

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, August 2, 2022, in the Logan Municipal Council Chambers located at 290 North 100 West, Logan, Utah 84321 at 5:30 pm. Logan Municipal Council Meetings are televised live as a public service on Channel 17 and the City of Logan YouTube channel at: https://www.youtube.com/channel/UCFLPAOK5eawKS_RDBU0stRQ

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

Excused: Chair Jeannie F. Simmonds and Deputy City Recorder Esli Morales.

Vice Chair Ernesto López welcomed those present. There were approximately 12 in attendance at the beginning of the meeting.

OPENING CEREMONY:

Dr. Jess Lucero, USU Social Work Department Head provided the following information. Afterward, she led the audience in the pledge of allegiance.

Key Updates

- Social Work became its own academic department at USU on July 1, 2021.
- The Transforming Communities Institute was formalized in 2022 following several years as a community-engaged initiative.
- The I-System Institute began its work with
- The MSW program grew by 40%+ in Logan and around the state in response to legislative investments to increase the behavioral health workforce.

Successes in Partnering with Logan City

- The I-System Institute is in the early stages of partnering with Logan City Enforcement to deliver its Grounding, Resilience, Intelligence Training (GRIT) to law enforcement.
 - The training teaches practical, simple skills to prevent burnout and promote mental wellness by building resilience, present moment awareness, and an increased capacity for self-regulation.
- The Transforming Communities Institute has been engaging in a number of projects over the last year, all of which have direct implications for Logan City.
 - Students and faculty conducted human services assessments in Cache County in collaboration with the Northern Social Services Coalition in five areas: homelessness and housing; aging and people with disabilities; food insecurity; mental health and substance use services; and inclusivity, and support for diverse populations. These reports are available on the [TCI website](#).

- [TCI worked on a collaborative, community-engaged project with students, community leaders, and nonprofit organizations](#). They researched landlord engagement, attitudes, and knowledge related to homeless and housing issues in the Bear River Region and published an [open-access article on the subject](#). With this empirical knowledge, they developed a landlord engagement program, with the major feature being a self-paced online course educating and engaging landlords and property managers about homelessness and housing issues, along with how they can assist in homeless prevention and intervention efforts and partner with service providers in our area. This program is in pilot phase currently and we hope to launch a full-scale program in the late fall. The program has been supported by USU as well as the Union Pacific Foundation. We hope to grow this program across the state. And we are currently recruiting landlord participants for the pilot, please reach out to Jayme.Walters@usu.edu if you or someone you know may want to participate. The course will take 4-5 hours to complete, and there are \$50 incentives for participation.
- Students in our field education program are adding significantly to the human services capacity of the city and county.
 - In the last year, we placed 50 MSW students and 38 BSW students within Logan-based agencies (more across the county).
 - Last year, 7 MSW students were placed in Logan City schools, providing the majority of social work services in district schools given that the district does not currently employ any graduate-level social workers.
 - Students are making significant contributions to agencies such as CAPSA, Bear River Mental Health, Bear River Health Department, CRIC, Logan Regional Hospital, and many more.

Ways to Stay Connected

- The city council can engage with TCI's work in lots of ways:
 - Promoting the knowledge and solutions that we are creating among community stakeholders. Our reports, media coverage, and eventually the TCI publication can be found on the TCI website.
 - Consider becoming a TCI fellow and engage with other scholars on how to solve complex social issues in Utah communities, including Logan and Cache Valley.
 - Help spread the word about TCI's mission and services to help communities and organizations gain knowledge about complex social issues and collaboratively develop sustainable and innovative solutions.
- Other emergency services and first responders could connect with the I-System Institute on Mind-Body Bridging and/or GRIT.
- Contact: Jessica.lucero@usu.edu

Meeting Minutes. Minutes of the Council meeting held on July 19, 2022, were approved with no corrections.

Meeting Agenda. Vice Chair López announced there are six public hearings scheduled for tonight's Council meeting.

ACTION. Motion by Councilmember A. Anderson seconded by Councilmember Jensen to approve the July 19, 2022, minutes and approve tonight's agenda. Motion carried unanimously.

A. Anderson: Aye

M. Anderson: Aye

Jensen: Aye

López: Aye

Simmonds: Absent

Meeting Schedule. Vice Chair López 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 16, 2022.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL:

Vice Chair 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.

Logan resident Joshua Molitor addressed the Council. He represents the Ellis neighborhood and said he is concerned about a meeting he missed regarding the rezone of 200 South 800 West and he feels the residents were not heard about their concerns. He said the Ellis area is getting overrun with new developments and there are a lot of children attending Ellis Elementary. He does not attend the Planning and Zoning meetings, but he feels that decisions are not being made in the best interest of the people who live in the Ellis neighborhood.

Nicole Burnard, representative of the Bear River Homeless Council gave an update to the Council. She reported on statistics from CAPSA for the month of July and shared a positive story on how CAPSA services helped someone in the community.

She also reported on the Bear River Association of Governments and said there were 20 new households added to the list during the month of July of those needing assistance. During the last month there has been an improvement on those who need housing.

Ms. Burnard also reported on a program titled Families Feeding Families which is a grassroot organization that helps families in need.

Logan resident Frank Stewart representing the Logan City School Board addressed the Council. He said each member of the School Board has been assigned to attend a City Council meeting and provide regular updates. He reported that the track at Logan High School is under construction at this time so the first home football game will be played at Green Canyon High School. The School District is excited about the opening of Ellis Elementary and they have already held parent's night at the school. They are also very aware of the new developments that are coming into this area and they are working to see what their student counts will be for preschool, kindergarten and other grades. They will make sure that all students are safely crossing the railroad tracks and to utilize the corner crossings when necessary. They are also excited about the dual language immersion programs that will be starting at Hillcrest Elementary. He reported that Adams Elementary has received the #4 Top Tiered Scores for elementary schools in Cache Valley.

He thanked Mayor Daines and the City Council for their support of Logan City Schools.

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

MAYOR/STAFF REPORTS:

Certificate of Achievement for Excellence in Financial Reporting – Mayor Daines

Mayor Daines announced that she received an email letter from the Government Finance Officers Association which reads, *“We are pleased to notify you that your annual comprehensive financial report for the fiscal year ended June 30, 2021 qualifies for GFOA’s Certificate of Achievement for Excellence in Financial Reporting. The Certificate of Achievement is the highest form of recognition in government accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.*

Mayor Daines thanked the Logan City Finance Department for receiving this recognition and for the good work they do in being transparent and accessible.

Board Appointment (Historic Preservation) – Mayor Daines

Mayor Daines asked the Council for ratification to appoint Russell Price to serve on the Historic Preservation Commission which is a new appointment.

ACTION. Motion by Councilmember Jensen seconded by Councilmember M. Anderson to approve ratification of Russell Price as presented. Motion carried unanimously.

A. Anderson: Aye

M. Anderson: Aye

Jensen: Aye

López: Aye

Simmonds: Absent

No there were no further Mayor/Staff Reports presented.

COUNCIL BUSINESS:

There were no Council Business items presented.

ACTION ITEMS:

Consideration of a proposed resolution adopting revised Logan Light and Power Residential, Commercial and Industrial Rate Schedules – Resolution 22-32 – Steve Crosby, Light & Power Department Distribution Manager

At the July 19, 2022 Council meeting, Light & Power Director Mark Montgomery addressed the Council and explained that Logan Power is proposing an increase in connection fees to reflect material costs being charged to the City for materials. He gave examples of increased costs experienced by the Light & Power Department over the last few years and stated the average increase is 62%. Logan City Power is proposing an increase of 30% across the board to reflect current wages paid to the employees and equipment.

Light & Power Department Distribution Manager Steve Crosby addressed the Council. He said its been several years since there has been an increase in connection fees in the Light & Power Department and they have tried to keep the costs down. As the City has continued to grow it has become harder to get materials and equipment and with that the costs continued to rise. He put together a comparison between 2018 and 2022 and he left a few of the most expensive items out because he is hoping that the cost of transformers is going to come down on the residential side. Recently, the Light Department was able to secure a truck load of transformers and were able to secure a large enough inventory, close to one million dollars' worth, so they did not have to build the residential increase into the connection fee. They have enough residential transformers that if they are careful in their planning and layout, the transformer inventory should last until next summer.

Mr. Crosby said the increased costs should not go to the residents who have already been paying but rather the growth and those who are newly building.

Councilmember Jensen asked could the increase be less significant for the user?

Mr. Crosby responded and said it's not an increase to the current customer, it's an increase to a new development. These are connection fees and not rates.

Mayor Daines added that we will soon be doing a rate study because the rates do need to go up.

Finance Director Rich Anderson announced that any fee change requires a public hearing so this item will need to be continued to the August 16, 2022 Council meeting.

ACTION. Motion by Councilmember A. Anderson seconded by Councilmember Jensen to continue Resolution 22-32 to the August 16, 2022 Council meeting as a public hearing and action item as presented. Motion carried unanimously.

A. Anderson: Aye
M. Anderson: Aye
Jensen: Aye
López: Aye
Simmonds: Absent

PUBLIC HEARING - Consideration of a proposed resolution updating the Commercial and Residential Incentive Program – Resolution 22-34 – Emily Malik, RESAB Coordinator

At the July 19, 2022 Council meeting, Renewable Energy Sustainability Advisory Board Coordinator Emily Malik addressed the Council regarding the proposed resolution.

2022 Incentive Program Updates:

- Focus of new incentives is beneficial electrification. Beneficial electrification replaces direct fossil fuel use (such as natural gas) with electricity in a way that reduces overall emissions and energy costs.
- Reduces Emissions to improve indoor and Local outdoor air quality.
- And uses less energy overall.

What is changing?

- Residential incentives ONLY (that have been historically underutilized).
- Smart Thermostat from \$25 to \$50 per unit.
- Seer 15 expires when they can no longer be manufactured.
- Heat Pump Dryer (\$200)
- Induction Cooktop/Range (\$100)
- Heat Pump Water heater (\$550)
- Whole House fan (\$200)
- Ductless heat Pump (Mini Split) (\$600 - \$1300)
- Heat Pumps: Dual Fuel (\$1300) Conversion (\$1400) Upgrade (\$350)

WHOLE HOUSE FAN:

An attic-mounted fan pulls cool air in from open windows and exhausts it through the attic and roof. It provides good attic ventilation in addition to whole house cooling.

HEAT PUMP DRYER:

Instead of venting hot air, it sends it through an evaporator to remove the moisture without losing heat.

INDUCTION COOKING:

Cooks' food quickly, adjust better to temperature changes and cool rapidly. Induction cooktops are also very easy to clean, safer, and improve indoor air quality.

DUCTLESS HEAT PUMP (MINISPLIT):

These systems are flexible (control one room at a time), efficient, scalable, and don't have duct losses.

HEAT PUMP WATER HEATER:

These don't generate any heat directly. Instead, they pull heat in from the air, which is then delivered to the unit's storage tank and expel cold air. They can actually cool rooms and pantries.

HEAT PUMP HVAC:

Heat pumps are safe, improve indoor air quality, reduce emissions, and are very efficient at converting energy to heat. Dual fuel systems work in a greater variety of temperatures and can reverse from heating and cooling easily.

GENERAL CONDITIONS:

- Existing homes only
- Equipment must be new and a permanent installation
- Customers have 6 months to file an application
- Applications can be filled out online or mailed
- The customer must provide a receipt or invoice for installation
- Limit of 4 per customer per calendar year
- Must have central air conditioning to receive a thermostat rebate
- Rebates come as a bill credit and will be posted within 6-8 weeks
- Other, more specific, rules for specific measures will be outlined in the terms and conditions of the application

Vice Chair López opened the meeting to a public hearing.

There were no comments and Vice Chair López closed the public hearing.

ACTION. Motion by Councilmember A. Anderson seconded by Councilmember M. Anderson to approve Resolution 22-34 as presented. Motion carried unanimously.

A. Anderson: Aye

M. Anderson: Aye

Jensen: Aye

López: Aye

Simmonds: Absent

PUBLIC HEARING - Consideration of a proposed resolution amending the Community Development Planning Fee Schedule to adopt an Annexation Application Fee – Resolution 22-29 – Mike DeSimone

At the July 19, 2022 Council meeting, Community Development Director Mike DeSimone addressed the Council regarding the proposed resolution. He said the proposed change to the Community Development Fee Schedule is to add a new fee for Annexation Applications. The proposal is to set a base fee of \$350.00 with a \$25.00 per acre fee for the first 50 acres and \$10.00 per acre thereafter. Currently, we do not charge an application fee for annexation requests. With recent changes to State Law, we are required to do extensive public notification for each annexation application including

publishing multiple legal notices in the paper, mailing public notices to landowners and residents within ½ mile of an annexation site, site postings, and postings on the City’s and State’s websites. The hard costs for each annexation are approximately \$450 - 500 in legal noticing (newspaper legal notice publication costs) and another \$200 - \$300 in public notice mailings (postage/materials to surrounding owners). These figures will vary depending upon the size, location, etc., of the annexation request, and do not include any staff time in preparing notices nor reviewing the actual application. In addition, the recent changes to Logan’s annexation requirements also expanded the review process to require a recommendation from the Planning Commission which triggers additional noticing, staff time, PC board time, etc., along with an expanded review checklist which will also increase staff workloads and time spent on these annexations. These minimum fees will help to offset the City’s costs associated with reviewing annexation request.

Vice Chair López opened the meeting to a public hearing.

There were no comments and Vice Chair López closed the public hearing.

ACTION. Motion by Councilmember Jensen seconded by Councilmember M. Anderson to approve Resolution 22-29 as presented. Motion carried unanimously.

A. Anderson: Aye

M. Anderson: Aye

Jensen: Aye

López: Aye

Simmonds: Absent

PUBLIC HEARING - Consideration of a proposed amendment to Sections of the Logan Municipal Code regarding “Mobile Food Vendors” – Ordinance 22-17 – Mike DeSimone

At the July 19, 2022 Council meeting, Community Development Director Mike DeSimone addressed the Council regarding the proposed amendment. The State adopted new rules regarding reciprocity of licensing for mobile food vendors in that a mobile food vendor only needs a business license from one jurisdiction and is then able to move freely between different jurisdictions without having separate business licenses for each jurisdiction. Also included in this amendment is clarification on where mobile food could or could not operate.

Vice Chair López opened the meeting to a public hearing.

There were no comments and Vice Chair López closed the public hearing.

ACTION. Motion by Councilmember A. Anderson seconded by Councilmember Jensen to adopt Ordinance 22-17 as presented. Motion carried unanimously.

A. Anderson: Aye

M. Anderson: Aye

Jensen: Aye

López: Aye

Simmonds: Absent

PUBLIC HEARING - Ville 364 Rezone – Consideration of a proposed rezone of two parcels totaling 1.32 acres from Commercial (COM) to Town Center 1 (TC-1) to allow for the refurbishment of the existing motel into 64 residential units located at 354 South Main Street – Ordinance 22-16 – Russ Holley, Planner

At the July 19, 2022 Council meeting, 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 1.32 acres of property located at approximately 364 South Main (TIN# 02-053-0038; -0014) from Commercial (COM) to Town Center One (TC1).

PROJECT

The proponent is requesting to rezone approximately 1.32-acres (two parcels) from COM to TC1 along south Main Street on the east side of the road. Developed in the 1980's as a two-story motel, the property has recently been sold to a new user that is now requesting long-term residential land uses. The existing development on the block is split with commercial uses configured along Main Street and residential uses eastward along 100 East. The existing buildings are set near the edge of the sidewalk with asphalt parking lots covering most of the remaining site.

GENERAL PLAN

The Future Land Use Plan (FLUP), adopted in 2008, identifies this property as Commercial (COM). Town Center (TC) areas on the FLUP do not extend south beyond 200 South Street. The General Plan, a nonregulatory visioning plan, describes COM areas as being intended for retail, service and hospitality businesses that provide employment centers and serve city-wide and regional populations. New projects should have buildings that meet high architectural standards and constructed with quality materials. Most COM designations inside Logan City are located near the Main Street/Highway corridor north and south of downtown. The previous use of the site as a hotel/motel was consistent with Future Land Use Plan Commercial designation.

Town Center (TC) is described in the General Plan as the area containing most of the areas historical and cultural resources. Referred to as the “hub” for both the city and the valley, it will contain an abundance of land uses in compact multi-story layouts. Civic, cultural and entertainment uses will be located in the town center with new development designed with compatible building materials and architectural styles.

LAND DEVELOPMENT CODE

The Land Development Code (LDC) regulates land uses and entitles properties with specific development allowances. The COM zone allows a wide range of commercial and light industrial uses. The COM zone (*existing zoning designation*) is typically located along major collector and arterial streets with large capacity utilities. Standard building heights are limited to 40' and 60% lot coverage maximums. Residential uses are allowed at 30 units per acre if positioned in upper floors of a vertical mixed-use building with commercial uses located on the ground floor. Parking requirements are based on each project component and 20% of project sites are required to be improved with open space and landscaping.

The TC1 zone (*proposed zoning designation*) is typically located in the core downtown areas of Logan City. Residential densities are set at 70 units per acre. Standard building heights are 55' with the ability to go up to 80' with step back requirements and up to 100% lot coverage. Open space and landscaping are not required. Along Main Street and 400 North, commercial space is required on the ground floor along the street front at a 50-foot depth minimum. Parking requirements are based on the specific commercial use, while for residential the parking requirement is a range of 1.5 - 2.0 and based on the number of bedrooms in each unit.

STAFF SUMMARY

The property is approximately one and half blocks outside of the identified TC areas on the FLUP and would be an island of TC1 zone if approved. The land development patterns in the TC1 zone compared to the COM are quite different. An 80-foot-tall building with 0' setbacks and no landscaping would struggle to fit into the character of this block and the surrounding COM uses and buildings as well as the residential areas and NR-6 zone to the east. However, the property is currently 100% developed with an existing two-story motel building which is in the process of being converted (interior remodeling only) into long-term residential housing. This proposal to shift from a motel use to a residential use would not change the physical appearance of the building and site. The use would be similar from a traffic and impact standpoint. The proposed new use will likely provide affordable and obtainable housing options for people with few resources that may be in desperate need of housing. The Planning Commission will need to determine if the proposed rezone is appropriate or not and send a recommendation to the City Council accordingly.

RECOMMENDED FINDINGS

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

1. The Logan City FLUP identifies the area as COM.
2. This area is positioned along Highway 89/91/Main Street with commercial uses to the north and south and adequate utilities present.
3. Infrastructure and access are located nearby and has the ability to adequately serve the future development of this property.
4. Design and use incompatibles with surrounding areas can be mitigated through Design Review processes.

On June 23, 2022, the Planning Commission voted 6-0 to recommend approval of the rezone to the City Council.

Vice Chair López opened the meeting to a public hearing.

Dr. Gail Yost addressed the Council and said she lives near the proposed rezone. She supports the rezone and hasn't heard any negative comments from those in her neighborhood. She feels there is support because it provides housing for people that is affordable. She supports the rezone as a neighbor and a professional.

Logan resident Debbie Brough addressed the Council. She supports the rezone and feels it will provide affordable housing for those who need it the most.

Logan resident Joshua Molitor does not feel that TC-1 is adequate for this area and there is no guarantee that someone in the future might purchase this property and then build a high-density apartment. He supports affordable housing but feels we missed the point with developers building all of the rentals. He feels that Logan needs a homeless shelter and that most homeless issues in the past were swept under the rug with a bus ticket to Ogden. He also feels that putting this on Main Street is a safety concern especially if children will be staying at this location. The Food Pantry is directly across the street and those staying at Ville 364 could attempt to cross the street which is not safe.

Logan resident Nicole Burnard addressed the Council and understands that Main Street is a concern but said there are other resources for those who have children other than this location. She said there are significant amounts of housing available for those who have children and Ville 364 would be more likely for single individuals living on one income. She supports the rezone.

Logan resident Lucas Martin addressed the Council and supports the rezone for the reasons that Logan needs the resource of this type of housing in our area. He also feels the proximity of Ville 364 to the Food Pantry, bus routes and the area is walkable which make it a good location.

Logan resident Jess Lucero addressed the Council. She supports the rezone because it is an improvement from what was there before. It will also make a big difference for those who will be living at this location because they won't have to leave every 30 days.

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

Councilmember Jensen said he supports the idea of the project, but he is concerned about "spot zoning" and the potential that in the future the property could be sold and could be turned into something else. He asked if a restricted covenant could be put into place.

City Attorney Craig Carlston commented that that the applicant would have to voluntarily offer to do a restricted covenant.

Councilmember M. Anderson added that applicant said they would be willing to change the zoning back when the project was done but that is a verbal agreement. He doesn't see anyone being able to do anything with this property in the future that would be any different than what it is now. The property isn't large enough to do anything with and the parking takes up most of it now.

Councilmember A. Anderson said the usage of the property is going to allow people to stay for more than 30 days. If we have concerns down the road there is always the opportunity to do something different.

Keith Warburton proponent of the project addressed the Council. He said what has been done for the State of Utah has been amazing. Logan was the focal point when Wayne Niederhauser from the Governor's Office was trying to find a solution for homelessness. He toured this property and has now made this property a flagship for the entire State of Utah. They are talking about what Logan is doing with this property at the Governor's office and the thing that made it so successful was the collaboration between the service providers and the real estate owner. The State Legislature approved \$55 million-dollar funding for this type of project and the guidance mirrors what has occurred at this property. He commended Logan for making this project happen.

Finance Director Rich Anderson reminded Mr. Warburton that when zoning is changed it also changes utility usage/billing.

Mr. Warburton said he is aware of this and they will also update their business license.

ACTION. Motion by Councilmember M. Anderson seconded by Councilmember A. Anderson to adopt Ordinance 22-16 as presented. Motion carried unanimously.

**A. Anderson: Aye
M. Anderson: Aye
Jensen: Aye
López: Aye
Simmonds: Absent**

PUBLIC HEARING - Budget Adjustments FY 2022-2023 appropriating: \$500 donation for the Youth Sports Program; \$560 donations toward the July 2022 Cruise-In; \$10,000 a grant the Library received from the State of Utah. These funds will be used to purchase books for the Library; \$128,021 RAPZ Tax Municipal Population Allocation 2022. These funds will be used for the July 2 Independence Day and July 23 Pioneer Day fireworks, Stewart Nature Park Learning Circle and 600 South Park; Additional awarded RAPZ grants for FY23: \$140,000 Willow Park Sports Complex Improvement; \$209,000 for 200 South Woodruff Neighborhood Park; \$50,000 Logan River Bridge at Trapper and Trail Link to Kunzler; \$26,500 funds the Fire Department received from the State of Utah. These funds will be used for mental wellness screenings, mental health classes, and training for the firefighters; \$8,600 advertising funds received at the golf course; \$85,000 State Task Force Grant the police department was awarded from the State of Utah. These funds will be used to reduce, prevent, and investigate drug use; \$15,000 funds the

City will receive from the State of Utah. These funds will be used to purchase emergency management supplies and materials; \$4,000 a grant the police department was awarded from the State of Utah. The State Asset Forfeiture grant (SAGF) funds will be used to purchase police equipment; \$40,000 funds the City will receive from Cigna. These funds will be used to promote wellness among the city employees with activities, newsletters, and other wellness programs – Resolution 22-33 – Richard Anderson, Finance Director

At the July 19, 2022 Council meeting, Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustments.

Vice Chair López opened the meeting to a public hearing.

There were no comments and Vice Chair López closed the public hearing.

ACTION. Motion by Councilmember Jensen seconded by Councilmember A. Anderson to approve Resolution 22-33 as presented. Motion carried unanimously.

A. Anderson: Aye

M. Anderson: Aye

Jensen: Aye

López: Aye

Simmonds: Absent

PUBLIC HEARING - Consideration of a proposed resolution adjusting funding received from the American Rescue Plan Act for the East-West Sewer Line – Resolution 22-31 – Richard Anderson

At the July 19, 2022 Council meeting, Finance Director Richard Anderson addressed the Council regarding the proposed resolution. He explained that the City of Logan previously appropriated \$3,806,781 of these funds for a Water Storage Project which has since incurred complications associated with completing this project within the specified time period of the grant. In a memo to Mayor Daines and the City Council, Mr. Anderson stated the following:

On March 11, 2021, The American Rescue Plan Act of 2021 (ARP) was signed into law by President Biden to provide \$350 billion in emergency funding for eligible State, local, territorial, and Tribal Governments. The Department of the Treasury subsequently released detailed guidance in an interim rule published in the Federal Register dated May 17, 2021 and subsequently in a final rule.

The interim rule states:

*The ARPA provides funds to State, local, and Tribal governments to make **necessary investments in water and sewer infrastructure**. By permitting funds to be used for water and sewer infrastructure needs, **Congress recognized the critical role that clean drinking water and services for the collection and treatment of wastewater and stormwater play in protecting public health**. Understanding that State, local, and Tribal*

*governments have a broad range of water and sewer infrastructure needs, **the interim final rule provides these governments with wide latitude to identify investments in water and sewer infrastructure that are of the highest priority for their own communities, which may include projects on privately-owned infrastructure.***

Per the final rule, assistance is being provided for 4 main reasons, including:

*To make necessary investments in water, **sewer**, or broadband **infrastructure.***

The final rule States:

*Treasury considers a necessary investment in infrastructure to be **one that is (1) responsive to an identified need to achieve or maintain an adequate minimum level of service, which may include a reasonable projection of increased need, whether due to population growth or otherwise and (2) a cost-effective means for meeting that need, taking into account available alternatives.***

The Utah Governor's Office of Budget and Planning (GOPB) held a Zoom training on May 20, 2021 for cities through the Utah League of Cities and Towns. During that training GOBP recommended the following criteria for determining how to use ARP funds:

- 1. Proactive Investment*
- 2. Targeted*
- 3. Enduring Benefit*
- 4. Accountable*
- 5. Fiscally Prudent*

In addition, the GOPB said "Our children are going to repay this debt, so let's make certain that it benefits them."

Based on this guidance (both Treasury and State of Utah), Logan City has analyzed whether the necessary design and construction of the East West Sewer Line would be a qualifying project under ARP.

Analysis of Project

The East West Sewer Line project will update existing sanitary sewer facilities to current design standards. The extent of this project is along 200 North west of Main Street, and 400 North east of Main Street. The existing sewer mains serve as trunklines for the sanitary sewer system in some of the oldest sections of Logan City. These lines are over 100 years old and are in critical need of updates to achieve adequate minimum levels of service to Logan's citizens. These mains have had a growing number of failures over the years and the City is concerned about the viability of continued repairs rather than a full replacement.

These mains reside under state highways which makes repairs more expensive and failure of these mains more catastrophic to local, regional, and interstate traffic. Replacement options for cost-effectiveness will be evaluated during pre-construction services to optimize the use of funds for the largest return on investment. These options could include open trench replacement, the structural lining of the existing mains, bursting of the existing mains, or a combination of these and other options.

Conclusion

*Per the interim rule and final rule, Logan City has identified the **need to design and construct the East West Sewer Line** to maintain **an adequate minimum level of sewer service to the Citizens of Logan**.*

*Based on this analysis and interim and final rule guidance (and relying on the **broad latitude** granted in the interim rule) and also considering the State of Utah guidance regarding ARP projects, we believe that the East West Sewer Line qualifies as an ARP eligible project, it is necessary, and it should be proposed by the Mayor and subsequently approved by the Logan City Municipal Council for immediate design and construction.*

Specific Proposal to Council

1. *Design and construct the East West Sewer Line estimated to cost more than \$4,000,000.*
2. *Use ARP funds to partially offset design and construction costs up to \$3,806,781.*

Mr. Anderson said the funds have to be fully spent by December 31, 2026. However, for our purposes we need to have it designed and bid out by December 31, 2024.

Mayor Daines stated the location of the sewer line is 200 North going from Main Street and going West and then on 400 North going East. These are two of the oldest sewer lines in the City and have ongoing problems. This project would cover a wide swath of the City and is a project that really needs to be done and we are trying to focus on infrastructure. We will be paying for this for the next 50 years and would like to have it in place.

Mr. Anderson said once we have this designed and a bid it's very likely that we will add City resources in addition to federal funding. At this time, we don't know what that is, and it could be that we only accomplish the West side, but we will at least start the project. This sewer line was on the Capital Plan for 2024/2025 and we are moving it up to start the process now.

Mayor Daines said part of the grant guidelines are to provide equity in the City and because this project goes all the way across the City, it covers several neighborhoods and meets the equity requirement.

Vice Chair López opened the meeting to a public hearing.

There were no comments and Vice Chair López closed the public hearing.

ACTION. Motion by Councilmember M. Anderson seconded by Councilmember Jensen to approve Resolution 22-31 as presented. Motion carried unanimously.

**A. Anderson: Aye
M. Anderson: Aye
Jensen: Aye
López: Aye
Simmonds: Absent**

WORKSHOP ITEM:

Budget Adjustments FY 2022-2023 appropriating: \$11,269 donated funds from Mayor Daines toward the Public Arts Program; \$183,792 funds received from the sale of park property toward the design of 3 new parks: 1900 West Dog Park, 200 South Woodruff Park, and Foothill Nature Park; \$75,770 funds received by Parks & Recreation from the State of Utah to fund After School Programs; \$4,363 fund reimbursements received for police and public works for the Cruise-In; \$14,300 donated funds toward the purchase of police investigative equipment – Resolution 22-35 – Richard Anderson, Finance Director

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

The proposed resolution will be an action item and public hearing at the August 16, 2022, Council meeting.

OTHER CONSIDERATIONS:

No further items of consideration were discussed.

ADJOURNED. There being no further business, the Logan Municipal Council adjourned at 7:00 pm.

Teresa Harris, City Recorder