Finance Director Rich Anderson, the City has

186 approximately \$22 million outstanding in total debt. By defeasing these bonds issued in
187 2006 he expects debt to be reduced to about \$17.5 million. The defeasance of the bonds
188 would facilitate the City’s restructuring of the indenture, the obligations underlying the
189 issuance of the water, sewer and solid waste bonds. Because these bonds are not callable,
190 a cash defeasance will be done taking cash from the water fund and the sewer fund and
191 put if off to the side with a trustee who will hold those funds and pay off the bonds when
192 they become due.

193 Mr. Anderson explained that a key reason for doing this is to ensure the City’s sewer
194 treatment fund stands on their own, as it will require use in the City’s wastewater
195 treatment plant and agreement with the six cities to provide wastewater treatment to a
196 new facility. The City does not foresee any financial concerns or issues with the facility.
197 We are making sure these funds are separate since we now have an agreement with the
198 other cities and the accountability needs to be very clear.

199 Mr. Anderson said in 1986, the City had three funds that were all accounted for as one
200 fund. Now that all of the funds have been separated the City has a “triple pledge” and
201 must pledge revenue from all funds in the indenture.

202 Chairman Simmonds opened the meeting to a public hearing.

203

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

205

206 **ACTION.** Motion by Councilmember Ward seconded by Vice Chairman Olsen to
207 **approve Resolution 15-60** as presented. Motion carried unanimously.

208

209 **PUBLIC HEARING – Consideration of a proposed ordinance vacating a public**
210 **utility easement near 800 North 200 West – Ordinance 15-23**

211

212 At the November 3, 2015 Council meeting, Public Works Director Mark Nielsen
213 addressed the Council regarding the proposed vacation. He explained the Public Works
214 Department purchased property for a future road connecting 100 West and 200 West and
215 after public meetings were held it was clear the public was not in favor of a road at this
216 location and the City sold the property to the adjacent property owner. The sale of the
217 property did not vacate a 10-foot wide easement that inhibits development of the parcel
218 and finds there is good cause for vacating the public utility easement and that such action
219 shall not materially injure the public or any person.

220

221 Chairman Simmonds opened the meeting to a public hearing.

222

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

224

225 **ACTION.** Motion by Vice Chairman Olsen seconded by Councilmember Daines to
226 **adopt Ordinance 15-23** as presented. Motion carried unanimously.

227

228

229

230 **PUBLIC HEARING - Consideration of a proposed ordinance vacating a right-of-**
231 **way located at 400 East from 1000 North to 1085 North – Ordinance 15-24**
232

233 At the November 17, 2015 Council meeting, Public Works Director Mark Nielsen
234 addressed the Council regarding the proposed vacation. He stated the City has received a
235 request submitted by the abutting property owner (Craig Champlin) of the subject right of
236 way, requesting that a portion of the street be vacated and public utility easements be
237 vacated and relocated. The City has authority by State Law to vacate streets, rights of
238 way, and public utility easements, from use by the public. The existing City right of way
239 is not in alignment with existing roadway to the north and south of the proposed right of
240 way vacation. Mr. Nielsen feels there is good cause for vacating/relocating the public
241 utility easements and vacating the portion of right of way.

242
243 Chairman Simmonds stated that she received two emails from concerned citizens
244 regarding irrigation water that runs through the proposed property and adjacent to it.
245

246 Public Works Director Mark Nielsen addressed the issue of the irrigation water in this
247 subdivision. He said there are properties to the North that currently receive irrigation
248 water from a ditch that goes along the North side of the Champlin development project.
249 Mr. Champlin originally did not address the irrigation and at the Planning Commission
250 meeting Mr. Champlin was told that he needed to leave the irrigation. Mr. Champlin has
251 indicated that he will install a pipe back in that area to carry the irrigation water from the
252 street and curb. There are other issues with curb on 400 East and this curb is not placed
253 correctly and until we have the revised grade in the Spring he cannot guarantee how that
254 will work based on where the head gates are now. Mr. Champlin will have to make this
255 happen to make sure the irrigation users receive their water.
256

257 Chairman Simmonds said it was her understanding that Mr. Champlin cut off the water.
258

259 Mr. Nielsen responded that is correct and when development started it was cut off a
260 month before the end of the season. Mr. Nielsen talked with one of the concerned
261 residents about not issuing building permits. The project will eventually get built the right
262 way and he does not feel that holding up the building is the way to go.
263

264 Vice Chairman Olsen suggested that Mr. Champlin could escrow the money it will take
265 to complete the irrigation with Logan City as a participant so he can continue to work
266 through the winter then in the Spring the concerns can be addressed.
267

268 Mr. Housley said the developer has the option to either put the money in escrow or put in
269 the infrastructure and then when it's approved, file the plat.
270

271 Mr. Nielsen said if Mr. Champlin has a building permit then he has recorded the plat so
272 we have that guarantee through our development agreement. He is confident that the
273 expense to get the irrigation, curb and gutter issues resolved is already taken care of in
274 Phase One of the project. He would prefer an earlier date than April 1, 2016 to get this
275 resolved and if not then a certificate of occupancy would not be issued.
276

277 Mr. Housley said this is a private water right issue and we don't usually enforce through
278 the methods suggested. In this case it's just a matter of running a pipe from 400 East to
279 the property line.

280

281 Mr. Nielsen said it's a matter of making sure the water gets from the head gate to the
282 water users property. Mr. Champlin does not want a ditch there so he has plans to pipe it
283 and also make sure the water flows from the head gate to the pipe. This is required by law
284 and there is no way that Mr. Champlin can get out of completing the irrigation issue and
285 maintain the water.

286

287 Mr. Housley said the City has a lot of leverage and the issue is getting the irrigation done
288 in time. The Council can table the vacation but if Mr. Champlin does not get the
289 irrigation resolved until July then it does not help the irrigation users. He said the issue is
290 what leverage is there to get this done in a timely manner.

291

292 Vice Chairman Olsen said he would like to make sure that the irrigation company has an
293 agreement in place with the developer.

294

295 Mr. Nielsen responded that typically the canal company will say their responsibility ends
296 at the head gate and from there it's the responsibility of the ditch user. He feels there should
297 be an agreement between the irrigation users and what Mr. Champlin is proposing to do.

298

299 Chairman Simmonds opened the meeting to a public hearing.

300

301 Logan residents Craig and Tammy Pettigrew addressed the Council regarding the
302 proposed vacation. Mrs. Pettigrew said the water was cut off not just because of Mr.
303 Champlin's development but also because of the project on 600 East 1000 North. Her
304 concern is the original plan that was presented did not have the pipeline for irrigation
305 included. Since that time, Mr. Champlin has indicated that he does not know whether or
306 not he will include a pipeline, gutter, etc. There is no clear plan from Mr. Champlin on
307 what will be done. She would prefer that Mr. Champlin follow through with the original
308 plan that was submitted to the City and was approved, which is to pipe the water. If Mr.
309 Champlin is not going to pipe the water she would like a clear plan submitted to the City
310 of what Mr. Champlin will do regarding the irrigation. The Pettigrew's indicated they do
311 not have an agreement in place with Mr. Champlin regarding the irrigation water.

312

313 Mr. Housley said even if the Council votes to vacate this property it does not take away
314 the water conveyances whether public or private, their easement does not change.

315

316 Councilmember Gene Needham was excused from the meeting at this time.

317

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

319

320 **ACTION.** Motion by Vice Chairman Olsen seconded by Councilmember Ward to **table**
321 **Ordinance 15-24 until February 2, 2016 or until Mr. Champlin is able to come**
322 **forward and satisfy the concerns regarding the irrigation** as presented. Motion carried
323 unanimously.

324 **Consideration of a proposed resolution approving the Water Conservation Plan –**
325 **Resolution 15-63**

326

327 Logan City Assistant City Attorney Lance Houser addressed the Council and gave a
328 presentation on the Water Conservation Plan.

329

330 The Utah Water Conservation Plan Act (73-10-32, UCA), requires water systems with
331 more than 500 connections to prepare and implement a water conservation plan and
332 update it every five years. This water conservation plan meets the requirement of this act.

333

334 In 2005, the City of Logan submitted a water conservation plan to address excessive
335 water use. In 1992, average water use exceeded 400 gallons per capita daily (gpcd)
336 throughout the City. Recognizing this problem, the City implemented several efforts to
337 reduce this water use, primarily by searching for leaks in the system. By 2003, this
338 number was decreased to about 350 gpcd. The Public Works Department has recognized
339 water conservation to be very important, not only for environmental reasons, but for
340 economic reasons. In 2003 and 2004, our summer peak demands nearly exceeded our
341 ability to deliver water. As a result, very aggressive goals were set to prevent this from
342 happening again.

343

344 As part of those efforts, the following programs were implemented:

345

- 346 1. Golf Course reservoir replacement project (2008)
- 347 2. DeWitt Pipeline replacement project to eliminate major leaks (2008)
- 348 3. Automation of water system controls to eliminate storage tank overflows (SCADA
349 updated 2008)
- 350 4. Implementing aggressive leak detection and repair programs
- 351 5. Installing water meters on all services to eliminate estimating errors (2010)
- 352 6. Replacing old water meters to correct under measurements (Ongoing)
- 353 7. Implementing monthly meter reading using radio systems (2007)
- 354 8. Implementing pressure reducing valves to decrease pressures to service lines (2014)

355

356 As a result of these efforts, the City of Logan has reduced our total water use to 220 gpcd
357 in 2014 with residential water use being only 95 gpcd. This was further emphasized by
358 the reduction of our summer peak demands from 36 million gallons per day (mgd) in
359 2003 to 26 mgd in 2014.

360

361 Additionally, the projects have increased our system capacity from 55.7 cfs (36 mgd) in
362 2004 to 69 cfs (44.6 mgd) in 2014. These improvements, combined with the reduced
363 water demands, have significantly reduced stress on our system during the summer
364 months.

365

366 While these improvements have been fantastic, the City of Logan needs to again refocus
367 on the new priorities. First, while major improvements have been made, we are still
368 losing 28 percent of the water we deliver in the system associated with leaks, main
369 breaks, and other unaccounted for water. This causes significant costs in pumping and

370 facility maintenance. In order to further address these issues, Logan City has identified
371 the following additional goals.

- 372
- 373 1. The further implementation of the pipe replacement plan developed in 2007 and the
374 proposed update to the plan in 2012.
 - 375 2. Completion of a water audit of the City's accounting system to identify any errors in
376 the process. This will also allow us to try to identify possible illegal connections within
377 the City.
 - 378 3. The implementation of secondary irrigation systems, primarily on large water users
379 such as the City Parks.

380
381 These combined efforts are expected to continue to reduce our water losses and demands
382 on the system and extend our water supply into the future

383
384 **ACTION.** Motion by Vice Chairman Olsen seconded by Councilmember Ward to
385 **approve Resolution 15-63** as presented. Motion carried unanimously.

386
387 **WORKSHOP ITEMS:**

388
389 **Consideration of a proposed ordinance vacating public right-of-ways including 700**
390 **North and 900 North from 1600 East to the Eastern City boundary, 2000 East from**
391 **700 North to 900 North and a broad blanket easement for the entire Golf Course**
392 **Property – Ordinance 16-01 – Mark Nielsen, Public Works Director**

393
394 Public Works Director Mark Nielsen addressed the Council regarding the proposed
395 ordinance. There are existing rights-of-way that extend through Utah State University
396 property that are currently used for the Logan Golf and Country Club. Utah State
397 University and the City of Logan have signed an agreement that these rights-of-way will
398 be vacated and there is no foreseeable change in the use of the USU property as a golf
399 course.

400
401 Vice Chairman Olsen said there has been discussion about building a sidewalk from First
402 Dam along the Highway to 1500 East and he asked is a portion of this area included in
403 the vacation.

404
405 Mr. Nielsen said the proposed blanket vacation is only for public utilities so he does not
406 know if this applies to a trail or sidewalk area.

407
408 Mr. Housley said this isn't just a public right-of-way and is limited to only utilities and
409 cannot be used for a public trail. He said we are erring on the side of caution because if it
410 does exist it can only be eliminated through a vacation from the Council. We have
411 already deeded the property, we've entered into a written agreement but out of an
412 abundance of caution, that is why the blanket vacation is being proposed.

413
414 Councilmember Daines suggested that we talk with ask USU about the possibility of a
415 future trail in this area.

416

417 Mr. Nielsen said there are problems with this area because there are trees along the
418 boundary line and we would need a fence to protect those walking from golf balls.
419
420 Mr. Housley said the reason this has taken so long is because there have been problems
421 along the way. In 2008 this came to the City Council and he is uncomfortable that since
422 the deeds have been signed and executed to now go back and renegotiate would not be
423 his recommendation. He said vacating this property takes away our leverage but it does
424 not take away the ability to use this area for a trail in the future if USU agrees.
425
426 Vice Chairman Olsen said there is a difference between renegotiating the agreement
427 versus reminding USU this area would be useful as a trail and we would like to explore it
428 further and if nothing else get buy in from USU to consider a future trail.
429
430 Mr. Nielsen said we can talk with USU regarding a future trail in this area but feels it
431 should be done outside of the proposed vacation.
432
433 Mr. Housley said this property has already been transferred to USU and there are
434 recorded deeds. He brought it to the attention of USU that the Council still needs to
435 vacate this property.
436
437 The proposed ordinance will be an action item and public hearing at the January 5, 2016
438 Council meeting.
439
440 **Consideration of a proposed resolution adopting a Logan Light & Power Electric**
441 **Vehicle Charging Station Rate Schedule – Resolution 15-61 – Mark Montgomery,**
442 **Logan Light & Power Director**
443
444 Light & Power Director Mark Montgomery addressed the Council regarding the
445 proposed resolution. He said it is predicted that Utah will see more than 20,000 electric
446 vehicles on the market in the next 20 years. Logan City recognizes that electric vehicles
447 are beneficial to air quality in Cache County. The Light & Power Department has
448 purchased and will install a Charge Point electric vehicle charging station in downtown
449 Logan and will be charged for the electricity used at this charging station along with a
450 network fee of \$280 annually.
451
452 **Availability:**
453 At any point on the City’s interconnected system where the City installs and operates an
454 electric vehicle charging station that is open and available to the public.
455
456 **Application:**
457 This schedule is for charging customers who park at, and utilize any electric vehicle
458 charging station owned and operated by Logan City Corporation.
459
460 The customer shall adhere to all service and billing requirements.
461
462 **Customer Service Charge:**
463 Not applicable at present.

464 **Connection Fee:**

465 \$1.00

466

467 **Energy Rate:**

468 0-1: Free

469 1-5 Hours: \$1.00/hour

470 5+ Hours: \$3.00/hour

471

472 **Seasonal Service:**

473 This schedule is not available as a seasonal service.

474

475 The proposed resolution will be an action item and public hearing at the January 5, 2016
476 Council meeting.

477

478 **Consideration of a proposed resolution adopting the Comprehensive Parks, Trails,
479 Recreation, and Open Space Plan for the City of Logan – Resolution 15-62 – Russ
480 Akina, Parks & Recreation Director**

481

482 Parks & Recreation Director Russ Akina addressed the Council regarding the proposed
483 resolution. He stated this is a working draft document and contains goals, objectives,
484 analyses, and strategies to assist the City with its parks, trails, recreation and open space
485 systems.

486

487 The proposed resolution will be an action item and public hearing at the January 5, 2016
488 Council meeting.

489

490 **OTHER CONSIDERATIONS:**

491

492 Chairman Simmonds thanked Councilmember Ward for his service on the City Council.

493

494 Councilmember Ward said he has enjoyed his time serving on the Council and thanked
495 all those he has worked with over the past four years.

496

497 **ADJOURNED.** There being no further business to come before the Council, the meeting
498 of the Logan Municipal Council adjourned at 7:15 p.m.

499

500

501

502 Teresa Harris, City Recorder