

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, November 21, 2023, in the Logan Municipal Council Chambers located at 290 North 100 West, Logan, Utah 84321 at 5:30 pm. Logan Municipal Council Meetings are televised live as a public service on Channel 17 and the City of Logan YouTube channel at: https://www.youtube.com/channel/UCFLPAOK5eawKS_RDBU0stRQ

Council Members present at the beginning of the meeting: Chairman Ernesto López, Vice Chair Amy Z. Anderson, Councilmember Jeannie F. Simmonds, and Councilmember Mark A. Anderson. Administration present: City Attorney Craig Carlston, Finance Director Richard Anderson, and Deputy Recorder Esli Morales.

Participating by Phone: Councilmember Tom Jensen.

Excused: Mayor Holly H. Daines and City Recorder Teresa Harris.

Chairman Ernesto López welcomed those present. There were approximately 7 in attendance at the beginning of the meeting.

OPENING CEREMONY:

Chairman Ernesto López led the audience in the pledge of allegiance.

Pastor Eli Brayley from Cache Valley Bible Fellowship provided the opening ceremony.

Pastor Brayley provided a Thanksgiving message and a prayer. Cache Valley is our home, where we seek to serve our community. We have been blessed by the community and the hope is to continue to serve the community for the future. A reminder to all of us to continue to count our blessings and name them.

Chairman López thanked Pastor Brayley for his words.

Meeting Minutes. Minutes of the Council meeting held on November 7, 2023 were reviewed and amended as requested by Chairman López

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

ACTION. Motion by Vice Chair A. Anderson seconded by Councilmember Simmonds to approve the November 7, 2023, minutes as presented and tonight's agenda. Motion carried by roll call vote.

A. Anderson: Aye

M. Anderson: Aye

Jensen: Aye

López: Aye

Simmonds: Aye

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

The council meeting on December 19 has been cancelled.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL:

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

Erin Bennett, a resident of Logan shared a tale of a native hunter, who shot an elk. Everyone in the village was invited to feast upon the elk, and the moral of the story is “I store my feast in the belly of my brother.”

Joshua Molitor, a resident of Logan read a portion of the Gettysburg Address and reminded the Council of the importance of serving the community.

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

MAYOR/STAFF REPORTS:

No Mayor/Staff Reports were presented.

COUNCIL BUSINESS:

Planning Commission Update – Councilmember Simmonds ([15:02](#))

Councilmember Simmonds reported from the last Planning Commission meeting, the Planning Commission approved two more short-term rentals. One of the short-term

rentals is in a cul-de-sac located at 1430 E 270 N. The short-term rental is a six-bedroom rental of the entire home. The neighborhood vocalized their displeasure. The short-term rental is located in a HOA, the HOA may be capable of preventing the short-term rental from coming into effect. The short-term rental was approved because it met all the criteria. Should the HOA fail, and the neighborhood continues in opposition, it will be a civil matter.

The second short-term rental approved was at 693 North 100 East. The island paradise was approved at 456 East 100 North, a residential three-lot single-family subdivision. Rent Miller Enterprises, a commercial retail business on 1.2 acres on 230 North 1000 West. The project will have commercial suites and a drive-through.

FY2023 Financial Statement Presentation – Richard Anderson, Finance Director, and Steven Rowley, Independent Auditor of Keddington & Christensen ([17:32](#))

Finance Director Richard Anderson addressed the Council regarding the FY2023 Financial Statement.

The entire financial year is available to the public on the website. The public is welcome to call him should they have any questions. The 2023 ACFR shows that the City has good reserves built on each one of our many funds. Financial statements show that we are in a good financial position, but the future is uncertain. The budget sets the plan, and the financial statements represent the results. It is my pleasure to report that we have good financial results because of the plan that was put in place and through oversight, direction, and discipline of the Council in adopting that plan. We have good reserves in each of the major funds. We are still building reserves for future capital projects. We have adequate emergency reserves. The financial results themselves are excellent, especially in staying on budget and abiding by it.

Steven Rowley, an independent auditor from Keddington & Christensen performed the audit for the ACFR 2023. He said, their job as auditors is to give an opinion on whether the financial statements that have been prepared are materially correct. In doing that, they have to make sure they properly perform the audit according to best practice auditing standards as well as government standards which are generally above generally accepted auditing standards. They have to exercise all their professional responsibilities and duties. They are not hired by finance or management; they are hired by the Council.

Their opinion can be found on page 11 of the ACFR. It is helpful and useful information, and he encourages the public or those interested to read this opinion. It states, “We have audited the accompanying financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Logan, Utah (the City) as of and for the year ended June 30, 2023, and the related notes to the financial statements, which collectively comprise the City’s basic

financial statements as listed in the table of contents. In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Logan, Utah, as of June 30, 2023, and the respective changes in financial position, and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.”

The front matter of the statement is that these financial statements can be relied on and are materially correct. What it means to be materially correct, not every transaction can be audited to the penny nor is it required. Yet based on audit standards and our professional standards as certified public accountants, sampling, and test-based approach, we are able to give our opinion that the financial statements are materially correct.

The opinion states that it is an unmodified opinion of financials which is the highest opinion that can be received for a financial statement. The rest of the report goes into how they determine or come up with that opinion. They perform tests on a sample basis, subsequent testing, inquiries, and dig into the numbers/data to ensure can be relied upon. The report also discusses the role of management including their responsibilities and duties. Management must oversee data, day to day-to-day activities, and ensure the assets of the city (cash, infrastructure, etc.) are handled according to accounting principles. As well is also properly safeguarded so assets cannot be taken, misused, or misappropriated.

Their responsibility is to perform an audit to ensure and be confident that the financial statements are correct. This does not mean they have looked at every single transaction which is impossible. However, through sampling and test work, they are comfortable in their opinion that these financial statements can be relied upon as materially correct. The report required supplementary information which includes management analysis, pension schedules, as well as budget schedules. Their opinion as it relates to this is that these items are not specifically audited. However, these sections are compared to the underlying accounting information and compare the consistency of which has been audited. As a whole, this is materially correct as well.

“In performing an audit in accordance with generally accepted auditing standards and Government Auditing Standards, their responsibility is to perform an audit to ensure and be confident that the financial statements are correct. Exercise professional judgment and maintain professional skepticism throughout the audit. Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements. Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the City’s internal control.

Accordingly, no such opinion is expressed. Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements. Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the City's ability to continue as a going concern for a reasonable period of time," pg 11.

"Accounting principles generally accepted in the United States of America require that the management's discussion and analysis on pages 13-19, budgetary comparison information on pages 68-70, and pension schedules on pages 71-73 be presented to supplement the basic financial statements. Such information is the responsibility of management and, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance," pg 12.

"Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or, significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that were not identified," pg 113.

"As part of obtaining reasonable assurance about whether the City's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards," pg 113.

"In our opinion, the City complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on each of its major federal programs for the year ended June 30, 2023," pg 115.

The program that triggered the single audit this year was the CDBG (Community Development Block Grant) program. The audit rotates every three to four years. As part of the audit the internal controls are reviewed, sample-based testing of compliance, and so forth.

“Our consideration of internal control over compliance was for the limited purpose described in the Auditor’s Responsibilities for the Audit of Compliance section above and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies in internal control over compliance. Given these limitations, during our audit we did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses, as defined above. However, material weaknesses or significant deficiencies in internal control over compliance may exist that were not identified,” pg 116.

This means there are strong internal controls in place to ensure the funds are being spent appropriately.

“We have audited the City of Logan, Utah’s (the City) compliance with the applicable state compliance requirements described in the State Compliance Audit Guide, issued by the Office of the State Auditor, for the year ended June 30, 2023. In our opinion, the City of Logan complied, in all material respects, with the state compliance requirements referred to above for the year ended June 30, 2023,” pg 119.

They are always happy to be associated with a City that is very well prepared. Everything we ask for; they are able to provide in a timely manner. There were no disagreements or difficulties in performing an audit. They very much appreciate the work and efforts of City staff.

Chairman López asked if there are common compliance issues that cities in the State face.

Mr. Rowley responded that a more common compliance issue is OSHA especially in utilities such as wastewater, and so forth. However, they have not heard or seen anything in recent or past audits that has been a violation of the City. Anything that does come up will have already been disclosed, counted as liability, or disclosed through an attorney’s letter that an issue has been found and is being addressed. As well some of the more common issues are also covered through insurance policies.

Councilmember Simmonds inquired how the single audit is triggered and if it is based on the dollar amount.

Mr. Rowley answered the single audit is triggered if the threshold of CDBG funding is reached, \$750,000.

Chairman López asked if the ARPA (American Rescue Plan) funds are also a part of the single audit.

Richard Anderson, Finance Director answered that the ARPA single audit is based on expenditures and not awards. An example is if \$750,000 funds are received, but if only \$300,000 is used, there may not be a single audit. The trigger in this instance would be expenditures.

Mr. Rowley added there is nothing to comply with until funds are used in this particular instance. Over the last two years, AARPA was tested. This year, there are minimal ARPA funds expended for fiscal year 2023. The CBDG funding crossed the threshold and triggered a single audit.

Councilmember Simmonds remarked that audit staff were at the City from the start of the morning until late at night. She commended their efforts.

Chairman López requested an elaboration on what is the process of selecting an auditor.

Mr. Anderson explained periodically the audit committee requires the City to solicit bids for an independent auditor. Staff evaluates the bids and selects an audit firm. There is one more year left of the 5-year contract but can go up to seven before the City will solicit bids for an independent auditor.

Councilmember Simmonds commented it is prudent to do so since the first year is a turnover. It is prudent to have a 5-year contract.

Mr. Anderson added the audit committee doesn't require a change, but the City elects to ensure the best value is being given for the cities money. Keddington & Christensen CPA has done a great job. They are unique in the fact that they specialize in government auditing and provide consulting services in government. They are highly qualified in performing audits.

Vice Chair A. Anderson requested a reminder of what the internal audits consist of.

Mr. Anderson replied there is an internal audit program. Part of the program is to comply with State requirements, the audit committee oversees the audit program and provides oversight. The reports generated are reviewed at the audit committee meeting. The internal controls for the City are some of the best in Utah and possibly even out of the State, but as stated by Mr. Rolley, there is never a guarantee. Staff will always do their best to catch everything and the hope is to catch the large and small items with the controls in place and make corrections as needed.

Councilmember Simmonds approved of the process and how it provides an opportunity for change, additional training, and further conversation to implement better controls as needed.

Councilmember Jensen inquired if the 2023 ACFR needs to be approved by the Council.

Mr. Anderson responded he could review the code if the Council would be required to approve the 2023 AFR. However, it is unlikely as the 2023 ACFR cannot be changed by Council since it has already transpired.

Chairman Lop inquired how long the audit took for the City.

Mr. Anderson answered that the audit took five days on-site and more before and after.

Mr. Rowle added during the five-day on-site audit, he and auditor Gary as well as two of the three partners were on site as well. These were twelve-hour days or more depending on the day. There was a 65-hour work week, a two-day preliminary counting, and there was more after to review everything through the audit firm's own internal quality control process for 7 to 8 days more.

Councilmember Jensen reminded the Council to select a new chairman and vice chair at the next Council meeting in order to work on committee assignments for the start of next year.

No further Council Business were presented.

ACTION ITEMS:

PUBLIC HEARING - Consideration of a proposed resolution approving fees for the Parks and Recreation Department (Plaza Ice Rink, Ice Skate Rental fees and Logan River Golf Course Fees) – Resolution 23-49 – Russ Akina, Parks & Recreation Director ([45:05](#))

At the November 7, 2023 Council meeting, Parks and Recreation Director Russ Akina addressed the Council regarding the proposed fee increases. These will be administering fees for recreational, special event programs, and services such as ice skate rental fees. The fee for the session during the workshop is \$5 for 90 minutes, the terminology to amend is to propose that it be stated as a session. This will permit the department flexibility. The term Military will apply to active-duty members or veterans. The addition of a student category discount with student ID. For future consideration, a free skate night for the public.

Vice Chair A. Anderson requested that a free skate night be only for Logan residents rather than the entire County. The Council is conscious of the fact that the residents of Logan will take the brunt of the ice rink costs. The alternative is also to offer Logan residents a different season pass price than that of County residents.

Councilmember Simmonds requested clarification on the rates if they reflect the cost or are in line with the surrounding area.

Mr. Akina responded to the latter, there is no data for fee comparison, the cost is reflected in surrounding State operators. As a result, we realized the occupancy of 120 or 150 needs to be lowered per session. The max occupancy will be 60 to 90 participants per session. This occurred after seeing children with ice walkers.

Mr. Akina added that there have been two rainstorms since the ice rink was opened. The ice rink has held up reasonably well. Had it been at Merlin Olsen Park, the season would have been over.

Councilmember Simmonds recommended that after the session, the ice rink be closed for 30 minutes to groom the rink, before starting again at the hour. A possibility in the future that there will be punch passes or reservations for the plaza.

Mr. Akina replied we are currently researching what we can do and how we can do so.

Mr. Akina addressed a prior question regarding the price of the junior season pass at \$200 with a discount and valid only for a season golf pass. The goal is to encourage customers to play frequently, including youths. However, if that is not the case, it is better to purchase the daily rate or a bucket of golf balls for less frequency usage.

Vice Chair A. Anderson asked what the cost is for a bucket.

Mr. Akina answered the cost for a regular bucket of 45 balls is \$6 and a large bucket of 90 balls at \$11. An example is if during the season someone only goes once a week and buys a bucket at \$6, it would be worthwhile. However, if they go for the large bucket, they would be better off getting the pass, since it would surpass the season pass price.

Councilmember Simmonds requested clarification on the junior pass.

Mr. Akina clarified the junior pass is already discounted and with the season pass it cannot be further discounted.

Mr. Anderson clarified the youth pass, and the driving range can be purchased together or separately. The junior discount is only applicable to the driving range.

Vice Chair A. Anderson inquired how often golfers come and do not use the range.

Mr. Akina responded he could not confirm in terms of frequency or volume but in terms of last year's revenue. Each year since COVID, the total revenue of the driving range has increased. The revenue last year was \$175,000. Just looking at the cost to replace driving range balls is \$3000 per order which is about \$15,000 on replacing driving range golf balls. This does not include the time of staff mowing or fertilizing the range, there is a cost there as well. An easy estimate is that \$80,000 is being spent just on the driving range. In fact, they are trying to put funds away in reserves to make improvements to the driving range. One of the areas that need to be addressed is the golf balls flying over the fence and there is a big wet spot on a third of the driving range that needs to be addressed due to a broken drainage pipe. In terms of identifying revenue sources and making small tweaks that can be done to improve the driving range.

Chairman López opened the meeting to a public hearing.

Mike Johnson, a resident of Logan inquired further regarding a group discount, and if the student discount will only be for USU students or for lower grade levels as well.

Mr. Akina responded that the student definition is for any student with a student ID.

Erin Bennett, a resident of Logan did not believe County residents should not be charged more in the future vs. residents of Logan.

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

Vice Chair A. Anderson suggested making a change to require student ID for 18 and up.

Councilmember M. Anderson agreed with Vice Chair A. Anderson that there should be a rate for 17 and under.

Mr. Akina requested clarification from the Council regarding group reservations.

Councilmember Simmonds recommended the same system of pickleball for groups to make reservations. There should be a group rate for a number of organized groups of a certain number.

Vice Chair A. Anderson agreed with Councilmember Simmonds about organized groups.

Mr. Akina said there are pool reservations during the pools' downtime, however, there is not sufficient data at this time. There would be data applicable for the upcoming year.

Councilmember M. Anderson recommended waiting until there is data available. At which time, the Council may revisit the group discount or group reservation system.

Chairman López inquired if it would be possible to leave the resolution open to the department in order to establish a group rate.

Vice Chair A. Anderson responded the Council would need to establish the group rate.

Vice Chair A. Anderson confirmed the price of the fees. It would be \$5 per person per session with no time limit mentioned. \$3 per person for 60 and older or active military/veteran, students under 18 \$3 or 18+ with ID.

Councilmember Simmonds proposed \$5 for 18 and over per session. \$3 under 18, active military/veterans, and Seniors over 60+ per session.

Mr. Akina for clarification purposes asked for students 18 and under \$3 as well as students with ID for 18 and older.

The Council confirmed that this is correct. The Council was in favor of the change.

The fee for the session during the workshop is \$5 for 90 minutes, the terminology to amend is to propose that the wording instead only say “a session” rather than a specific time frame. This will permit the department flexibility.

ACTION. Motion by Councilmember M. Anderson seconded by Councilmember Simmonds to accept Resolution 23-49 with the amendment of pricing for under 18 and students as presented. Motion carried by roll call vote.

A. Anderson: Aye

M. Anderson: Aye

Jensen: Aye

López: Aye

Simmonds: Aye

PUBLIC HEARING - Budget Adjustments FY 2023-2024 appropriating: \$80,000 a reimbursement for special inspection services; \$20,329 funds received for police overtime shift reimbursements; \$100,000 a loan forgiveness grant from the State of Utah for the Water Lead Service Line Inventory Project; \$32,784 public works engineering for traffic studies related to development; \$800,000 contingent legal fees associated with the Woodsonia development; \$60,000 funds for increased credit card fees, supplies, maintenance, and capital projects; \$390,000 a grant to Parks & Recreation Afterschool Program to be used to support After School Programs for Adams, Bridger, Ellis and Woodruff Elementary, and the Logan City School District - Resolution 23-47 – Richard Anderson, Finance Director ([1:24:15](#))

At the November 7, 223 Council meeting, Richard Anderson addressed the Council regarding the proposed budget adjustments.

Chairman López opened the meeting to a public hearing.

Joshua Molitor, a resident of Logan requested further details on the \$800,000 legal fees associated with Woodsonia Development and where the funding is coming from. Also asked when it will be known what the total accumulated amount of legal fees is.

Mr. Anderson explained the City agreed as part of the development agreement to cover certain costs such as legal fees associated with moving retailers, who have existing contracts that need to be vacated or changed. The funding is being taken out of the risk management general fund that manages risks for the city. He reminded that funding sources were all discussed at the last Council meeting during the RDA public hearing. This portion of the resolution is part of the entire incentive package discussed; it is merely a budgetary item.

Craig Carlston, City Attorney clarified that the funding for legal fees is up to \$800,000 and does not mean that will be the total amount paid. The process is currently being worked on and the final amount of accumulated fees is unknown except for the known limit of contingent legal fees of up to \$800,000.

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

ACTION. Motion by Vice Chair A. Anderson seconded by Councilmember M. Anderson to approve Resolution 23-47 as presented. Motion carried by roll call vote.
A. Anderson: Aye
M. Anderson: Aye
Jensen: Aye
López: Aye
Simmonds: Aye

PUBLIC HEARING - Consideration of a proposed ordinance amending Sections 2.48.010, 2.48.020, 2.48.030, 2.48.040, 2.48.050, 2.48.060, 3.04.010, 3.04.020, 3.04.030, 3.04.040, 3.04.050, 3.04.060, and 3.04.070 of the Logan Municipal Code – Ordinance 23-34 – Richard Anderson ([1:29:10](#))

At the November 7, 2023 Council meeting, Finance Director Richard Anderson addressed the Council regarding the proposed ordinance. It has been ten years since the purchasing thresholds have been updated and it is time to do so again. He emphasized the change will permit flexibility and should there be any concerns of abuse as by increasing the thresholds, there will be more effective monitoring. It is an appropriate adjustment, and it will be monitored.

Current purchasing ordinance thresholds are the following:

\$0 to \$5,000	Department documentation of 3 quotes
5,001 to 50,000 bids, PO	Department submits to Purchasing documentation of at least 3
50,001+	Formal bidding by Purchasing

Proposed changes to purchasing ordinance thresholds:

\$0 to \$5,000	Department obtains best value
\$5,001 to \$10,000	Department documentation of 3 quotes
\$10,001 to \$100,000 bids, PO	Department submits to Purchasing documentation of at least 3
100,001+	Formal bidding by Purchasing

Chairman López opened the meeting to a public hearing.

Erin Bennett, a resident of Logan, is not in favor of the changes in the bidding process and is concerned about negative repercussions as a result. She states crimes have been witnessed by her and is alarmed by the culture of the City itself.

Mr. Anderson interjected no crimes have been committed or associated with the purchasing process. There are no financial crimes by the City itself.

Ms. Bennett went on a tangent regarding the cultural norms of the City as a civil rights violation.

Mr. Anderson reiterated that there have been no crimes committed with purchasing by the City.

Ms. Bennett repeated her concerns regarding the bidding process and possible alternatives that could be used instead. She hinted again at the certainty of crimes being committed from her perspective.

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

Vice Chair A. Anderson requested clarification for the purpose of the community in regard to the previous statement made by Ms. Bennett as there are guidelines and thresholds already in place that the City must abide by.

Councilmember Simmonds added the threshold will have changed, but the budget itself will not. The budget will remain the same as approved at the start of each fiscal year. A department cannot simply go rogue.

Mr. Anderson clarified that it is important to know that doubling the limitation is not opening the department to the ability to buy whatever they desire rather it is opening up solely for the purpose of the bidding process of who has to do the bidding. Regardless of the bidding threshold, documentation of the bidding itself must still occur at any threshold including the formal bidding process which is done exclusively by the purchasing agent at \$100,001 or higher. The bids will still be scrutinized before a purchasing order can be approved. The only requirement that is being removed is the formal bidding process which will still be met once the purchasing threshold is met.

Chairman López asked what drove the need to change the purchasing threshold process.

Mr. Anderson responded that inflation over the last year has had a direct impact. A \$5000 budget threshold does not buy what it used to. There are more and more regular everyday purchases spilling over the purchase order threshold. Secondly, vendors are not willing to participate in the formal bidding process. When a vendor submits a formal bid, they do not meet with City staff; rather, their only opportunity is the submission of a packet for bidding. The purpose is to get more people to bid by increasing the threshold limit.

Vice Chair A. Anderson asked what the price would for the City be if there were more bids.

Mr. Anderson confirmed their hope is for more and better bids.

Chairman López said as inflation drives costs up, there is more paperwork, hence increasing costs when purchasing as well as increasing the amount of work.

Mr. Anderson agreed that is the case as there is only one purchasing agent for the entire City, and another assistant/back-up purchasing agent. If we do not increase our thresholds, we will either have to increase the number of personnel or do something else.

Ms. Bennett spoke out of turn and interrupted the public meeting making fallacious allegations that the purchasing agent had lied in an email.

Chairman López reminded Ms. Bennett that the public comment period has been closed.

Mr. Anderson vehemently opposed the misleading statement made by Ms. Bennett

Ms. Bennett took the podium without being called upon and with the public hearing portion being over. She continued with the fallacious allegations including a GRAMA request responded to by the purchasing agent.

Mr. Anderson corrected the misleading statement made by Ms. Bennett as he personally produced the financial documents granted to Ms. Bennett in her GRAMA request.

Ms. Bennett continued to palter and insisted upon her fallacious allegations.

Chairman López requested Ms. Bennett take her seat.

Ms. Bennett continued to interrupt with the same tangent.

Chairman López insisted Ms. Bennett take her seat as the public comment period is over.

Councilmember M. Anderson requested confirmation if a purchase under \$5,000 would typically be made with a credit card and receipt of purchases made would need to be provided.

Mr. Anderson answered typically such a purchase made would be through a purchasing card. The receipts turned in are coded and reviewed by two staff members to ensure they were valid purchases.

Chairman López stated that if the public has any questions or concerns, they are more than welcome to email or call the Council as well as reach out directly to the Finance Director, Richard Anderson.

ACTION. Motion by Vice Chair A. Anderson seconded by Councilmember M. Anderson to adopt Ordinance 23-34 as presented. Motion carried by roll call vote.

A. Anderson: Aye

M. Anderson: Aye

Jensen: Aye

López: Aye

Simmonds: Aye

**Consideration of a proposed resolution requesting the Recertification of the Logan Municipal Justice Court – Resolution 23-51 – Craig Carlston, City Attorney
([1:40:14](#))**

City Attorney Craig Carlston addressed the Council regarding the proposed resolution. The Logan Justice Court is a well-run efficient court led by Judge Lee Edwards. Judge Lee Edwards is a very capable and well-respected judge. The Logan Justice Court is a Class 1 justice court, which means the court must have at least 501 citations or cases filed per month. The average case filing for the Logan Justice Court is about 635 per month, a rough total of 7600 cases per year.

The State requires recertification of the justice court every four years. This is the four-year mark for the recertification of the justice court. There are several statutory requirements that need to be met in order to be recertified at least three court clerks, a dedicated courtroom, a full-time judge, and so forth. Mr. Carlston met with the judge and reviewed Mr. Edward's affidavit and the information provided to ensure the justice court met the requirements. The justice court has met the requirements for recertification.

Vice Chair A. Anderson requested confirmation that the documents submitted for recertification have met all the State statutory requirements.

Mr. Carlston confirmed that this is the case, all the statutory requirements have been met.

Ms. Bennett spoke out of turn to ask if there was a public hearing.

Chairman López stated that there was no public hearing.

Mr. Carlston clarified that a public hearing is not required for recertification.

ACTION. Motion by Councilmember Simmonds seconded by Councilmember Jensen to approve Resolution 23-51 as presented. Motion carried by roll call vote.

A. Anderson: Aye

M. Anderson: Aye

Jensen: Aye

López: Aye

Simmonds: Aye

At 7:09 p.m., Councilmember Jensen requested to be excused for medical reasons and was excused by Chairman López.

WORKSHOP ITEMS:

Consideration of a proposed resolution of the City of Logan approving the Program Year 2022 (PY2022) 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 23-50 – Russ Holley, Planner ([1:43:20](#))

Russ Holley Planner addressed the Council regarding the proposed resolution.

Logan City's Consolidated Annual Performance and Evaluation Report (CAPER) covers the progress Logan has accomplished in carrying out the City's CDBG Program Year

2022 (PY22) Annual Action Plan (AAP). This is the fourth year of the five-year consolidated plan.

The main objectives of the consolidated Plan and the 2022 AAP are: to invest in infrastructure projects in neighborhoods with eligible low/moderate income (LMI) areas (40%). Invest in remediation of access and mobility barriers in all neighborhoods (10%). Sustain community needs that support LMI residents of Logan (30%), (20% - public facility, 10% - public services).

As a small entitlement community, Logan City received \$553,670 in CDBG funds for PY22. The AAP for PY22 is the fourth Annual Action Plan for the Five-Year Consolidated Plan (2019-2023).

During PY22 there was one completed public facility project, the 2021 Whittier Center Playground Floor. The 2022 Whittier Center Exterior Paint project carried over into the project year 2023 and will be included in next year's CAPER.

The projects completed during the 2022 project year include the PY17 West Willow Park Accessibility Improvements, PY21 Whittier Center Playground Floor, and PY21 600 E 500-700 N Sidewalk, all of which were completed in LMI areas and benefited a total of 18,580 residents.

During PY22, total costs were \$110,077.11 for 2022 (19.88%). We spent a total of \$88,997.31 on CDBG administrative expenses and \$21,079.80 towards the new 2024-2028 Conplan.

The Council commended the projects and improvements made throughout the City.

The proposed resolution will be an action item and public hearing at the December 5, 2023, Council meeting.

REZONE – Consideration of a proposed ordinance for a rezone of approximately 2 acres comprised of eight (8) parcels located on both sides of 100 North between 100 and 200 East – Ordinance 23-35 – Tanya Rice, Planner ([1:48:45](#))

Planner Tanya Rice addressed the Council regarding the proposed rezone.

RECOMMENDATION

Staff recommended that the Planning Commission forward a recommendation of **Denial** to the Municipal Council for a rezone of approximately 2 acres comprised of eight (8) parcels located on both sides of 100 North between 100 and 200 East, specifically: TIN #06-067-0004, -0005, -0007, -0008, 0020, -0021, -0022 and -0033.

Land use adjoining the subject properties:

<i>North:</i>	TC-2 COM Uses	<i>East:</i>	TC-2 and NR-6 Residential Uses
<i>South:</i>	TC-2 COM and Residential Uses	<i>West:</i>	TC-2 COM and Residential Uses

Request

On behalf of seven property owners along 100 North between 100 East to the canal, the applicant is requesting to rezone eight (8) properties from Town Center 2 (TC-2) to Traditional Neighborhood Residential (NR-6). The proposal includes four parcels on the south side of 100 North (combined 1.04 acres, Wilson Neighborhood), and four parcels on the north side of 100 North (combined 1.08 acres, Adams neighborhood) totaling just over 2 acres. Two (2) parcels are vacant lots, one home is a grandfathered triplex, and five properties are single family homes, all in the historic district.

General Plan

The Future Land Use Plan (FLUP) adopted in 2008 designates this project area in the Town Center District (TC). The General Plan states that the intent of this district is to support and complement Logan’s downtown, where the area contains the majority of the community’s historic and cultural resources. The TC district extends approximately two blocks east and west of Main Street, and from 400 North to 200 South. The TC district is designated as “the central hub for both Logan and Cache Valley, and will have a mix of retail, office, residential, and civic uses. The residential Density in the TC district range from 0-30 dwelling units per acre. The subject parcels are surrounded by the TC designation. The nearest Detached Residential are located east of 200 East (yellow on FLUP).

Adams Neighborhood Plan

The Adams Neighborhood Plan was adopted in 2013 and outlines goals and recommendations to ensure and promote a strong sense of community specific to the Adams neighborhood. Goals related to zoning, land use and housing aim to carefully integrate and develop a mix of housing and commercial uses within both the Mixed-Use and Town Center zones in order to create additional housing opportunities outside of the Adams core residential neighborhood. The Plan also aims to protect the unique design and architecture characteristics of the existing housing stock and promote the appropriate preservation of historic structures that showcase the unique historic character of Logan City.

Land Development Code (LDC) - Zoning

The current zoning district is Town Center 2 (TC-2), which encourages dense residential development in the downtown area within a compact, walkable urban form. A mixture of uses are encouraged but not required. The TC-2 zone is distinguished from the TC-1 zone in terms of the scale, use and intensity of new development in the blocks immediately West or East of Main Street and is considered the outer core of downtown Logan. This

zone allows a density of up to 30 units per acre along with a mixture of commercial uses. The City went through a deliberate and robust process to redefine the Town Center zoning districts which culminated in the adoption of Ordinance No. 18-07. This year long zoning process established TC-2 in this area as a way to buffer the residential neighborhoods further east from the development intensities of TC-1 just west. The goal of the zoning strategy adopted in 2018 was to further implement the visions expressed in the General Plan through a methodical transition of uses and structure. Changing the zoning from TC-2 to NR-6 is contrary to the zoning action taken in Ordinance No. 18-07.

Neighboring Land Uses

The surrounding developments along the same block of 100 North are a mixture of small business offices, multi-family structures, and a residential group home. Further east the land uses are comprised of a mixture of residential, while to the west, the land uses are comprised of commercial uses.

Historic District and Design Standards

The Logan Center Street Historic District is comprised of a wide variety of commercial, residential, and institutional structures built in the early 1900's and exemplify the history and settlement of Logan. Logan City values the preservation of historic structures as seen in the historic district design standards in place for buildings within the District. All project proposals in the District are evaluated for compliance with the adopted Historic District Design Standards, while most exterior construction, demolition and restoration projects are required to obtain a "Certificate of Appropriateness" from the Historic Preservation Committee.

Rezone

The applicant is requesting a rezone of eight parcels from TC-2 to NR-6 on behalf of seven parcel owners. In the NR-6 zone, the Land Development Code (LDC) permits single family residential dwellings with minimum lot sizes of 6,000 square feet and a maximum gross density of six units/acre. The proposed zoning would permit one SFR while the existing TC-2 zone would allow a mixture of residential and commercial uses, with a maximum residential occupancy of 30 units/acre.

Staff Summary

Seven of the eight parcels requested in this rezone are along 100 North and one parcel is a vacant infill lot. Five of the parcels in the proposal are owner occupied historic single-family.

On November 9, 2023, the Planning Commission recommended the Municipal Council to **deny** the 100 North Historic Project Area Rezone. **Planning Commissioners vote (6-0). Vote to recommend deny - Yea:** Heare, Guth, Doutre, Lucero, Croshaw, Peterson

Councilmember Simmonds declared she is a proponent of the project and will recuse herself from the discussion.

Vice Chair A. Anderson requested confirmation if, in the Historic Preservation Zone, the Historic Preservation Commission (HPC) could regardless of rating make a recommendation for demolition further down the road.

Tanya Rice, City Planner responded the HPC is not disallowed from doing so in the future. The State does not allow tearing down a historic building without reason. The HPC would help with any reconstruction would need to be within the guidelines of the district. It couldn't be modern vs. historical; it would need to fit the character of the neighborhood. There are very specific guidelines for either alterations or redevelopment.

Chairman López requested an explanation as to the reason why in 2018 the guidelines, the zone was changed to TC-2.

Ms. Rice said that based on her understanding in 2018, an ordinance was passed by the Council. As part of that ordinance, there was a deliberate separation, a long-time process to try to buffer the density in TC-1 with that of the neighborhood housing district. Hence that is how TC-2 came about.

Vice Chair A. Anderson, who served on the Council at that time. Confirmed that the Council revised the zoning of TC (Town Center) into tiers TC-1 and TC-2.

Chairman López asked what the area of TC-2 was before.

Vice Chair A. Anderson repeated the area was TC (Town Center) before. There was no distinction at that time between TC-1 & TC-2.

Councilmember M. Anderson inquired as to the reason for the change in zone by the proponent.

Ms. Rice replied that the applicant wrote that the seven property owners are interested in preserving their historic homes.

Vice Chair A. Anderson requested confirmation of the fact that the applicant is not requesting a change in the FLUP only in the zone.

Ms. Rice confirmed that the applicant is only requesting a change in the zone and not in the FLUP.

Vice Chair A. Anderson asked if any public comment had been received.

Ms. Rice answered no public comment has been received except for comments made at the Planning Commission meeting. Three members of the public spoke, one is the applicant and the other two are two of the 7 homeowners. No written comment has been received.

The proposed ordinance will be an action item and public hearing at the December 5, 2023, Council meeting.

REZONE – Consideration of a proposed ordinance for a rezone of approximately 2.03 acres of property located at 1950 North (Auto Mall Drive) 200 West (Vacant northeast corner of intersection) from Commercial (COM) to Public (PUB) – Ordinance 23-36 – Russ Holley, Planner ([2:07:06](#))

Planner Russ Holley addressed the Council regarding the proposed rezone.

RECOMMENDATION

Staff recommended that the Planning Commission forward a recommendation to the Municipal Council for a rezone of approximately 2.03 acres of property located at approximately 1950 North (Auto Mall Drive) 200 West (Vacant NE Corner of Intersection) (TIN# 04-080-0044) from Commercial (COM) to Public (PUB).

Land use adjoining the subject property

<i>North:</i>	North Logan City - Vacant	<i>East:</i>	COM: Commercial Uses
<i>South:</i>	COM: Vacant	<i>West:</i>	NR-6: Vacant (Res. Nearby)

PROJECT

The proponent is requesting to rezone a vacant 2.03-acre lot from Commercial (COM) to Public (PUB) with the intention to develop a Mental Health Crisis Receiving Center for the Bear River/Northern Utah area (Box Elder, Cache and Rich Counties). Funding from the State of Utah has been secured for the development of this regional facility. This is a request to determine if this is the right location. A receiving center is a community facility open 24/7 staffed by therapists, nursing, and counselors to provide treatment for individuals in mental health or substance abuse crisis. Receiving centers are non-refusal and will accept anyone for assessment, no matter their crisis. If successfully Rezoned, the applicant will subsequently apply for a Design Review and Conditional Use Permit for site and project design approvals.

GENERAL PLAN

The Future Land Use Plan (FLUP), adopted in 2008, identifies this property as Commercial (COM). The General Plan, a nonregulatory visioning plan, describes COM areas as being intended for retail, office, service, and hospitality businesses that provide employment commercial goods and services to city-wide and regional populations.

The Public (PUB) designation is reserved for lands on which public facilities will be located. This designation typically includes schools, government offices, public facilities, emergency services and other similar public developments.

Public Zoning

The Logan City Land Development Code (LDC) entitles property within the PUB zoning district to a mix of development patterns and building designs containing a range of either public or non-profit uses. Typically, with larger setbacks, lower building heights and generous landscaping and parking requirements, PUB developments tend to look more suburban in character. Receiving Centers are required to obtain a Conditional Use Permit in the PUB zoning district prior to construction.

SUMMARY

When “Receiving Centers” were recently added to Logan City’s land use table, the Council intentionally decided that the PUB zone would be the only zone to Conditional Permit this land use. They wanted the ability to ensure the public was involved in most facets of a decision to locate a Receiving Center somewhere in Logan to help determine a sites appropriateness and compatibility. Being a relatively new land use in Utah, with the 2019 Davis County Center being one of the first to be established, it may be difficult for decision makers to extensively understand the impacts associated with these facilities. Given the proximity to NR-6 zoned areas to the west, decision makers should consider the possible impacts to residential land uses. Decision makers should also consider the loss of commercially zoned property adjacent to two existing car dealerships which limits their future expansion, as well as the compatibility of the entire range of uses in the Public Zone with adjacent properties. Based on the City’s projected growth models, the currently vacant surrounding properties will likely develop into a mix of commercial and residential uses in the coming years. Being opened 24/7, possible noise and late-night impacts may be associated with the Receiving Center land use. Both the Commission and the Council should consider location and impacts prior to making a decision to rezone.

AGENCY AND CITY DEPARTMENT COMMENTS

No comments have been received.

PUBLIC COMMENTS

Notices were mailed to property owners within 300 feet of the subject property. As of the time of this report no comments have been received.

PUBLIC NOTIFICATION

Legal notices were published in the Herald Journal on 10/28/23, posted on the City’s website and the Utah Public Meeting website on 10/30/23 and mailed out to adjacent property owners within 300’ on 10/23/23.

RECOMMENDED FINDINGS

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

1. The PUB zone is not factored into FLUP and General Plan growth models as these uses and facilities are difficult to predict when and where the appropriate locations should be.
2. Most of the surrounding existing land uses to the east are commercial in nature. The areas to the west are currently being developed with single family residential uses.
3. The Conditional Use Permit process will ensure negative impact associated with the use a properly mitigated.

On November 9, 2023, the Planning Commission recommended to the Municipal Council **approval** of the Bear River Mental Health Crisis Receiving Center Rezone from COM to PUB. **Planning Commissioners vote (6-0):**

Councilmember Simmonds remarked during the Planning Commission, Bear River Mental Health had looked at a variety of sites and felt that the location would meet best their needs and requested confirmation if that was the case.

Mr. Holley confirmed that this is correct. The applicant felt this was the most suitable location at this time. The rest of the potential sites failed from a real estate standpoint. The site is on a time contract.

Vice Chair A. Anderson said the one public comment made by Mr. Quail was the lack of proximity to transportation. What would be the closest stop by the Transit made to this location.

Mr. Holley responded that the closest stop is three blocks, possibly on 1400 North as well.

Vice Chair A. Anderson added that a conversation with the Transit may need to occur in order to create a closer stop. She commended the location in the close proximity to the hospital.

Vice Chair A. Anderson inquired what the time frame may be.

Mr. Holley answered the applicant needs to act by December 13th. It is a scheduled action item for December 5th. This is merely a rezone, not a design review. The design review will come later when the facility is designed.

The proposed ordinance will be an action item and public hearing at the December 5, 2023, Council meeting.

Budget Adjustments FY 2023-2024 appropriating: \$161,253 fire wildland reimbursements received; \$29,119 fire wildland reimbursements received (Emergency Medical Services); \$1,854,702 funds toward the order and purchase of a new ladder truck – Resolution 23-52 – Richard Anderson ([2:17:20](#))

Finance Director Richard Anderson addressed the Council regarding the proposed resolution.

Councilmember Simmonds inquired how long it takes for a fire truck to arrive if it is a bigger size, and why it is necessary to replace the ladder truck.

Robert Lacroix, Fire Training Chief responded it will take 3 to 4 years for a ladder truck to arrive. The ladder truck is the same size as the current truck. The current truck is already 15 years old, and by the time the new ladder truck arrives, it will be 20 years old. The EPA guidelines recommend 15-year replacements with the truck then going into reserve status. There is a good arrangement made for the current ladder truck with a possible sale in the valley to keep us with the ability to respond. Every year the cost goes up with inflation. The vendor seals in at the current price regardless of inflation. The timing is right. With the Rosenbauer engine, a reserve engine, there is a buyer in Canada willing to pay \$400,000. With the sale of both vehicles, the expectation is to recoup half of the cost.

Councilmember Simmonds requested clarification as to the reason why the ladder truck is being sold despite being close to the EPA guideline limit.

Mr. Lacroix responded that the current ladder truck is a 2008. It would be proposed to sell it within the valley and replace the existing 1998 model. The 2008 and 2009 models hold their value very well for twenty to twenty-five years. The EPA recommends a fifteen-year replacement with the fire truck going into reserves for a five-to-ten-year period. It will still be in the window and be serviceable out of station 120 located by the university. This will put a ladder truck on both ends of the response zones. It will be used as a reserve, it is older, but the alternative is another \$2 million truck and a waiting period of three to four additional years.

Councilmember Simmonds requested confirmation that the fire truck will be used by the station by the university and whether the station is the City's.

Mr. Lacroix confirmed that the fire truck will be at station 120 located at 2000 N 1200 E, and though the City man's the fire station, North Logan owns the station and equipment. The sale of the fire truck would be to North Logan, who would own the ladder truck.

Vice Chair A. Anderson asked if the fire truck would be more eco-friendly.

Mr. Lacroix answered that the size of ladder fire trucks is mostly prohibitive in terms of eco-friendliness. It is a diesel engine, but it does come with exhaust scrubbers. The fire truck is big and heavy, around 54 to 60 tons. It will be the newest state-of-the-art diesel.

The proposed resolution will be an action item and public hearing at the December 5, 2023, Council meeting.

OTHER CONSIDERATIONS:

Chairman López shared that the agenda now has actual links to items along with the minutes.

Vice Chair A. Anderson announced that the William A. Burnard Warming Center will be opening on December 4, 2023 at St. John's Episcopal Church, 85 E 100 N. It is a safe place for the community to find shelter from 7 p.m. to 8 a.m.

Chairman López reminded everyone of the Christmas festivities that will be ongoing at Center Street and the plaza this weekend, November 25.

Councilmember M. Anderson said the festivities commence at 1 p.m. with countless activities.

Councilmember Simmonds added that the fireworks were provided by two outside entities and will be in Merlin Olsen Park.

No further items were discussed.

ADJOURNED. There being no further business, the Logan Municipal Council adjourned to a meeting of the Logan Redevelopment Agency at 7:54 p.m.

Minutes of the meeting of the Logan Redevelopment Agency convened on Tuesday, November 21, 2023, in the Logan Municipal Council Chambers located at 290 North 100 West, Logan, Utah 84321 at 7:54 pm.

Council Members present at the beginning of the meeting: Chairman Ernesto López, Vice Chair Amy Z. Anderson, Councilmember Jeannie F. Simmonds, and Councilmember Mark A. Anderson. Administration present: City Attorney Craig Carlston, Richard Anderson, Economic Development Director Kirk Jensen, and Deputy Recorder Esli Morales.

Participating by Phone: Councilmember Tom Jensen.

Excused: Mayor Holly H. Daines and City Recorder Teresa Harris.

Chairman López welcomed those present. There were approximately 2 in attendance at the beginning of the meeting.

ACTION ITEM:

PUBLIC HEARING - Budget Adjustment FY 2023-2024 appropriating: \$500,000 affordable housing reserves (292108) toward the Woodsonia development - Resolution 23-48 RDA – Kirk Jensen ([2:27:53](#))

At the November 7, 2023 Council meeting, Economic Development Director Kirk Jensen addressed the Council regarding the proposed resolution.

Mr. Anderson stated that these resolutions are to comply with budgetary procedures. The actual giving of the funds by the entities has already transpired at the last meeting when the agreement/contract was approved.

Chairman López opened the meeting to a public hearing.

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

Vice Chair A. Anderson for the benefit of the public requested an explanation of affordable housing.

Mr. Jensen said the definition of affordable housing is meeting HUD (Housing and Urban Development) standards and the State definition. Affordable housing equates to 80% of the average income for Cache County.

ACTION. Motion by Councilmember Simmonds seconded by Vice Chair A. Anderson to approve Resolution 23-48 RDA as presented. Motion carried by roll call vote.

A. Anderson: Aye

M. Anderson: Aye

Jensen: Absent

López: Aye

Simmonds: Aye

ADJOURNED. There being no further business, the Logan Redevelopment Agency adjourned at 7:57 p.m.

Esli Morales, Deputy City Recorder