

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, August 3, 2021, 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](https://www.youtube.com/channel/UCFLPAOK5eawKS_RDBU0stRQ)

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

Chairman M. Anderson welcomed those present. There were approximately 10 in attendance at the beginning of the meeting.

### **OPENING CEREMONY:**

Jill Anderson, Executive Director for CAPSA offered the opening ceremony and led the audience in the pledge of allegiance.

*Jill Anderson addressed the Council and said the following: As you know, Logan City has been named one of the safest cities and communities in America and I am grateful to live in such a wonderful community. Unfortunately, for some residents, the most dangerous place is their very own home. CAPSA has been working in this community to respond and serve victims of domestic violence and sexual violence including sex trafficking for the last 45 years. This year we are celebrating 45 years of service. In the spirit of celebrating our 45th year, I want to share a little about the founding of our organization, the last five years, the last year which transformed all our lives.*

*CAPSA started in 1976 as the Cache Valley Rape Crisis Team in response to several sexual assaults that occurred on the USU campus. Shortly after they formed the volunteer team law enforcement, using the team for domestic violence as well. Thad and Jenny Box, (the Dean of the College of Natural Resources of USU) started sheltering families in their own home and the program continued to grow based on what survivors were telling us they need.*

*The Mission of CAPSA focuses in two areas, Service and Prevention Education. During the last five years, 568 individuals have been served. Last year 1,658 individuals were served, and it has tripled in the last five years. During the last five years, education services have provided 342 presentations to 8,000 participants. And over the last year 700 presentations were provided with more than 14,000 participants. In order to meet the tripling of requests for help we went from 17 staff to 57 staff members working around the clock 7-days a week 24-hours a day. We never get to turn out the lights and close the doors. We have expanded our main building not once, but twice. And built or acquired 21 housing units to ensure survivors can secure the housing they need. The largest homeless population in our community are those who are homeless due to domestic violence. That*

*is not to minimize the unmet needs of the general homeless population, but by addressing this significant subpopulation of homeless we are having an impact.*

*During the last year, Domestic Violence has been called a shadow pandemic. When you consider tactics, abusers use during normal times, isolation from family and friends, strict rules of behavior, monitoring and tracking activities and movements, restriction of resources. While most of us saw these as ways to protect ourselves and others. Abusers saw this as an opportunity to escalate the tactics they would normally use. One example is that with the pandemic, overnight just in March and April of 2020, we saw a 112% increase in the number of calls coming to our crisis line. A typical business compared to our organization saw more expenses and reduced income with canceled fundraisers. We talk about long-Covid but this is also creating long-domestic violence and will impact these families for years to come.*

*Tonight in our emergency shelter alone we are housing and serving 18 women, 21 children, and 5 men. For those 18 women, 21 children, and 5 men it means everything. It meets the most basic need we all have, a safe place to go at the end of the day, a place to regroup, a place to recharge. And when we can get them safely housed in their own home it means a safe place for the children to learn and to grow. In fact, in addition to our emergency shelter, we are currently providing housing to 26 families.*

Jill Anderson thanked the City for helping CAPSA with the \$120,000 hotel bills over the last year to spread domestic violence survivors and for all the support the City gives CAPSA throughout the year.

**Meeting Minutes.** Minutes of the Council meeting held on July 20, 2021, were reviewed and approved with no corrections.

**Meeting Agenda.** Chairman M. Anderson 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 July 20, 2021, minutes and approve tonight's agenda. Motion carried unanimously.**

**Meeting Schedule.** Chairman M. Anderson 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, August 17, 2021.

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

Chairman M. 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. Some items brought forward to the attention of the City Council will be turned over to staff to

respond outside of the City Council meeting.

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

### **MAYOR/STAFF REPORTS:**

#### **Press Release: \$1 Million Gift to Logan City for Center Block Plaza – Mayor Daines**

*“The City of Logan is excited to announce a gift of \$1 Million from The Jim and Carol Laub Family Foundation and Cache Valley Electric Co. which will feature a stage for entertainment, an ice rink for wintertime skating, and a summer water feature.*

*Mayor Holly Daines said, “We express our deep gratitude to the Laub family for this extraordinarily generous gift. The free public plaza will create a gathering place to draw families and individuals downtown year-round to enjoy the amenities, entertainment, activities, and events. This gift is a significant investment in our historic downtown, and research shows downtown plazas return great dividends in terms of both revitalization and economic development.”*

*Jim Laub made the following comment regarding the gift, “We are pleased to partner with Mayor Daines and Logan City to give back to our community in a way that will benefit our fellow citizens and make our city an even more beautiful, interesting, and better place to live. Carol, Mark, Eric, and I view this not as a contribution but rather an investment in the community that has been so good to our family for over 100 years. We recognize the hard work and dedication of our current and former employees of Cache Valley Electric Co. who, over its 106-year history, have helped make this investment possible.”*

#### **Board Appointments (Fine Arts Committee) – Mayor Daines**

Mayor Daines asked the Council for ratification to appoint Ann T. Geary, Anne Shifrer, and Richard H. Steele to serve on the Fine Arts Committee.

Vice Chair Simmonds inquired regarding the length and duration of the appointment.

Mayor Daines answered that typically at least one year but it may go to two or three years.

**ACTION. Motion by Councilmember Jensen seconded by Vice Chair Simmonds to approve ratification of Ann T. Geary, Anne Shifrer, and Richard H. Steele as presented. Motion carried unanimously.**

No further Mayor/Staff Reports were presented.

## **COUNCIL BUSINESS:**

### **Planning Commission Update – Vice-Chair Simmonds**

Vice Chair Simmonds reported a rezone of a Single-Family area to Multi-Family. The developer requested that the rezone be continued until August 26. A public hearing on Accessory Dwelling Units (ADU's) guidelines and standards of governing including implementation will be heard at the Planning Commission meeting on August 12.

Councilmember A. Anderson said that the Hillcrest Neighborhood Committee discussed ADU's and encouraged other community members to participate as well.

Vice Chair Simmonds added that she encouraged any community members interested in ADU's to view the options available and for them to comment.

Kymer Housley, City Attorney remarked that the Planning Commission minutes are generally available to the public online within a few days after the meeting is held.

Mayor Daines reiterated the importance of the meeting as legislation changes of ADU's may impact parking regulation for apartment complexes requiring only one parking stall per apartment. Yet based on experience in areas of student housing, every student typically has a vehicle.

Vice Chair Simmonds extended the CTVD invitation to the public to view the progress on their new facility.

Councilmember López requested efforts to include the Spanish-speaking population regarding the potential legislation changes of the ADU.

Chairman M. Anderson addressed the question to Teresa Harris, City Recorder.

Ms. Harris replied that was a possibility and Mr. Housley confirmed the response.

Councilmember Jensen asked if making the information available in Spanish would cause any feedback.

Councilmember López answered that lack of information creates troubles further ahead.

Vice Chair Simmonds requested that once any information in Spanish is available that it be posted on the website and be readily available to the citizens.

## **ACTION ITEMS:**

**PUBLIC HEARING - Budget Adjustment FY 2021-2022 appropriating: \$25,000 funds to CAPSA to assist with the cost of running a qualified homeless shelter in Logan (January to June 2022) - Resolution 21-40 – Mayor Daines**

At the July 20, 2021, Council meeting, Mayor Daines addressed the Council and explained that three years ago the state legislature created a funding source for the law enforcement costs of homeless shelters primarily for Salt Lake and other larger metro areas. At that time, the State appropriated City's sales taxes from cities that did not possess homeless shelters. CAPSA is considered a shelter because they have homeless victims of domestic abuse. CAPSA has recently expanded its facilities and the laws have changed slightly permitting the local CAPSA organization to qualify for these funds. Without local CAPSA services, the City would be sending approximately \$100,000 to the State from the general funds. CAPSA has requested that a portion of the funds that would have been allocated to the State be allocated to assist them. This is a long-term goal to address the topic at a local and a state level.

Chairman M. Anderson opened the meeting to a public hearing.

There were no comments and Chairman M. Anderson closed the public hearing.

**ACTION. Motion by Vice Chair Simmonds seconded by Councilmember A. Anderson to approve Resolution 21-40 as presented. Motion carried unanimously. PUBLIC HEARING - Budget Adjustment FY 2021-2022 appropriating: \$201,201 funds for a grant Parks and Recreation received from the State of Utah for the Logan River Trail 600 South Mendon Road Project; \$160,000 RAPZ Grant FY22 Trapper Park Restroom and Parking Lot Asphalt; \$115,000 RAPZ Grant FY22 Bridger Park Pickleball Court Lights; \$197,000 RAPZ Grant FY22 Logan City Center Block Plaza Splash Pad and Ice Rink; \$19,263 a grant from the State of Utah to the Library to purchase digital content for the Library; \$12,000 a grant the Library received from the State of Utah to be used to purchase books for the Library; \$125,741 2021 RAPZ Tax Municipal Population Allocation. These funds will be used for the July 3<sup>rd</sup> Independence Day and July 24<sup>th</sup> Pioneer Day fireworks, Logan River Trail Flood Wall, Riverside Spring Creek Trail, and the Sports Complex Infield Groomer; \$6702 funds received for tree planting; \$15,000 a grant the Library received from the State of Utah to be used to purchase a book bike, outdoor equipment, and laptops; \$85,000 State Task Force Grant the Police Department was awarded from the State of Utah to be used to reduce, prevent, and investigate drug use; \$40,000 insurance recovery funds and department reserves for the purchase of a replacement Community Development vehicle (reserve account 293101); \$2,531,866 a grant the Public Works Department was awarded from the Cache County Council of Governments (COG) for the 100 West Corridor Improvement Phase #1 project; \$1,500 a grant the Police Department was awarded from the State of Utah to purchase police equipment – Resolution 21-41 – Rueben Nelson, Finance Department**

At the July 20, 2021, Council meeting, Rueben Nelson, Controller from the Finance Department addressed the Council regarding the proposed resolution.

Richard Anderson, Finance Director summarized the grants.

Councilmember A. Anderson inquired about the one item change regarding the underpass at 10<sup>th</sup> West.

Mayor Daines replied that due to engineering requirements from UDOT (Utah Department of Transportation) with the 10<sup>th</sup> West underpass wall, the expenses are increasing dramatically. The funding instead will be allocated for the lights at the Pickle Ball court. Staff will continue to research more on the 10<sup>th</sup> West underpass and this item will return in the future.

Chairman M. Anderson opened the meeting to a public hearing.

There were no comments and Chairman M. Anderson closed the public hearing.

**ACTION. Motion by Councilmember Jensen seconded by Councilmember A. Anderson to approve Resolution 21-41 as presented. Motion carried unanimously.**

**PUBLIC HEARING - Disposal of Significant Parcel of Property – Exchange of City-owned property located at 920 West 1800 South, Logan, Utah to Hyclone Laboratories, LLC, in exchange for real property located at 80 West 1800 South, Logan, Utah to be used as a City power substation location – Kymber Housley, City Attorney**

At the July 20, 2021 Council meeting, Mayor Daines explained that with the City's growth on the south end, the Light & Power Department had secured a new property for use of a new substation. The City was approached by Cytiva (formerly known as Hyclone Laboratories, LLC), who are performing a company expansion and need the parcel of property where the proposed new substation would be located. The trade will work for both parties.

Chairman M. Anderson opened the meeting to a public hearing.

There were no comments and Chairman M. Anderson closed the public hearing.

## **WORKSHOP ITEMS:**

### **Budget Adjustment FY 2021-2022 appropriating: \$4,940 to reimburse Public Works and Police budgets for the costs of the Cruise-In special event - Resolution 21-42 – Richard Anderson, Finance Director**

Finance Director Richard Anderson addressed the Council and explained the proposed budget adjustment.

Vice Chair Simmonds requested further clarification.

Mr. Anderson replied that the donation that was granted is to cover the cost of utilizing Public Works and the Police for the Cruise-In event.

Mayor Daines explained that every organization pays for Police and Public Works services, but the Cruise-In committee was upset by the charges. Mayor Daines aided in acquiring a sponsor to cover these costs of \$10,000 until the donation ran out. With the donation amount now gone, the Cruise-In committee has had ample time to plan and adjust its budget. She said they are more than welcome to petition the past sponsor or look for another sponsor for a donation.

The proposed resolution will be an action item and public hearing at the August 17, 2021 council meeting.

### **Consideration of a proposed resolution approving a Cable Television Franchise Agreement between Logan City, a Utah Municipal Corporation, and Comcast of Indiana/Kentucky/Utah – Resolution 21-43 – Kymber Housley, City Attorney**

City Attorney Kymber Housley addressed the Council and explained the proposed resolution. The contract is renewed every five years with Comcast with no changes except for updates to Federal Statutes.

Vice Chair Simmonds inquired if similar franchise contracts exist with other entities.

Mr. Housley explained that similar contracts exist with other entities but under a different statute or ordinance. Most are done under the telecommunications franchise ordinance. Cable is specifically excluded from the telecommunications franchise ordinance, therefore a different ordinance. Telecommunication franchises are generally done at a staff level, but any franchise outside of telecommunication must be brought before the Council.

Vice Chair Simmonds asked that with ongoing projects, how can the City know if the project is legally permitted to do so.

Mr. Housley responded that even if there is an existing franchise agreement with the entity, the entity is still required to obtain a right-of-way permit. That does not exclude the entity from violating the terms of the permit and that is dealt with via enforcement.

Mayor Daines referred the question to Paul Lindhardt, Public Works Director for further explanation.

Mr. Lindhardt agreed with Mr. Housley's statement. He explained that the simplest method to determine if there is an existing permit with the entity is to contact the Public Works administrative assistant to identify if there is an existing permit at that address. If there is not an existing permit, they enforce the need; and even if there is an existing permit, they ensure that the entity is working within the parameters of the permit.

Vice Chair Simmonds requested an example of procedures to acquire a permit for a fiberoptic company.

Mr. Lindhardt replied that the fiberoptic company would need to fill out an application and submit all the required documentation for a right-of-way permit with the City. He clarified that any work done in the right-of-way whether a homeowner, contractor, etc. is required to have a permit. There are various costs associated with the different projects per permit.

Councilmember Jensen asked if the organization had already begun working prior to the permit being issued.

Mr. Lindhardt answered that Comcast had yet to commence any project and that the proposal is a renewal of the franchise agreement.

Vice Chair Simmonds requested clarification on the reference of pole attachment.

Mr. Lindhardt explained that any work added or attaching to a pole must acquire a pole attachment agreement and permit from the Light and Power Department.

Vice Chair Simmonds inquired if the City-owned all the poles within the City. And if, and how they are documented.

Mark Montgomery, Light and Power Director responded that the City owns most of poles except for a few that belong to telecommunication companies already grandfathered in. The poles are on GIS maps as each pole is identified by an individual number on the pole.

The proposed resolution will be an action item at the August 17, 2021 council meeting.

**OTHER CONSIDERATIONS:**

Councilmember A. Anderson reported that the new Cache Valley Veteran’s Center opened on 200 East 1800 North. The organization will provide various services including workshops, homeless services, housing accommodations, etc. She encouraged the public and veterans to utilize and support this community resource. She mentioned the improvement of 1200 East within the next three years depending on funding and the addition of bike lanes.

Vice Chair Simmonds asked if there is any responsibility on the developers in aiding in the improvement of 1200 East.

Mayor Daines replied that the developer will be required to put in sidewalk, curb, and gutter.

There were no further considerations discussed by the Council.

**ADJOURNED.** There being no further business, the Logan Municipal Council adjourned at 6:22 pm.

Esli Morales, Deputy City Recorder