

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, May 17, 2022, in the Logan Municipal Council Chambers located at 290 North 100 West, Logan, Utah 84321 at 5:30 pm. Logan Municipal Council Meetings are televised live as a public service on Channel 17 and the City of Logan YouTube channel at: https://www.youtube.com/channel/UCFLPAOK5eawKS_RDBU0stRQ

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

Excused: Deputy City Recorder Esli Morales.

Chair Jeannie F. Simmonds welcomed those present. There were approximately 14 in attendance at the beginning of the meeting.

OPENING CEREMONY:

Nicole Burnard, homeless advocate and USU student gave the opening ceremony and led the audience in the pledge of allegiance.

Meeting Minutes. Minutes of the Council meeting held on May 3, 2022, were approved with no corrections.

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

ACTION. Motion by Councilmember A. Anderson seconded by Councilmember Jensen to approve the May 3, 2022, minutes and approve tonight's agenda. Motion carried unanimously.

Meeting Schedule. Chair Simmonds announced that regular Council meetings are held on the first and third Tuesdays of the month at 5:30 pm. The next regular Council meeting is Tuesday, June 7, 2022.

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. Some items brought forward to the attention of the City Council will be turned over to staff to respond to outside of the City Council meeting.

Logan resident Ben Jensen addressed the Council. He lives on Mendon Road and read a statement to the Council regarding green waste that is collected for the annual Spring cleanup. He stated that he placed his green waste out on the curb well in advance of the scheduled pickup, but it was not picked up and when he notified the various people in the City his calls were not returned. He is frustrated with the situation and would like to have a response from someone in the City.

Darrin Smith addressed the Council and said he is a local historian and has various photos of Cache Valley and he also collects Logan memorabilia. He spoke to the Logan Library Board and advised them of his collection mainly of which are Logan City items. He also has a collection of Logan postcards. His concern is where are these items going to go after he is gone since his family members are not interested in keeping them. He proposed that money be donated to the Logan Library and some of these items be displayed at the Library or another location within the City. He requested assistance from the Mayor and Council to make this happen. He will be working with a representative from the Library Special Collections to go through some of his items. More information about Mr. Smith and his collection can be found on his Facebook page at Cache Valley Memories.

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

MAYOR/STAFF REPORTS:

Logan City Light and Power Excellence in Reliability Certificate – Mayor Daines

Mayor Daines announced that that Logan City Light and Power Department received an award for Power Excellence in Reliability. She presented the certificate to Yuqi Zhao, Resource Manager from the Logan City Light and Power Department.

No further Mayor/Staff Reports were presented.

COUNCIL BUSINESS:

Planning Commission Update – Chair Simmonds

Chair Simmonds reported that she was unable to attend the Planning Commission meeting but the one item the Commission reviewed was the design of the new fire station which was approved.

Council Budget Workshop: Tuesday, May 24 at 5:30 p.m. – Chair Simmonds

Chair Simmonds announced that a Council Budget Workshop will be held on Tuesday, May 24, 2022 at 5:30 p.m. in the Council Chambers. The public is invited to attend.

No further Council Business items were presented.

89 **ACTION ITEMS:**

90
91 **PUBLIC HEARING - Budget Adjustment FY 2021-2022 appropriating: \$11,291**
92 **funds received for police overtime shift reimbursements; \$14,533 funds received**
93 **from the US Treasury Department of law enforcement use. The funds will be used**
94 **to purchase specialized equipment for the collection and documentation of evidence**
95 **in criminal investigations. (\$7,988 held in reserve account 100-292116) – Resolution**
96 **22-15 – Richard Anderson, Finance Director**
97

98 At the May 3, 2022 Council meeting, Finance Director Richard Anderson addressed the
99 Council regarding the proposed budget adjustments.

100
101 Chair Simmonds opened the meeting to a public hearing.

102
103 There were no comments and Chair Simmonds closed the public hearing.

104
105 **ACTION. Motion by Councilmember Jensen seconded by Vice Chair López to**
106 **approve Resolution 22-15 as presented. Motion carried unanimously.**
107

108 **PUBLIC HEARING - REZONE – Consideration of a proposed rezone of**
109 **approximately 31.39 acres located at 1000 West 200 South from Commercial (CS)**
110 **and Commercial (COM) to Mixed Use (MU) – Ordinance 22-11 – Russ Holley,**
111 **Planner**
112

113 Planner Russ Holley reviewed the proposed rezone which was a workshop item at the
114 May 3, 2022 Council meeting.

115
116 **RECOMMENDATION**

117 Staff recommended that the Planning Commission recommend approval to the Municipal
118 Council for a rezone of approximately 31.39 acres of property located at approximately
119 1000 West 200 South (TIN# 05-064-0013, 06-002-0003, 05-064-0028) from Commercial
120 Service (CS) and Commercial (COM) to Mixed Use (MU).
121

122 **PROJECT**

123 The proponent is requesting to rezone approximately 31-acres (three parcels) from COM
124 & CS to MU with the intent developing a future mixed-use project. All three properties
125 are currently vacant and have historically been used for agricultural purposes. The
126 relatively flat land may have critical land areas that could require further
127 mitigation/assessment. The surrounding area currently has a wide range of commercial
128 and industrial uses such as restaurant, office, light manufacturing, and storage. Located to
129 the southwest, single-family neighborhoods are found.
130

131 **SUMMARY**

132 Given the proximity to existing single family residential areas to south and the light
133 manufacturing areas to the northeast, a mixed-use project may act as transitional area or
134 buffer between incompatible land use areas. A large comprehensive project on this site

can be designed in a better manner than that of smaller projects, and would result in improved layout and traffic circulation, consolidated usable open space and strategic commercial/residential interfacing. This location which is adjacent to Logan City's gridded core, offers better mobility and transportation choices for future residents and puts less development pressure on the rural and agricultural lands farther out into the valley. Being considered an infill project, infrastructure and utilities can be more efficiently utilized as compared to outer fringe areas (sprawl) that excessively burden the transportation and infrastructure networks with poor logistics, higher vehicle miles driven, and lengthier pipes and utility lines.

RECOMMENDED FINDINGS FOR APPROVAL

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

1. The Logan City FLUP identifies the area as MU.
2. This area is positioned along arterial streets with commercial uses and a mixed-use project will not negatively impact that character.
3. Infrastructure and access are adequate to serve the future development of this property.

On April 14, 2022, the Planning Commission recommended that the Municipal Council approve the rezone. Planning Commissioners voted 5-1.

Chair Simmonds opened the meeting to a public hearing.

Michael Jewell with Triii Group and proponent of the proposed rezone addressed the Council. He referred to Envision Utah, which is dedicated to responsible growth in Utah, and also published a guide on walkable centers. They refer to the benefit of Mixed-Use with housing in the center and having a walkable area. He has heard discussions about "worst case scenarios" and about 940 apartment units and 7,500 square feet developments. Triii engaged and spoke with Urban Design Associates who designed Daybreak located in South Jordan. He said that Triii is committed to creating an actual Mixed-Use center with 60,000 to 80,000 square feet of commercial use, 300-350 apartment units and 100 townhomes. He brings up the housing issue because Mixed-Use allows townhomes whereas Commercial and Commercial Services does not. They are constrained by a few things such as they cannot sell the raw ground, but Triii will need to make some improvements to the current ground area. They have also figured out a way to offer the townhomes for sale rather than for rent. The proposed density is 14 units per acre. He said the Commercial Zone is just not flexible and Mixed-Use is the best zone there is in Logan and requires the developer to be collaborative with the City. They would also like to put a small grocery store in the development area as well.

Mr. Jewell said they have talked to the Planning Commission about voluntarily restricting the property and Community Development Director Mike DeSimone stated that cannot be done and is part of the rezone process. In his discussions with City staff this is the type of project they had in mind when they developed the Future Land Use Plan as Mixed-Use. He reminded the Council that the Planning Commission recommended approval for

181 a rezone to the City Council, and he now requests that the Council allow Triiiio to bring
182 their vision to fruition. He knows there is talk to amend the Mixed-Use zone
183 requirements. He said if that is the case, the Council could still grant the rezone request,
184 and change the Mixed-Use requirements between now and when they are back for their
185 design review. He stated that rather than the Council deny the rezone request at tonight's
186 meeting, he asked that the Council continue their decision until the code can be changed
187 but he doesn't feel that is necessary. He feels this project fulfills what the purpose of
188 Mixed-Use is meant to be.

189
190 Logan resident Ben Jensen addressed the Council and said he likes the idea of a Mixed-
191 Use development but said there is one restaurant within one mile of the proposed
192 development site. There are no grocery stores, bus service is only hourly, and the closest
193 park is 15 minutes away. He doesn't feel it accomplishes the goal of Mixed-Use by
194 being built far away from everything.

195
196 Ellis neighborhood resident Kristine Christensen addressed the Council and said from her
197 understanding Mixed-Use development is great but then once it's built then it loses
198 control which is what she and others have seen in the Homestead and Meadow
199 developments. Grocery stores and retail were promised for these areas, but they were
200 never built. She hopes that Triiiio is much better, and they fulfill what they say they are
201 going to do. She agrees with affordable housing and internal growth. She also feels the
202 Council can do a better job of getting comments from the neighborhood on these issues.

203
204 Ellis neighborhood resident Joshua Molitor addressed the Council. He said a lot of
205 developers come in and say they want to do things better for the community, and he has
206 not seen that at all. He sees the community serving the developers. The Ellis area is
207 looking at a lot of serious things right now. He feels that restructuring the City should
208 come first and then what we can do for the developers should come second.

209
210 Ellis neighborhood resident Lyle Lundberg expressed his concerns about the Mixed-Use
211 rezone and the negative impact of the rezones several of which have occurred in the Ellis
212 area already. The neighborhood has not seen any of the positive impacts of the Mixed-
213 Use that has already occurred, only the negative.

214
215 There were no further public comments and Chair Simmonds closed the public hearing.

216
217 Chair Simmonds said the Council is considering revamping Mixed-Use and there have
218 been a couple of meetings to discuss these changes. It was her understanding that if
219 someone brings a project for a rezone to a zone that is available to them that they are
220 allowed to use whatever is in place at the time and they are not bound by future changes.

221
222 City Attorney Carlston responded the rezone application from Triiiio will be considered
223 under the rules when the time the application was submitted. It could not be continued,
224 get a new Mixed-Use ordinance in place, and then require that applicant to comply with
225 the new Mixed-Use ordinance.

227 Chair Simonds asked why would a deed restriction not be available.

228
229 City Attorney Carlston responded the deed restriction would not be available tonight
230 because it was not offered beforehand, it would have to be voluntarily offered before the
231 Council approved a rezone. Tonight is too late to offer a deed restriction.

232
233 Community Development Director Mike DeSimone added that you cannot conditionally
234 rezone property. You have to rezone based on the merits of the application. Mr. Jewell
235 can promise all that he wants and can put a deed restriction on his own property but, he
236 can also pull it back off. It's really not a good way to rezone property.

237
238 Councilmember A. Anderson said she received several emails from residents of the Ellis
239 neighborhood.

240
241 Chair Simmonds added there were also several in attendance at the Ellis neighborhood
242 meeting.

243
244 Planner Russ Holley said that he attended the meeting and the concerns from the
245 neighborhood about the proposed project were density, setback, traffic congestion,
246 height, and lack of compatibility with the existing neighborhood

247
248 Chair Simmonds commented that the proposed project doesn't have "emotional
249 compatibility" because a lot of density has been placed in the Ellis Neighborhood and
250 she does not want what has happened in the Bridger Neighborhood to also happen in the
251 Ellis Neighborhood. She said that most people were very concerned and did not have
252 positive comments about the Mixed-Use project that has been completed because it
253 doesn't fit in the neighborhood. There were approximately 78 in attendance and the other
254 topics discussed at the meeting was 400 North and the sidewalk on 600 North.

255
256 Mr. Holley stated that services not allowed in Commercial Services are storage units and
257 grocery stores. He added that the Future Land Use Plan was updated in 2020 and the
258 community was involved in providing comments and participated in public meetings.

259
260 Chair Simmonds said this is an amazing project and is much less dense than our Mixed-
261 Use could be. The Council is straddling two worlds where if Triiiio cannot build their
262 project they can sell the property and we could get another dense project that would not
263 be what we had hoped for.

264
265 Councilmember A. Anderson commented that when the 200 North 600 West projects
266 came through, the original rezone was with a completely different developer, and
267 everything changed. She is feeling a little vulnerable based on the experience from this
268 developer and the zone change that occurred.

269
270 Mr. Holley said that is always a possibility with any rezone application. Developers can
271 come in and request a rezone and design review at the same time. Some choose not to do

that because it would require an upfront investment for design and layout, but it is possible to do everything at once under our system.

Chair Simmonds said if we were to change Mixed-Use, what are Mr. Jewell's options?

City Attorney Carlston responded he would be under the regulation that is currently in place. If the Council is in the process of getting a new Mixed-Use zone in place, he could withdraw his application and reapply and be considered under the new zone.

Mr. Jewell asked when they come for design approval to the Planning Commission will they be grandfathered under the requirements of the rezone when they applied or under the new rezone.

Mr. Carlston responded they will be considered under the rules when they applied for the rezone.

Mr. Jewell said Triiiio would like to take the lead on what a Mixed-Use development can be. They won't bring a design until they can work with the City and they would also be happy to work with the neighborhood. He disagrees with some of the negative stereotyping of density, but he understands the emotional reaction to it.

Councilmember A. Anderson said we don't want to create a Mixed-Use zone for a specific piece of land. She asked what a realistic timeline is for creating a new Mixed-Use zone.

Mr. Holley responded that it would take a few weeks. He said with a code amendment you submit an application and that starts the vesting process. When you go through the code amendment process, the Planning Commission might say they like everything with the exception of one section. When the amendment is submitted, then any project submitted after that has to follow those new code amendment rules.

Chair Simmonds suggested that the Council continue the rezone to the next Council meeting to allow time for a code amendment to be heard at the next Planning Commission meeting.

Councilmember A. Anderson added it would also allow time for the Ellis Neighborhood to give input and comments on the code amendment.

ACTION. Motion by Councilmember A. Anderson seconded by Councilmember Jensen to continue Ordinance 22-11 to the June 7, 2022 Council meeting as presented. Motion carried unanimously.

(Continued from April 19, 2022) – REZONE – Consideration of a proposed rezone of approximately 1.36 acres or property located at 310 West 1400 North from Mixed Residential Low (MR-12) to Mixed residential Medium (MR-20) West Pointe Subdivision (Bridger Neighborhood) – Ordinance 22-06 – Tanya Rice – Planner

Planner Tanya Rice addressed the Council regarding the proposed rezone. The proponent proved the two items the Council requested, one is a plat for the MR-12 zone that meets the code and the other is a deed restriction.

City Attorney Craig Carlston reviewed the parameters included in the deed restriction that was submitted.

Chair Simmonds opened the meeting to a public hearing.

There were no public comments and Chair Simmonds closed the public hearing.

ACTION. Motion by Councilmember Jensen seconded by Vice Chair López to adopt Ordinance 22-06 as presented. Motion carried unanimously.

PUBLIC HEARING – Consideration of an annexation filed by Reed Scow, on behalf of Rivergate, LLC for the purpose of annexing 30 acres, more or less, into the City of Logan. Property is located on the North side of 600 South at approximately 1900 West – Ordinance 22-12 – Mike DeSimone, Community Development Director

Community Development Director Mike DeSimone addressed the Council regarding the proposed annexation. He explained that Reed Scow, on behalf of Rivergate, LLC, is requesting the annexation of approximately 30 acres into the City of Logan. The property is comprised of two separate tax parcels and is located on the North side of 600 South at approximately 1600 West. The annexation plat will also include the adjoining right of ways (600 South & 1900 West) to the centerline. The property is currently used for farming/ranching activities.

The Future Land Use Plan (FLUP) Map identifies the site as Detached Residential (DR). The proposed zoning is Neighborhood Residential (NR-6) which is consistent with the Detached Residential FLUP designation and the adjacent development pattern directly South.

City Recorder Tersea Harris certified the Annexation Petition on April 5, 2022. The annexation was publicly noticed to the affected entities, including both school districts, as required by State Law. The County Recorder also publicly noticed this annexation request.

Chair Simmonds opened the meeting to a public hearing.

Logan resident Ben Jensen addressed the Council and said he is the President of the Logan River Trails HOA which is the area directly South and West of the proposed annexation. He represents 53 homes in the area and while they don't like to see the farmland area go away, they appreciate they are proposing it as NR-6. The neighborhood has concerns about infrastructure such as increased traffic, bike routes, the school situation in which some are in Cache County Schools and others are in the Logan School

District. They would also like to have a park, trails, CVTD bus stops and fiber optic lines closer to their neighborhood.

There were no further public comments and Chair Simmonds closed the public hearing

Chair Simmonds said the Council has also been frustrated with the School District boundaries for several years, but the boundaries were drawn years ago and a change in the boundaries would have to come from the State.

Chair Simmonds asked, when a development comes into an area, do we require them to do a traffic study and road improvements.

Mr. DeSimone responded it's based on the City Engineer to determine if this is warranted or not.

ACTION. Motion by Councilmember A. Anderson seconded by Councilmember M. Anderson to adopt Ordinance 22-12 as presented. Motion carried unanimously.

Certification of South Logan Partners LLC Annexation Petition – Consideration of an annexation petition filed by South Logan Partners LLC, Duane E. Cox, and Purser Warehousing LLC (owners) and Ehtan Poppleton (applicant). Property located on the South side of Highway 89-91 at approximately 800 West, consisting of three parcels (02-089-0013, 02-083-0013 and 02-083-0012) and residual right-of-way associated with State Highway 89/91, Hyclone Road, and 800 West right-of-ways, and containing approximately 18.73 acres.

City Attorney Craig Carlston addressed the Council regarding an annexation petition. The City has the opportunity to accept or deny the petition. The City Recorder is tasked per State Code to certify whether the petition meets all of the requirements. No action is needed by the City Council at this time.

WORKSHOP ITEMS:

Budget Adjustment FY 2021-2022 appropriating: \$1,753 a reimbursement we will receive from the U.S. Department of Justice for federal cases worked by Logan City police officers; \$33,000 additional funds for credit card feeds, fuel and fertilizer at the Logan River Golf Course; \$1,540,000 additional funds for power purchase – Resolution 22-17 – Richard Anderson, Finance Director

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

The proposed resolution will be an action item and public hearing at the June 7, 2022, Council meeting.

409 **Consideration of a proposed resolution adopting the Community Development**
410 **Block Grant (CDBG) Annual Action Plan (Program Year 2022) for the City of**
411 **Logan – Resolution 22-16 – Amanda Hovey, CDBG Coordinator**
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413 CDBG Coordinator Amanda Hovey addressed the Council regarding the proposed
414 resolution. The City will receive an estimated \$500,000 to allocate from HUD for
415 PY2022.
416

417 Funding Recommendations are the following:
418

419 **Public Infrastructure Projects**

420 \$50,000 – 100 South & Main Sidewalk
421 \$42,000 – West Willow Sidewalks – Access & Mobility
422 \$117,000 – 300 South 500 East Sidewalk
423 \$35,000 – 100 East Poplar Avenue Pedestrian Crossing
424 \$120,000 – 900 North 100 West Sidewalk (Reallocate Funds)
425 \$66,378 – ADA Ramp Updates
426 \$133,216.97 – Pedestrian Crossing Beacons (\$73,216.97 from reallocated Funds)
427

428 **Community Needs/Public Service Projects**

429 \$29,622 – Whittier Center Exterior Paint
430

431 **CDBG Administration**

432 \$100,000 – Administration & Planning
433

434 The proposed resolution will be an action item and public hearing at the June 7, 2022,
435 Council meeting.
436

437 **OTHER CONSIDERATIONS:**
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439 No further items of consideration were discussed.
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441 **ADJOURNED.** There being no further business, the Logan Municipal Council adjourned
442 at 7:30 pm.
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444
445

446 Teresa Harris, City Recorder
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448
449