

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, May 21, 2024, 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 Amy Z. Anderson, Vice Chair Mark A. Anderson, Councilmember Ernesto López, Councilmember Mike Johnson, and Councilmember Jeannie F. Simmonds. Administration present: Mayor Holly H. Daines, City Attorney Craig Carlston, Finance Director Richard Anderson, and City Recorder Teresa Harris.

Chair Amy Z. Anderson welcomed those present. There were approximately 12 in attendance at the beginning of the meeting.

OPENING CEREMONY:

Police Chief Jeff Simmons offered the opening ceremony and led the audience in the pledge of allegiance.

Chief Simmons stated that last week was National Law Enforcement & Peace Officer Week. Every year during this time, law enforcement takes the time to remember the officers who have fallen in the line of duty. Thus far, a total of 26,619 officers have been lost. A total of 1,800 officers have been lost in the past five years, which is a significant amount. Thus far this year, 59 officers have been lost. A flag ceremony was conducted to remember those who had fallen along with a banquet to honor the City's officers.

Chief Simmons stated that a critical incident occurred in the City that same week. It is not an occurrence that is common in Logan, and he is grateful it is not a common occurrence. The last critical incident that occurred was eight to ten years ago. He commended the service of all current officers, retired officers, and those who have fallen in the line of duty.

The Council expressed its gratitude to law enforcement for the services they provide to the community.

Meeting Minutes. Minutes of the Council meeting held on May 7, 2024 were reviewed and approved with no corrections.

Meeting Agenda. Chair A. Anderson announced there is one public hearing scheduled for tonight's Council meeting.

ACTION. Motion by Vice Chair M. Anderson seconded by Councilmember López to approve the May 7, 2024 minutes as presented and to approve tonight's agenda.

Motion carried by roll call vote.

A. Anderson: Aye

M. Anderson: Aye

Johnson: Aye

López: Aye

Simmonds: Aye

Meeting Schedule. Chair A. Anderson 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, June 4, 2024.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL:

Chair A. Anderson 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. Items brought forward to the attention of the City Council will be turned over to staff to respond to outside of the City Council meeting.

Joshua Molitor, a resident of Logan referenced the possible demolition of Abravanel Hall in Salt Lake City and expressed concerns of the growing trend that developers may continue to do the same in the City.

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

MAYOR/STAFF REPORTS:

Mayor Daines thanked Roylan Croshaw for his service of eight years as a member of the Planning Commission. He has done a wonderful job, but he is stepping down. There will be a vacancy on the Planning Commission Board, the position is a commitment as the board meets twice a month. There is an interview process, but if any individual is interested in the vacancy, please email Mayor Daines stating why they would be a good candidate to fill the position.

Chair A. Anderson requested confirmation on whether the mayor's email is available on the City website for those interested in applying for the vacancy.

Mayor Daines confirmed yes, her email is available on the City website.

No Mayor/Staff Reports were presented.

COUNCIL BUSINESS:

Planning Commission Update – Councilmember Simmonds

Councilmember Simmonds reported the Planning Commission will meet this Thursday, May 23, 2024.

Board and Committee Reports – Chair A. Anderson, Councilmember Johnson, and Councilmember López (14:12)

Chair A. Anderson reported the Economic Development Committee did not meet. The Local Homeless Council met to discuss the funding that is coming to the BRAG area which will be going to various nonprofit organizations for several agreements. The Hillcrest neighborhood met and Aaron Smith, Neighborhood Improvement Manager presented the Hillcrest neighborhood plan which is available on the City website.

Councilmember Johnson reported that Bike Week was held last week and went well. He expressed gratitude for the use of the plaza. The Cache Metropolitan Planning Organization (CMPO) gathered to discuss studies conducted by the Utah Department of Transportation (UDOT) on the valley's street safety. The Audit Committee meeting was canceled. The Recreation Center feasibility study is moving forward. The County will vote on the study on May 28, and for those interested, they are welcome to reach out to their county representative.

Councilmember López reported that he attended the recent Light & Power Board meeting. A resolution was discussed for the prepaid power agreement which has already been presented to the Council. The second resolution is regarding the sediment removal at Second Dam. There is a slightly better outlook on energy prices in comparison to previous years. The Public Art Committee discussed the murals in the alley next to Somebody's Attic, and the mural at 260 N. Main. Street. The Library Board met last night to discuss the number of circulation and library card sign-ups. The board is exploring the possibility of opening on Sunday for a few hours.

Councilmember Simmonds remarked that the reason the sediment removal agreement had to be readdressed is that the removal was double what was expected. She also mentioned that the City provided a luncheon for the employees which is held once a year. The Council, Mayor, and Department Heads are privileged to serve lunch to the employees.

Council Budget Workshops – Chair A. Anderson

Chair A. Anderson announced that a Budget Workshop will be held on Tuesday, May 28, 2024 at 5:30 p.m. in the City Hall Council Chambers. The public is invited to attend.

Chair A. Anderson reminded the public that the City budget is available on the website to view in its entirety.

No further Council Business were presented.

ACTION ITEMS:

(Request for continuance to the June 4, 2024 Council Meeting) – PUBLIC HEARING - Consideration of a proposed resolution approving the 2024-2028 Consolidated Plan, Five Year Strategic Plan, and a 2024 Project Year Annual Action Plan for the Community Development Block Grant (CDBG) Program for the City of Logan – Resolution 24-14 – Mike DeSimone (22:45)

Community Development Director Mike DeSimone addressed the Council regarding the proposed resolution. He explained the intent of the continuance is for the resolution to line up with the CDBG Annual Action Plan and be approved together with a public hearing on June 4, 2024.

ACTION. Motion by Vice Chair M. Anderson seconded by Councilmember Simmonds to continue Resolution 24-14 as presented to the June 4, 2024 Council meeting as an action item and public hearing. Motion carried by roll call vote.

**A. Anderson: Aye
M. Anderson: Aye
Johnson: Aye
López: Aye
Simmonds: Aye**

PUBLIC HEARING - Budget Adjustments FY 2023-2024 appropriating: \$500,000 additional connection fee revenue toward connection fee costs; \$1,107,340 funds the Environmental Department received from the Environmental Protection Agency for the construction design of a new green waste facility; \$10,000 donated funds toward the Summer Concert Series - Resolution 24-15 – Richard Anderson, Finance Director (23:20)

At the May 7, 2024 Council meeting, Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustment resolution.

Chair A. Anderson opened the meeting to a public hearing.

There were no comments and Chair A. Anderson closed the public hearing.

ACTION. Motion by Councilmember López seconded by Councilmember Simmonds to approve Resolution 24-15 as presented. Motion carried by roll call vote.

**A. Anderson: Aye
M. Anderson: Aye
Johnson: Aye
López: Aye
Simmonds: Aye**

WORKSHOP ITEMS:

Budget Adjustments FY 2023-2024 appropriating: \$1,225,000 funds toward the 1200 East Roundabout Project for the USU cost-share portion of the agreement; \$23,206 funds received for police overtime shift reimbursements - Resolution 24-17 – Richard Anderson, Finance Director (26:50)

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

Vice Chair M. Anderson asked if the oval/roundabout would be located next to the Logan Cemetery.

Mayor Daines responded the roundabout will be located south of the tennis courts and the oval roundabout will be on the north of the cemetery.

Paul Lindhardt, Public Works Director clarified that there are two roundabouts to be constructed. The first is on the southeast corner of the tennis courts which is also the south drive of the cemetery. The second is an oval roundabout located on the northeast corner of the cemetery.

Chair A. Anderson requested confirmation that the funding is for both projects not just one, and that the street will close starting May 28, 2024.

Mr. Lindhardt confirmed that the funding is for both roundabouts. However, the majority of the funding will be for the southern roundabout. The road as stated will close on May 28 for construction of the roundabout. The roundabout will not be completed before the start of the Utah State school year.

Mayor Daines interjected that on the dates of football games, they have negotiated with the contractor to permit through traffic. The road will not be completed, but the road will at least be passable.

The proposed resolution will be an action item and public hearing at the June 4, 2024, Council meeting.

Consideration of a proposed resolution approving the Community Development Block Grant (CDBG) Annual Action Plan Project Year 2024 for the City of Logan – Resolution 24-14 – Amanda Pearce, CDBG Coordinator (30:05)

CDBG Coordinator Amanda Pearce addressed the Council regarding the proposed resolution.

The 2024 Annual Action Plan defines the funding priorities for project year 2024. This will be the first year of the 2024 – 2028 Consolidated Plan. HUD has released its funding allocations for 2024, and Logan will receive \$556,595 in CDBG funding.

Based on the Con Plan’s priorities, the funding outcome for 2024 should be approximately 60% to provide for a suitable living environment (50% to infrastructure & 10% to the remediation of access & mobility barriers), 20% to improve the capacity of public service providers that serve LMI residents (10% to public facilities improvements & 10% to public service activities), and 20% to CDBG administration and planning.

The CDBG Steering Committee met on April 9, 2024, and based on the applications received are recommending the following funding allocations:

600 E 900-1000 N Sidewalk	\$34,000
900 N 400 E Sidewalk	\$69,000
600 N 400-600 W Sidewalk	\$100,000
700 E 500-600 N Sidewalk	\$93,000
500 N 400-585 W Sidewalk*	\$84,678 - Receiver up to \$168,000
200 W 500-600 S Sidewalk*	Receiver up to \$74,000
500 W 290-500 N Sidewalk*	Receiver up to \$200,000
Sunshine Terrace Commercial Oven	\$20,598
NNHC Neighborhood Improvement Program	\$24,000
Merlin Olsen Wildlife Mural	\$20,000
Admin & Planning	\$111,319
Total Allocations	\$556,595

*Any additional funds awarded by HUD, or any funds recaptured from any other CDBG activity from any other program year, will be reallocated to the designated receiver projects up to the amount specified.

Chair A. Anderson inquired if the Lundstrom sidewalk addition was removed from the plan.

Amanda Pearce, CDBG Coordinator responded that the Lundstrom sidewalk addition was funded in the 2023-year schedule. It has been funded but is not completed yet.

Councilmember Johnson asked if the homeowners near the construction sites would be contacted.

Ms. Pearce answered that the Public Works or Streets Department will contact the impacted homeowners, typically 72 hours before.

Mr. Lindhardt added that they are required to notify homeowners 48 to 72 hours before construction of the project commences.

The proposed resolution will be an action item and public hearing at the June 4, 2024, Council meeting.

Consideration of a proposed resolution adopting a revised Logan Light and Power Residential, Commercial and Industrial Electrical Rate Schedule – Resolution 24-16 – Mark Montgomery, Light & Power Director ([36:55](#))

Light & Power Director Mark Montgomery addressed the Council regarding the proposed resolution. He explained that the Logan City Light and Power Department has the need to revise its electrical rates according to the cost of service and other factors. The cost of purchasing power for Logan City to supply its customers has increased dramatically over the recent years. The Logan City Light and Power Department completed a cost-of-service study which recommended a two percent (2%) increase in power rates in order to sustain the financial health of the Light and Power Department fund.

These new rates will be implemented in the next billing cycle after the passage of this resolution.

Councilmember Simmonds requested clarification on the limits of solar installation being increased.

Mr. Montgomery clarified that the limits of solar installation have increased. Previously 2 kwh was permitted per resident, now they are allowed 20 kilowatts. Large industrial entities like USU, industrial, and commercial are capped at 500 kilowatts. Smaller commercial entities at the smaller commercial rate can go up to 1000 kwh. Those on the large industrial rate like USU can go up to 2000 kwh.

Councilmember Simmonds asked if the increase in solar installation would increase the electric solar buyback amount.

Mr. Montgomery responded that the buyback of electric power will not be impacted though there can be exceptions such as a resident attempting 20 kilowatts, which is within the limit. In which case, the City would then buy the residents excess energy. However, in instances like USU, their power need is great and it would be highly unlikely the City would be buying their energy.

Chair A. Anderson requested confirmation that the meter pricing is increasing.

Mr. Montgomery confirmed that the meter pricing is increasing as part of the recommended 2% increase. The energy rate was not changed rather the meter rate was. It is an overall 2% increase per customer.

Councilmember Johnson inquired about the excess energy purchase and how the City's buyback compares to other municipalities.

Mr. Montgomery answered the excess energy buyback is all over the board. The City of Hurricane pays its customers 0.03 cents, while the City pays 0.08 cents. Some cities are still on the old metering program, if excess energy is produced it is held and then given

back to the customer. This is not a viable option for the City as it is not a cost-effective model. The buyback rate of the City is in the middle, neither high nor low.

Councilmember Simmonds asked what Rocky Mountain Power does in regard to buyback.

Mr. Montgomery replied that Rocky Mountain Power's buyback is rather low, but there are plenty of customers who are on the old meter system who are grandfathered in.

The proposed resolution will be an action item and public hearing at the June 4, 2024, Council meeting.

Consideration of a proposed resolution designating a Closed Area to Ignition or Use of Fireworks – Resolution 24-18 – Fire Chief Nate Thompson ([44:10](#))

Fire Chief Nate Thompson addressed the Council regarding the proposed resolution.

Chief Thompson stated that he would like to bring to the Council's attention the upcoming fireworks season and the wildland fire predictions forecasted for this year.

He said that as a State we have done well in the past couple of years in reducing loss due to wildfire. This was largely in part to public education and awareness. We need to continue these efforts going forward.

Utah State Code 15A-5-202.5 states that when hazardous environmental conditions necessitate the controlled use of any ignition source, including fireworks, the legislative body of the municipality may prohibit the use of ignition sources in mountainous brush-covered areas, forest-covered areas, the wildland-urban interface area, undeveloped land, and agricultural land.

He stated that it isn't easy to predict what the environmental conditions will be in July. The fire department does the best we can to set restrictions based on what is known in May. They will post the restricted areas at all points of sales beginning June 24, 2024.

Chief Thompson recommended the following historical fireworks restricted areas as listed below, including moving the restricted area from 1200 east to 1600 east due to Mountainside Estates located at 1200 east and 1400 north being developed and no longer a concern:

East Bench Closure

- East side of 1600 East from the north city boundary to Hwy 89
- South side of Hwy 89 and Boulevard Street, from 1600 east to 200 east, then the north side of Canyon Road from 200 east to Crockett Avenue.
- East side of Crockett Avenue from Canyon Road to Riverside Drive, continuing the east side of Riverside Drive to Mountain Road, continuing the east side of the Logan River to Denzil Stewart Nature Park.

- The north and east sides of the Logan City boundary from Denzil Stewart Nature Park to the southern city boundary.

West Closure

- West side of 600 west from the north city boundary to 200 south.
- North side of 200 South from 600 West to 1000 West
- West side of 1000 West from 200 South to the south city boundary

Dates of Restrictions

- June 24, 2024 through July 25, 2024

2024 Fireworks sales and discharge dates and times:

Class "C" fireworks can be legally sold; June 24-July 25.

Class "C" fireworks may be discharged between the hours of 11:00 am – 11:00 pm, July 2-July 5 (hours are extended to midnight on July 4) and July 22-July 25 (hours are extended to midnight on July 24).

Fireworks restriction signs will be posted along 1600 East beginning on June 24 and removed on July 26. Flyers indicating the restricted areas will be posted at all sales locations.

Chair A. Anderson requested clarification on why there is not a fire regulation during the New Year or Chinese New Year.

Mayor Daines clarified that there is no need at that time since there isn't a fire hazard due to the winter weather.

Councilmember Simmonds expressed concerns about the moving of the boundaries surrounding the Country Club as there was a concern about the use of large fireworks last year.

Chief Thompson stated that in discussion with Fire Marshal Craig Humphrey, the Country Club was discussed including whether it may even be possible to shoot fireworks at the club. Fire Marshal Humphrey felt comfortable with the change for this year as the area is green. Furthermore, with the development of the gravel pit on 1200 East 1400 North and the addition of roads, and accessibility to water, it is much easier to traverse that area.

Councilmember Simmonds asked what the two white spots on the map were, the spot in the north and the spot in the south.

Chief Thompson explained that the two areas are unincorporated areas even if one of the areas had been developed. He will verify with GIS and Fire Marshal Humphrey.

Councilmember López inquired if the signage along the boundaries prohibiting fireworks is bilingual in English & Spanish.

Chief Thompson replied that the signage currently is only in English.

Councilmember López encouraged the addition of Spanish as well.

Chief Thompson added that although the signage is in English, there are visible photos showing that fireworks are prohibited.

The proposed resolution will be an action item and public hearing at the June 4, 2024, Council meeting.

Consideration of a proposed ordinance amending Section 6A.16.030 of the Logan Municipal Code regarding Penalties for Violation of Title 6A – Ordinance 24-11 – Craig Carlston, City Attorney ([55:25](#))

City Attorney Craig Carlston addressed the Council regarding the proposed ordinance. The change is to reflect the change in Utah Code Ann. § 10-3-703 limiting the maximum criminal penalty that can be imposed upon an individual to an infraction for an offense pertaining to that individual's pet as defined by Utah Code.

Chair A. Anderson requested clarification on whether the infraction only applied to those owning a pet, if it was not their pet, it is not an infraction.

Mr. Carlston answered that one of the exceptions is if there is someone owning a pet with three violations within a period of 12 months they can be penalized with a misdemeanor. The other exception is if the pet is a nuisance or a danger to the public.

Councilmember Johnson referred to an incident that occurred on 400 South 100 East of a pet running around and asked if there is a threshold or better format to document any issue or nuisance involving animals.

Mr. Carlston responded that the documentation occurs with a citation or warning to the pet owner.

Police Chief Simmons added that typically they commence with a warning rather than a citation to the pet owner. The second incident becomes a citation and so forth.

Councilmember Simmonds inquired about what occurs if the pet bites an individual.

Chief Simmons replied that is an entirely different avenue, the pet will be taken away and quarantined for 10 days to ensure the animal does not have rabies. Afterward, further action will be taken to determine what needs to be done.

Mr. Carlston clarified that in such an instance, it would not be an infraction so much as a violation.

Councilmember Simmonds asked what the difference between an infraction and a nuisance is.

Mr. Carlston explained that an infraction involves a fine of up to \$750 and no jail time. A Class B Misdemeanor involves a fee of up to \$1,000 and up to 6 months of jail time. An infraction is a penalty and a nuisance in State Codes reads as "A nuisance is anything which is injurious to health, indecent, offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property. A nuisance may be the subject of an action."

Chief Simmons clarified that probable cause is still needed just like in any other case such as bite marks or some other proof showing an animal being aggressive.

Councilmember Simmonds expressed concerns that the public is reporting on the same animal, but nothing seems to be done to readdress the situation.

Councilmember Johnson asked if multiple nuisance calls on the same animal count as documentation.

Mr. Carlston responds that there is the burden of proof for a citation to be issued and to prove beyond a reasonable doubt. This can be through video, witnesses, bite marks, and so forth.

The proposed ordinance will be an action item and public hearing at the June 4, 2024, Council meeting.

OTHER CONSIDERATIONS:

Councilmember Simmonds attended the ribbon cutting of the new Mile North on Wolf Pack Way. She stated this is a nice road with a roundabout.

Councilmember Johnson reminded everyone that it is National Public Works Week and he is appreciative of all that public works does.

No further items were discussed.

ADJOURNED. There being no further business, the Logan Municipal Council adjourned at 6:35 p.m.

Esli Morales, Deputy City Recorder